
Appeal Decision

Site visit made on 27 May 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2020

Appeal Ref: APP/Z4310/D/20/3244308

30 Heatherdale Road, Liverpool L18 5HF

- 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 P Gallagher against the decision of Liverpool City Council.
 - The application Ref 19H/0778, dated 15 March 2019, was refused by notice dated 5 December 2019.
 - The development proposed is a single storey side extension and first floor rear extension to semi-detached house.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension and first floor rear extension to semi-detached house at 30 Heatherdale Road, Liverpool L18 5HF in accordance with the terms of the application, Ref 19H/0778, dated 15 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: L(04)002 Rev P01, L(04)003 Rev P01, L(04)004 Rev P01 and L(05)002 Rev P01.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Procedural Matters

2. The appeal dwelling has already been extended to its side elevation at ground floor level. The Council did not raise concern with this element of the proposed development and, based upon my own observations, I find no reason to disagree with their assessment. I have therefore made my assessment of the appeal solely on the basis of the proposed first floor rear extension.
3. There is a minor discrepancy in the width of the window to the proposed first floor extension on the floor plan and the corresponding elevation plan. This does not however relate to the matters of concern raised by the Council and, following my site visit, I am satisfied that it should have no bearing on the outcome of this appeal.
4. Both parties have made reference to emerging policy H8 of the Liverpool Local Plan 2013-2033 but I have not been provided with full details of this policy. On the basis of the information I have been provided by the Council, even if it were before me for consideration, I could give this policy only limited weight.

Main Issue

5. The main issue is the effect of the proposed first floor rear extension upon the living conditions of the occupiers of 28 and 32 Heatherdale Road.

Reasons

6. No 28 has primary windows in its rear elevation that face the appeal site, with the Council specifically referencing the impact upon the first floor window. However, the angled positioning of this window and its generous width would mean that it would retain a reasonably open aspect, notwithstanding the presence of the proposed first floor extension. The ground floor window currently faces towards the boundary fence on the common boundary and towards the existing rear extension at the appeal dwelling, and therefore there would be a much lesser impact upon the outlook from this window.
7. Due to the orientation of the proposal in relation to No 28, any overshadowing impact that would arise would be for only a relatively short period during the day. The proposed first floor extension has been designed in a way which minimises both its eaves and its ridge height and limits its projection from the rear elevation of the original dwelling. It would sit above an existing rear single storey extension which is itself of substantial height but be set in from the side elevation of that extension. Together, these factors mean that the proposed first floor extension would not have a harmful overbearing or overshadowing impact upon the occupiers of No 28, or cause harm to their outlook.
8. The existing single storey rear extension to the appeal dwelling is of substantial height and projection adjacent to the common boundary with No 32. This factor, in combination with the minimised height of the proposed first floor extension, its limited projection from the original rear elevation of the appeal dwelling and its distance from the common boundary, mean that it would not have a harmful overbearing impact upon the occupiers of No 32.
9. For these reasons, I conclude that no harm would arise to the living conditions of the occupiers of either No 28 or No 32 as a result of the proposed development. Accordingly, there would be no conflict with Saved Policy H8 of the Liverpool Unitary Development Plan 2002, which seeks to preserve living conditions. The Council has referred to its House Extensions Supplementary Planning Guidance Note 1 and its New Residential Development Supplementary Planning Guidance Note 10, but I have identified clear circumstances in this instance which mean that the appeal development would not cause harm, even though the standards that the notes set out would not be fully met.

Conditions

10. A condition confirming the approved plans is necessary to provide certainty and an external facing materials condition is necessary to ensure a satisfactory visual appearance. As works have already been commenced, a time period condition for the commencement of works is not required.

Conclusion

11. For the reasons given above, I conclude that the appeal should, subject to conditions, be allowed.

Graham Wraight INSPECTOR