The Planning Inspectorate

Appeal Decision

Site Visit made on 25 May 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th June 2021

Appeal Ref: APP/M4320/D/21/3270063
39 Harebell Close, Formby, Liverpool

- 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 J Hobbs against the decision of Sefton Council.
- The application Ref DC/2020/01591, dated 13 August 2020, was refused by notice dated 16 December 2020.
- The development proposed is a two storey and first floor extension to the side elevation.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 41 Harebell Close with particular regard to daylight, sunlight and outlook.

Reasons

3. The appeal property is a detached house which is situated on a cul-de-sac that contains closely spaced dwellings. It is a two storey dwelling, with a single storey garage to one side. The proposal includes a first floor extension on part of the garage, with a two storey addition to the rear of the garage.

4. The neighbouring property, No. 41, has a kitchen window on its side elevation facing the appeal property. The appellant has set out that the passageway areas between the two dwellings are already shaded and there are tall, mature trees in the rear gardens of the appeal property and its neighbour at No. 41. However, despite the close sitting of the existing buildings and the presence of the trees, I was able to see at the time of my site visit in the morning, that No. 41's kitchen window receives direct sunlight for part of the day.

5. The proposal would bring a two storey built form close to the common side boundary with No. 41. I appreciate the neighbours' kitchen window already faces the original two storey gable of the appeal dwelling. However, the proposal would bring it closer to this window and would extend for a greater depth than the garage along the passageway that separates the appeal dwelling from No. 41. It would also be significantly taller than either the timber shed to the rear of the garage or the boundary fence.

6. Although the appellant considers that the kitchen window was never designed to have a visual outlook, the Council have identified this being the only window serving this room. I consider the proposal would appear dominant and visually

overbearing when viewed from the kitchen room served by this window and also result in a loss of light. Whilst the additional overshadowing created by the proposal may only be for part of the day, this would nevertheless have an unacceptable harmful effect on the living conditions of this neighbouring property's occupiers.

7. I therefore conclude that the proposal would have a detrimental impact on the occupiers of No 41 Harebell Close with reference to daylight, sunlight and outlook. As such, the proposal would be contrary to Policy HC4 of the Sefton Local Plan and the House Extensions Supplementary Planning Document, which seek to ensure, amongst other matters, that extensions and alterations are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties.

Other Considerations

8. The proposed development's visual appearance would have no adverse impact on the character of the streetscene. This is however a neutral consideration and not a benefit of the proposal.

9. Reference has been made to a similar impact that would likely arise if the appeal property was to be extended to the rear and side using permitted development rights. I have not however been provided with any further details of such a scheme.

10. The appellant has stated that he can reduce the height of the two trees in the appeal dwelling's garden which would increase the daylight to the side passage areas between the two properties. The proposal has also been amended to include a render to the side elevation to reflect natural light. Neither these matters, nor the relationship between other properties on Harebell Close, would overcome the harm that I have identified from the size and the proximity of the proposal to No. 41.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR