
Appeal Decision

Site visit made on 17 December 2019

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2020

Appeal Ref: APP/Z4310/D/19/3235479

32 Twigden Close, Liverpool L10 1NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mrs Michelle Lunt against the decision of Liverpool City Council.
 - The application Ref 19H/1253, dated 5 May 2019, was refused by notice dated 2 August 2019.
 - The development proposed is the erection of a wrap-around side and rear single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a wrap-around side and rear single storey extension at 32 Twigden Close, Liverpool L10 1NG in accordance with the terms of the application, Ref 19H/1253, dated 5 May 2019, subject to the conditions set out in the Schedule to this decision.

Procedural Matter

2. In the planning application the development was described as a 'two storey side extension and single storey rear extension'. However, following discussion with the Council prior to determination the appellant agreed to submit revised drawing plans removing the first floor of the proposed side extension. Accordingly, the proposal described by the Council in its report was for a single storey extension to the side and single storey extension to the rear. The development described in its Decision Notice, however, corresponded with that in the planning application rather than with that in the officer's report. Finally, the development described in the appeal application was a part single / part two storey extension to the side and single storey extension to the rear.
3. Notwithstanding the description given in the planning application, in the Council's decision notice and in the appeal application for a 2-storey side extension, I have determined this appeal as being a proposal for a wrap-around side and rear single storey extension as described by the officer in his report and as shown in the revised drawing plans.

Main Issues

4. The main issue is the effect of the proposed development on the living conditions of the occupants of No 30 and No 31 Twigden Close with respect to loss of outlook.

Reasons

5. The appeal property is a detached dwelling located on a residential cul-de-sac in Liverpool. Next to the dwelling's driveway is a short section of road containing 2 houses. No 30 directly faces the side elevation of the appeal dwelling whilst No 31 is diagonally opposite.
6. The proposed development comprises the demolition of a conservatory at the rear of the appeal property and the erection of a single-storey side and rear wrap-around extension. The side extension would have a hipped-style pitched roof. The rear ground floor extension would have a sloping roof and run the width of the dwelling.
7. The proposed single-storey side extension would face No 30 and diagonally face No 31. It would be about half the width of the existing dwelling and would occupy much of the area taken up by the driveway at the side of the dwelling. The additional space is required to provide ground floor independent living accommodation for a family relative with a medical condition. This is evidenced by a letter from a General Practitioner.
8. The Council's Supplementary Planning Guidance Note 10: New Residential Development (SPD) advises that there should be a minimum distance of 15 metres between the windows of habitable rooms and the side walls of neighbouring properties plus 1 metre for each additional one metre of height. Unfortunately, the SPD is undated, but it was introduced to provide advice on the implementation of the Council's Unitary Development Plan.
9. The rooms facing the side elevation of the appeal property appear to be lounges, dining rooms and bedrooms. Since the flank wall would extend about 1 metre above the height of the ground floor windows of No 30 and No 31 the overall separation distance, as advised by the SPD, should be around 16 metres.
10. According to the appellant's plans the front elevations of No 30 and No 31 would be separated from the flank wall of the proposed extension by around 11-12 metres. Thus, the construction of the proposed extension would fail to accord with the Council's advice on the minimum separation distances between side walls and the windows of habitable rooms.
11. Furthermore, the intervening space is open with no high hedges or trees interrupting the outlook. There is a fence of around 2m high along the side boundary of the back garden of the appeal site, but this would not impede any views from No 31 of the proposed development.
12. However, the gable end is already slightly closer to its neighbours than the advised minimum distance and I have no evidence that this has caused any diminution in living standards for the occupants of the subject properties. The proposed sloping roof would help to meld the ground floor extension with the existing gable end wall and offset the visual effect of the reduced distance between the appeal property and its neighbours.
13. In addition, by virtue of its orientation there would be no overshadowing effect caused by the development proposal on Nos 30 and 31. Consequently, having had regard to all of the relevant matters, I give little weight to the SPD.

14. Thus, I conclude that the proposed development would provide a satisfactory level of living conditions for the current and future occupants of No 30 and No 31 Twigden Close. Consequently, it would accord with Policy H8 of the City of Liverpool Unitary Development Plan 2002 (UDP) which seeks to ensure that extensions to houses should not be detrimental to the living conditions of neighbours and other local residents.
15. The proposal would also accord with Policy 8 of the emerging Liverpool Local Plan which seeks to ensure that new extensions do not have an overbearing effect on neighbouring properties. However, I note this plan has not yet been adopted and so I accord it limited weight.
16. Finally, I note that the proposal would accord with Paragraph 127f) of the National Planning Policy Framework which advises that development should create a high standard of living conditions for current and future neighbours.

Conclusion and conditions

17. For the reasons set out above the appeal is allowed. In addition to the standard 3-year condition concerning commencement, I have attached a condition requiring implementation in accordance with the approved plans. For the avoidance of doubt, these plans exclude those submitted in connection with the initial proposal for a 2-storey side and single-storey rear extension. Furthermore, in order to protect the character and appearance of the host building and the neighbourhood I have attached a condition requiring that the extension be built of materials matching those used for the existing dwelling. To protect the living conditions of neighbours I have attached a condition governing the hours of construction. Finally, again in the interests of protecting the living conditions of neighbours I have, exceptionally, included a condition withdrawing the permitted development rights of the occupants as regards the installation of window or door openings on the flank walls.

William Walton

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: 1488/02 Rev A; 1488/02 Rev B; 1488/05 Rev A; 1488/06 Rev A; 1488/07 Rev B; 1488/01 Rev'; 1488/03 Rev'; 1488/08 Rev'; and 1488/12 Rev'.
3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
4. All building operations in connection with the construction of external walls, roof, and foundations; site excavation or other external site works; works involving the use of plant or machinery; the erection of scaffolding; the delivery of materials; the removal of materials and spoil from the site, and the playing of amplified music shall only take place between 0800hrs and 1800hrs Monday to Friday, and between 0800hrs and 1300hrs on Saturdays and not at all on Sundays and Bank Holidays/Public Holidays.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order), no window or other opening (other than those shown on the submitted and approved plans), shall be formed in the flank wall of the building(s) hereby permitted, unless specific permission under the provisions of the Town and Country Planning Act 1990 has first been sought and obtained in writing from the Local Planning Authority.

