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## Appeal Decision

Site visit made on 17 October 2019

**by R Morgan MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> November 2019**

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**Appeal Ref: APP/M4320/D/19/3234514**

**36 Ascot Avenue, Litherland, L21 2PS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Paul Milburn against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2019/00593, dated 26 March 2019, was refused by notice dated 2 July 2019.
  - The development proposed is a 2-storey extension to the side and rear of the property.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of 34 Ascot Avenue with particular regard to outlook and light.

### Reasons

3. Number 36 Ascot Avenue (No 36) is located at the end of a row of semi-detached properties on a residential cul-de-sac. It has an existing flat roofed single-storey rear extension, set away from the boundary with the adjoining property, 34 Ascot Avenue (No 34).
4. The proposed development, which has been revised following a previous unsuccessful appeal, involves a new two storey extension at the side of the house which would wrap around to the rear. The two-storey extension would be set away from the boundary with No 34 by approximately 2 metres and the remaining space occupied by a single storey extension with a pitched roof. The proposed single storey extension would project along the common boundary by a similar amount as the existing extension.
5. The extensions at the rear of No 36 and No 34 have resulted in what was described by the previous Planning Inspector as 'something of a tunnel' at the back of the two dwellings. The amendments made to the scheme since the previous appeal would reduce the severity of the impact on the adjoining property. However, the proposal would still exacerbate the tunnel effect between the properties by the addition of further built development hard along the boundary, which, although only single rather than two storey as previously proposed, would nonetheless significantly exceed the height of the existing fence.

6. The main kitchen window of No 34 is positioned at the side of the house and the glazed living room door faces to the rear. These are the only windows to these main habitable rooms. Although the outlook from the kitchen window is currently mainly of the high fence, the proposed development, due to its height at this point, would add further harm by causing a more oppressive outlook from both rooms and increasing the feeling of being 'hemmed in'.
7. Due to the orientation of the buildings, the proposed development would not cause overshadowing or loss of direct sunlight to the kitchen or living room windows of No 34. However, these rooms will already have limited daylight as a result of the narrow gap between the houses and the high boundary fence. The height and proximity of the proposed development would further reduce the amount of natural light reaching these rooms by an unacceptable degree. I note the appellant's comment that the kitchen window may have been rear facing prior to the extensions at No 34, however that is not the situation now, and in any case it would not alter the impact of the proposed development on the rear living room.
8. The appeal property is a relatively modest semi-detached house and the existing position of the neighbour's windows mean that it would not be possible to extend at the rear and achieve the guideline of 12m separation between blank walls of two storey extensions and the habitable rooms of nearby homes, which is contained in the Council's House Extensions Supplementary Planning Document (SPD) 2018. However, even if it is accepted that the SPD guidelines are not achievable, it remains the case that there are other ways of extending the property which would have a lesser impact on the habitable rooms at No 34.
9. The appellant has pointed out that under permitted development rights, it would be possible to build a single storey rear extension along the width of the house with a projection of 3 metres and height of up to 4 metres. I accept that to do so would also have an adverse impact on the neighbouring property in terms of loss of light and outlook. However, such a scheme is not before me and I have seen nothing to suggest that the appellants would genuinely pursue this option if the appeal failed. Any alternative scheme which took advantage of permitted development rights would have to be significantly different and would need to exclude the two- storey element, which is a major part of the proposed development. As such, the perceived fallback position is a matter of negligible weight.
10. I note the appellant's comments about extensions at other properties, including those at No 34, however they are all different in terms of their relationships with other properties and do not justify the harm caused by the appeal proposal in this particular case.
11. I conclude therefore that the proposed development would cause harm to the living conditions of the occupiers of No 34 Ascot Avenue with particular regard to outlook and light. Consequently, the proposal fails to comply with Policy HC4 of the Sefton Local Plan 2017; detailed guidance in the House Extensions SPD and paragraph 127 of the National Planning Policy Framework, all of which seek to protect the amenities of neighbouring residents.

**Conclusion**

12. For the reasons given, the appeal should not succeed.

*R Morgan*

INSPECTOR