
Appeal Decision

Site visit made on 24 August 2020 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2020

Appeal Ref: APP/M4320/D/20/3254718

131 High Park Road, Southport PR9 7BY

- 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 Natalie Curtin against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2020/00326, dated 21 February 2020, was refused by notice dated 17 April 2020.
 - The development proposed is a ground floor and part two storey extension above.
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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.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers at No 129 High Park Road, with particular regard to outlook, privacy and light.

Reasons

4. The appeal property is a two-storey semi-detached dwelling located within a predominantly residential area with similar property types. It has a rear garden of generous length. Permission is sought to extend the dwelling to the rear at ground and first floor level.
5. The Sefton Council House Extensions Supplementary Planning Document (June 2018) (the SPD) includes a 45 degree guideline for assessing the effect of an extension on the outlook and light from a neighbouring habitable room and notes that extensions that cross the 45 degree line (+3 metres for single storey extensions) from the nearest habitable room window may be acceptable only if they do not cause significant harm to residential amenity. The proposed two storey element of the extension would significantly extend beyond the 45 degree line measured from both the ground and first floor rear windows of No 129, which serve a kitchen and bedroom respectively. Due to the close relationship, overall depth and scale of the extension, it would create a

- tunnelling effect, resulting in an uninviting outlook and overbearing sense of enclosure for occupiers at No 129.
6. The ground floor element of the proposal, which projects beyond the two-storey extension, would also considerably cross the 45 degree plus 3 metres as recommended by the SPD. It is acknowledged there is an existing boundary fence between No 129 and the appeal site however, the extension would have a greater bulk and height than the fence with a substantial element positioned above the fence. Its significant projection and close proximity to the shared boundary with No 129 would compound the overbearing nature of the proposed development.
 7. My attention has been drawn to an appeal decision at No 67 High Park Road¹. In terms of the effect on outlook, the Inspector considered that 'the first floor rear facing window is placed well away from the common boundary' and thus 'the extension would not unacceptably dominate the outlook from No 65'. As such, for the reasons noted above, the relationship between the neighbouring properties in the example and this appeal are not directly comparable, thus this example does not justify the proposal before me.
 8. The proposed development also includes a transparent first-floor window on the side elevation which would serve a bedroom. It would face the side elevation of No 129 and would be within very close proximity to a ground floor window which serves the kitchen. Its elevated position and distance from the side window would provide opportunities to overlook the kitchen of No 129, thus resulting in an invasive loss of privacy for occupiers.
 9. Due to the close relationship between the appeal dwelling and No 129 and their orientation, there is an existing degree of overshadowing from the host dwelling to the ground and first floor rear windows of No 129 at certain times of the day. Whilst the proposed development would introduce built form of considerable massing, the additional degree of overshadowing to the rear windows of No 129 would be marginal when compared to the existing and would only be for a limited time during the day and in certain months throughout the year. As such, this proposal would not significantly reduce the amount of sunlight reaching the rear facing habitable rooms of No 129 and would therefore not result in substantial overshadowing above the existing relationship.
 10. Consequently, taking all the above into consideration, the proposed development would have a harmful effect on the living conditions of occupiers at No 129 High Park Road with particular regard to outlook and privacy. It would therefore conflict with Policy HC4 of A Local Plan for Sefton (April 2017) which requires extensions and alterations to be designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties in terms of outlook, loss of light/overshadowing and a loss of privacy. It would also fail to accord with the guidance of the SPD as noted above and paragraph 127 of the National Planning Policy Framework which seeks to ensure, amongst other things, that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

¹ Appeal Ref: APP/M4320/D/12/2169607

11. The Council has raised no concerns with the effect of the development on the character and appearance of the host dwelling or wider area and from all I have seen and read I have no reason to find otherwise. Furthermore, whilst I note there are examples of large volumes of built form in the locality, this does not negate the harmful aspects of the proposal as set out above and it is important that I determine this proposal on its own merits.
12. I acknowledge that the proposal would provide additional accommodation for the appellant's family and space to work from home. However, this matter does not outweigh the harm the proposal would have on the living conditions of neighbouring occupiers as identified above.

Conclusion and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

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

Susan Ashworth

INSPECTOR