
Appeal Decision

Site visit made on 16 September 2019 by Hilary Senior BA(Hons) MCD MRTPI

by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2019

Appeal Ref: APP/Z4310/D/19/3230831

4 Druids Park, Liverpool, L18 3LJ

- 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 Mrs Joanna Qu against the decision of Liverpool City Council.
 - The application Ref 19H/0858, dated 25 March 2019, was refused by notice dated 10 June 2019.
 - The development proposed is front extension and side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to front and side, and external alterations to the garage in connection with its conversion into living accommodation, at 4 Druids Park, Liverpool, L18 3LJ in accordance with the terms of the application, Ref 19H/0858, dated 25 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2018 096 002 revision 2- Existing and Proposed plans, 2018 096 003 Revision 2 – Proposed Elevations (March 2019).
 - 3) The external finishes of the development hereby permitted shall match in materials, colour, style, bonding and texture those of the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of development in the banner heading has been taken from the planning application form. The description that appeared on the Council's decision notice and appellant's appeal form is "to erect single storey extension to front and side and carry out external alterations to garage in connection with its conversion into living accommodation". This is a more comprehensive description and is included in the formal decision above.
4. The Council has no objections to the extension to the front of the dwelling or to the conversion of the existing garage to living accommodation. As a result, I have considered only the rear extension in determining this appeal.

5. I note that the Council have recommended that an informative in respect of ownership issues be attached to any consent. While this is not a planning matter, the appellants will have had access to the appeal documents which make reference to this requirement.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of occupiers of 3 Druids Park with particular regard to outlook.

Reasons

7. 4 Druids Park is a detached dwelling, set back from the highway with an open aspect to the front. There is an enclosed treed rear garden. The dwellings on Druids Park have a staggered arrangement, so that the existing rear elevation of 4 Druids Park extends beyond the rear elevation of 3 Druids Park. The area is covered by an Article 4 Direction removing permitted development rights.
8. The proposal is for a single storey rear extension, approximately 1.95m wide and 6.88m long. It would fill a gap between the existing side elevation of the property and the existing utility room and would not project beyond the rear elevation of the property. Planning permission was previously granted for a similar scheme with the difference being that the final 2m of the extension would be glazed. As the length and height of the proposed extension would be the same as the previously approved scheme, the change in material would have limited impact on the outlook from the adjacent property.
9. The extension would be set in from the boundary fence with 3 Druids Park by approximately 15 cm. The boundary treatment is a 1.8m high close boarded fence topped with vegetation. This means that approximately 300mm of the wall to the eaves of the extension would be visible from the adjoining property. However, it seems to me that given the orientation of the property, outlook from the rear windows is primarily over the rear garden. The proposed extension would only be visible from within the garden and from oblique angles within the house. Given the size of the property and its garden, the number of windows serving the closest ground floor room in No 3, and the fact that the roof of the extension would slope away from the boundary, this small increase in height would not be overbearing and would not thereby have an unduly harmful impact on the outlook from 3 Druids Park.
10. I have taken into account the Council's purely mathematical calculation, based on advice in the Supplementary Planning Guidance Note 1 – House Extensions (the SPG), it used to determine the application. However, the National Planning Policy Framework is clear that the level of detail and degree of prescription in such guidance should be tailored to the circumstances in each place. Accordingly, these calculations which in any event do not reflect the requirement of the local plan policy, carry limited weight.
11. For the reasons set out above, and in the context of this site, the proposed extension would not unduly harm the living conditions of the occupiers of the neighbouring property and would comply with saved Policy H8 of the Liverpool Unitary Development Plan (2002) and the SPG which together seek to preserve levels of privacy and amenity for neighbours and other local residents and to ensure that extensions do not have an overbearing effect.

12. I have taken into consideration points raised by the neighbouring occupiers regarding the potential overhanging of the extension over the boundary. However, from the site visit it appears that there is currently no overhanging of the eaves, and the proposed extension would be set back from the boundary fence. Access for maintenance is a private matter between the two parties. In addition, as the proposal is for a rear extension, I am unconvinced it would increase the risk of crime by allowing easier access into the neighbouring property.
13. Representations have been made to the effect that the occupiers of 3 Druids Park rights under Article 8 of the European Convention on Human Rights would be violated if the appeal were allowed. However, as set out above, there would be an immaterial interference with privacy, family life or the enjoyment of the home. As a result, there would be no violation of the occupier's human rights.

Conditions

14. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty. I have also imposed a condition relating to materials in the interests of safeguarding the character and appearance of the area.

Conclusion and Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Susan Ashworth

INSPECTOR