
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: 07 May 2020

Appeal Ref: APP/Z4310/W/19/3243877

4-6 Rawlins Street, Liverpool L7 0JF

- 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 Keith McClean against the decision of Liverpool City Council.
 - The application Ref 18F/2525, dated 19 September 2018, was refused by notice dated 26 June 2019.
 - The development proposed is two storey extension to side of dwellinghouse and two storey extension to rear and convert property to form 2 no. dwellinghouses; and redevelopment of workshop structure to form 2 storey residential accommodation with garage below; carry out associated alterations and works.
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Decision

1. The appeal is dismissed.

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 above reflects the description used by the Council in their decision notice. This more concisely describes the development than that description given in the application form. I have therefore proceeded with the appeal on this basis.

Main Issue

4. The main issue is the effect of the development on living conditions of occupiers of adjacent dwellings with particular regard to outlook and daylight.

Reasons

5. The appeal site comprises a two-storey detached dwelling set in a yard which also hosts a single-storey workshop built from corrugated iron sheeting. The workshop is set to one side of the dwelling and wraps around the rear, while the other side of the dwelling includes a driveway.
6. The proposal includes two-storey extensions to the side and rear of the detached house to create two separate dwellings, while the workshop would be removed and replaced with a two-storey outbuilding consisting of a garage to

the ground floor and an apartment above. The outbuilding would be built to the same height as the dwelling, with no windows in the side elevation facing houses on Prescott Road and one in the side facing the proposed gardens of the appeal site.

7. My attention is drawn to Supplementary Planning Guidance (SPG) Note 1 (House Extensions), which states extensions should not overshadow or have an overbearing effect on neighbouring properties with account taken of the orientation and position of neighbour's windows in relation to the extension. SPG Note 10 (New Residential Development) is read alongside Note 1 and advises minimum interface distances between habitable room windows and new development in order to minimise the impact on living conditions of occupiers of neighbouring dwellings.
8. The rear elevations of several properties on Prescott Road face the proposed outbuilding. These are numbers 136-142, which are three storey and are comprised of retail units to the ground floor facing Prescott Road with dwellings above, while the rear elevations include outriggers. The appellant has provided photographs showing their associated fenestration facing the appeal site, which is supplemented by my own observations on the site visit.
9. No.138 Prescott Road evidently has two habitable room windows upon its original rear elevation; one at ground floor and one at first floor level. Given the presence of outriggers to either side of these windows there would already be an element of enclosure. The distance from this window to the proposed outbuilding is given as 10.5m, which would fall short of the recommended 15m advised by SPG Note 10. Moreover, the increase in height of the garage to two-storey would cause outlook to be obscured by a blank wall, increasing the sense of enclosure via loss of outlook significantly, while also causing loss of light due to the new building's position to the south. The appellant argues the existing resident of this property support the proposal; however, planning policy dictates impacts on living conditions should be assessed for current and future residents/users of buildings. Support from other local residents and Councillors does not negate harm to living conditions caused by the scale and design of this new structure.
10. My attention is drawn to other developments in the area which have seemingly been given permission to proceed despite being within the allowable limits prescribed in the SPG. However, I have no specific details of any of these, such as plans. Regardless, each case is assessed on its own merits and the absence of harm elsewhere does not negate the harm I have identified in this instance. As such I afford this little weight in the decision-making process.
11. No.136 has one window at first floor level on its outrigger, which the appellant argues is not of a habitable room. Given the obscure glazing and presence of a vent, I have no reason to disagree. There is one other window at first floor level on the original rear elevation of No.136; however, views towards the outbuilding would be partially obscured by its own outrigger, while views in the other direction towards Labernum Road are open given the adjoining terraces are set-back. No.140 has one window at first floor level on its outrigger which evidently serves a bathroom. Given the obscured glazing and no evidence to the contrary, I have no reason to disagree it is not a habitable room. No.142 does not have any windows in this facing elevation. As such, there are unlikely

- to be harmful effects upon living conditions of the occupants of these properties as a result of loss of outlook or light from habitable windows.
12. Furthermore, the resulting wall when viewed from the rear of all of these properties is an expanse of unrelieved masonry which would be at odds with the prevailing character of the area and is of bland and uninteresting appearance.
 13. To the rear of the appeal site lies No.5 and No.7 Labernum Road. Both properties have outriggers extending towards the proposed rear extension and I note there appears to be disagreement between the parties as to the actual separation distance between the two elements. However, from my observations on the site visit, No.5 has no windows to the rear outrigger, while No.7 has one which is partially obscured by a parapet wall. While the recommended separation distance should be 23m as advised by SPG Note 10, regardless of the disputed distance it would already be significantly below 23m.
 14. Given the rear window of No.7 is already partially obscured there would be minimal loss of outlook and daylight as a result of the extension. Views out from this window would likely only include the first floor of the appeal site and as such there would be no material harm to the living conditions of occupiers as a result of overshadowing or a sense of overbearing from loss of outlook.
 15. In conclusion, the proposed garage/apartment outbuilding would cause harm to the living conditions of occupiers of No.138 Prescott Road with regards to loss of outlook creating a sense of overbearing, and a loss of light. This part of the proposal would therefore conflict with Policies H5, H8 and HD18 of the City of Liverpool Unitary Development Plan (UDP). These seeks to ensure there is no loss of amenity and privacy for adjacent residents. The proposal would also be contrary to the aims of SPG Notes 1 and 10 and the guidance of the National Planning Policy Framework in considering potential impacts of development on overbearing, loss of light and ensuring a general level of amenity.

Other Matters

16. I note the desire of the appellant to live in one of the redeveloped dwellings as well as the opportunity to redevelop the site as a whole and I acknowledge that there is an environmental benefit from the re-use of previously developed land. However, I am not convinced based on the evidence before me that the desired improvement to the site could not be achieved with a less intrusive structure as the proposed outbuilding, which is much larger and bulkier than that existing. As such this limits the weight I can give to these matters as benefits of the scheme. Such benefits do not therefore outweigh the harm I have identified.
17. I note the reference to a fallback position, whereby the extensions to the dwelling could be constructed under permitted development regulations. This is accompanied by an email from the Council. However, this only confirms permitted development rights have not been removed from the property and there is nothing before me to indicate how this would be carried out, such as the allowable dimensions. Even if some elements of the development could be carried out under permitted development rights it would not justify the scheme considered as a whole.

Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR