
Appeal Decision

Site visit made on 16 March 2020 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/Z4310/D/19/3243013

8 Firdale Road, Liverpool, Merseyside L9 2AU

- 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 Ms Jenifer Ness against the decision of Liverpool City Council.
 - The application Ref 19H/1857, dated 25 June 2019, was refused by notice dated 30 September 2019.
 - The development proposed is construction of first floor extension to rear of existing property.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a first floor extension to the rear of existing property at 8 Firdale Road, Liverpool L9 2AU, in accordance with the terms of application Ref 19H/1857, dated 25 June 2019 and 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: Site Location Plan (Received 19/07/19); Block Plan (Received 18/09/19); Proposed Plans and Elevations, Drawing No.8/002A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in 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.

Main Issues

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of No.6 Firdale Road, with particular regard to visual impact and loss of daylight.

Reasons

Living conditions

4. The appeal site is a two-storey, mid-terrace dwelling which includes a rear outrigger and yard. Outriggers are common to this row of terraces and have been constructed with the first-floor set-back from the ground floor. The appeal proposal seeks to extend this first-floor space to create a flush rear extension.
5. My attention is drawn to the House Extensions Supplementary Planning Guidance document (the SPG), which indicates that to ensure extensions do not cause a loss of light or have an overbearing effect on neighbouring properties planning permission will not normally be granted for extensions which project in excess of 3m from the original rear main wall of the dwelling where it abuts the party boundary.
6. I note the concern from the Council regarding the potential impact of the extension on the first-floor rear bedroom window of No.6. This window affords outlook to the rear of both properties and towards adjacent houses at Aboyne Close. However, given the presence of outriggers flanking both dwellings, there is already an element of enclosure to this window. On the site visit I viewed the location of the proposed extension from the rear bedroom window of the appeal property. From my observations the proposed extension would not be excessive in terms of its size or scale when considered against that of the outrigger and would not be unduly overbearing or create an unacceptable sense of enclosure to the neighbouring occupiers given the outlook from the window would largely remain unaltered. Similarly, given the increased projection of the first floor is only 1.4m, the proposal would not significantly affect daylight to the window.
7. While the SPG states that planning permission will not normally be granted for extensions which project in excess of 3m from the original rear main wall of the dwelling where it abuts the party boundary, in this case the proposal would be set away from the shared boundary with No.6. Moreover, the outrigger as it exists already exceeds this 3m distance from the rear elevation of the host building. In any event, the SPG is for guidance purposes and as I have found above, the proposal would not lead to any material harm to the living conditions of the occupants of No.6.
8. For the reasons set out above, the proposal would not have an unduly harmful impact on the living conditions of the occupiers of No.6 Firdale Road, with regard to loss of outlook and sense of overbearing, or a loss of daylight. Accordingly, the proposal would comply with Policies H8 and HD18 of the City of Liverpool Unitary Development Plan (UDP), which seek to ensure there is no loss of amenity and privacy for adjacent residents.

Other Matter

9. The Council is also concerned that the appeal development, if permitted, would set a precedent for similar extensions in the area. However, I have nothing before me to indicate there is a likelihood of this happening. I have considered this appeal on its individual merits and any future development proposals for similar structures in the area would have to be considered in a similar way.
10. Consequently, I consider that the appeal proposal would not create a harmful precedent for similar proposals in the area. Therefore, there is no conflict with Policies H8 and HD18 of the UDP.

Conditions

11. In the interests of proper planning and to provide certainty I have imposed the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area I have specified that matching materials are used in the development.

Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the conditions listed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR