



Appeal Decision

Site visit made on 20 December 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2020

Appeal Ref: APP/Z4310/D/19/3233939

114 Methuen Street, Liverpool L15 1EQ

- 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 Udai Deo of Asahi Holdings Ltd against the decision of Liverpool City Council.
 - The application Ref 19F/1312, dated 12 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is converting existing single storey rear extension to double storey rear extension by adding second storey over existing single storey. Bathrooms to be added upstairs and bathroom and kitchen to be re-positioned downstairs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the living conditions of the occupants of 112 and 116 Methuen Street, with regards to outlook and overshadowing; (ii) the living conditions of the occupants of 110 Methuen Street, with regards to outlook and overbearingness; and (iii) the living conditions of the occupants of 123 Macdonald Street with regards to overbearingness and overshadowing.

Reasons

3. The appeal property is a two-storey mid terraced dwelling with a flat roofed single storey element to the rear. The site is within a 'Primarily Residential Area' as identified by The City of Liverpool Unitary Development Plan (UDP). The surrounding area is characterised by similar two storey terraced properties which back onto each other. To the rear of the appeal property is the rear elevations of a terrace on Macdonald Street. Directly to the rear is No 123. Either side of the appeal property are Nos 112 and 116. A gated alley way lies between the terraces of Methuen Street and Macdonald Street.

Living conditions of Nos 112 and 116

4. Ground floor rear extensions at Nos 112 and 116 extend up to the alley, but the extension at No 112 is set in from the flank boundary with No 114. A habitable room window is in the recessed ground floor rear elevation.
5. The proposed extension would span the full width of the appeal property's rear elevation and project around half a metre further away from the original rear elevation of the property than the existing single storey element to No 112. The first floor above would project by the same length. Due to the proposal's

scale and proximity to No 112's ground floor window, the occupants of this property would have a more constrained outlook than they currently experience. The effect that would be caused would be amplified by overshadowing which would arise from the scale and siting of the extension. The exceptions listed in Supplementary Planning Guidance Note 1 (SPG 1) do not apply in this case.

6. The properties at Nos 112 and 116 both have small outdoor yard areas that are enclosed by the terraces on Methuen Street and Macdonald Street together with the existing ground floor projections to Nos 112, 114 and 116. As No 116 is to the south of No 114 no additional overshadowing would arise. Some effect may be caused to No 112's outdoor space, but given the existing context and level of enclosure, the occupants level of amenity would be preserved.
7. In terms of this issue, I consider that no harm would be caused to the outdoor amenity spaces of Nos 112 and 116, but this does not alter or outweigh my conclusion that the proposal would cause significant harm to the living conditions of the occupants of No 112 with regards to outlook and overshadowing. As such, the proposal would not accord with saved UDP Policy H8 and SPG 1 as the appeal scheme would have a serious impact on the adjacent property which would mean that the occupants living conditions would not be preserved.
8. The Council refer to Policy H8 of the Liverpool Local Plan 2013-2033 (Pre-submission draft January 2018 (Emerging Plan)) in respect of this issue. For the reasons set out above relating to overshadowing, the proposal would conflict with this policy insofar as No 112 but given that there are unresolved objections to this policy, despite the plan being submitted for Examination, I attach limited weight to this policy.

Living conditions of No 110

9. A two-storey extension is to the rear of No 110. A south-west facing first floor window is in the flank elevation of this extension. The window provides an outlook across the rear of Nos 114 and 116 towards Broadwood Street. The Council say that there is no record of any planning permission being granted for this extension, but consider that it is likely to have been present for at least four years. Looking at the condition of the brickwork, guttering and soffit I have no reason to dispute this view. The appellant does not either.
10. It was unclear on site whether or not the flank window in No 110 serves a habitable room, but it is highly likely given the size of the property. This window is the sole outlook from this room. The proposal's flank elevation would be roughly 5.5 metres from this window which would be considerably short of the minimum standard of 15 metres set out in Supplementary Planning Guidance Note 10 (SPG 10). The tight-knit character and spaciousness of the area lends weight to a lower interface but not to the extent proposed given that a side facing window is not a typical characteristic of the area. As such, the proposal would create a poor outlook for the occupants of No 110 and due to the position and proximity of the proposed extension, the first-floor window in No 110 would be likely to experience overshadowing. The combination of the two would lead to an overbearing impact for the occupants of No 110.
11. On this issue, I conclude that the living conditions of the occupiers of No 110, with regards to outlook and overbearingness, would not be preserved. The

proposal would not accord with saved UDP Policy H8, SPG 1 and SPG 10 which collectively seek to ensure two storey rear extensions preserve levels of amenity for neighbours. Moreover, the proposal would not accord with Emerging Plan Policy H8 as it would result in an overbearing effect on neighbouring properties, though this policy currently carries limited weight.

Living conditions of No 123

12. The rear elevation of No 123 has a rear facing first floor habitable window that would directly face the proposed first floor bedroom and bathroom. The Council say that the interface distance would be around 8 metres. This would be significantly shy of the minimum standard of 23 metres stated within SPG 10 for window to window separation distances but greater than that proposed between the extension and No 110.
13. The proposal would result in the occupants of the appeal property overlooking the occupants of No 123. However, overlooking between opposing properties and their rear yards already occurs between the terraces on Methuen Street and Macdonald Street irrespective of whether rear extensions have been added. This is due to the form and layout of development in this area with properties having little, if no prospect of ever achieving the minimum standard set by SPG 10. In these circumstances, SPG 10 advises that each development will be assessed on its merits and the standards in practice will vary depending upon the character and spaciousness of the surrounding area.
14. Numerous properties on Methuen Street and Macdonald Street have two storey rear extensions with rear facing habitable room windows that directly oppose either the original rear elevation of the terrace or a first-floor extension. While, these may or may not benefit from planning permission, their appearance suggests that many are likely to have existed for a period in excess of four years. The Council's point about some of these extensions pre-dating the adoption of the UDP only adds to my view given that the UDP was adopted in 2002.
15. In this context, the proposed interface distance to No 123 would not be dissimilar to that found elsewhere between the two terraced rows. So, while the proposal would cause overlooking, it would not be unacceptable in this instance as the proposal would preserve the amenity for neighbours. Moreover, given that the proposed extension would be subordinate to its host and as a result of its orientation, no additional overshadowing effect would be caused to the occupants of No 123. I therefore conclude, on this issue, that the proposal would accord with saved UDP Policy H8, SPG 1 and SPG 10.

Conclusion

16. While I agree with the appellant that the proposal would not harm the street scene and no harm would arise in terms of the living conditions of occupants of Nos 116 and 123, this does not outweigh the harm that the proposal would cause to the living conditions of the occupants of Nos 110, 112 and 116.
17. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR