

Appeal Decision

Site visit made on 13 October 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/Z4310/D/20/3254892

51 Herdman Close, Liverpool L25 2XS

- 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 Chris Wilson against the decision of Liverpool City Council.
 - The application Ref 20H/1165, dated 22 April 2020, was refused by notice dated 29 May 2020.
 - The development proposed is a first floor side extension. Two storey side and single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have, for completeness, used the appellant's full name which is set out on the appeal form in my decision.
3. The description of development set out above is taken from the planning application form however the versions found on the decision notice and the appellant's appeal form better reflect the scheme that is before me. I have considered the appeal on this basis.

Main Issue

4. The Council do not raise issue with the proposed single storey extension. I agree having regard to the site and its surroundings. Therefore, the main issue is the effect of the proposed two-storey side extension on the living conditions of the occupiers of 53 and 54 Herdman Close, with regards to outlook.

Reasons

5. The appeal property is a detached two-storey dwelling situated within a residential area with neighbouring dwellings of a similar type and appearance. The property benefits from a single storey element to the front and side. A tall timber fence extends along the driveway to the side of the dwelling and the landscaped rear gardens of the semi-detached pairing of Nos 53 and 54. The rear elevations of Nos 53 and 54 are south-facing and contain habitable room windows in the ground and first floors. Both properties have single storey extensions to the side or rear.
6. Supplementary Planning Guidance Note 1 (SPG1) explains that extensions should not overshadow or have an overbearing effect on neighbouring properties to an unacceptable degree. Proposals for the extension of houses should have regard to the interface distances set out in Supplementary

Planning Guidance Note 10 (SPG10).

7. The appeal scheme would not, in respect of Nos 53 and 54, accord with the minimum space standard outlined in SPG10. These standards seek to avoid excessive overshadowing of main windowed elevations and rear garden elevations. However, SPG10 explains that this standard in practice will vary depending upon the character and spaciousness of the surrounding area.
8. The interface distance as a result of the development would be around 3 metres shy of the minimum standard. This, in tandem with the siting, scale, extent and orientation of the proposed two storey extension to the rear elevation of No 54, would cause an overbearing and dominant effect that would unacceptably harm the outlook for the occupants of this property. There is a good-sized gap to the rear of the appeal property due to the layout of neighbouring plots, however the two-storey extension proposed would extend across and beyond the width of No 54. Trees and shrubs may soften the proposed development, but they would not alleviate the harm either and there is no certainty that they will always be present or in their current form.
9. Due to the siting of No 53 in relation to the front building line of the appeal property, the orientation of its rear elevation and the relative open aspect to the front of the appeal property, the proposed two storey extension would not cause unacceptable harm to the living conditions of the occupants of this property even though the proposal would inevitably change their outlook.
10. Although I note the decision taken at 15 Thurne Way, this scheme was only slightly less than the Council's recommended interface distances which is not the case here. In any event, the orientation of the properties and the spaciousness of the surrounding area are not comparable to the extent that would indicate that I should take a different view on the appeal scheme.
11. While the appeal scheme would bring benefits to the occupants living conditions, it is open to the appellant to consider whether an alternative scheme may achieve the necessary accommodation given the position established in respect of the single storey extension.
12. I conclude that the proposed two-storey side extension would not preserve the living conditions of the occupiers of No 54, with regards to outlook. The harm arising from the scheme outweighs my findings about the proposal's effect on the occupiers of No 53 and in relation to the single storey extension. As such, the proposal would not accord with saved Policy H8 of The City of Liverpool Unitary Development Plan, SPG1 and SPG10 which jointly seek, among other things, house extensions to preserve the amenity of neighbours.

Conclusion

13. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR