



Appeal Decision

Site Visit made on 25 May 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2021

Appeal Ref: APP/Z4310/D/21/3270398

7 The Dell, Liverpool L12 0AE

- 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 Laura Williams against the decision of Liverpool City Council.
 - The application Ref 20H/2262, dated 8 September 2020, was refused by notice dated 18 December 2020.
 - The development proposed is a single storey rear extension, single storey front/side extension and first floor extension to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to erect single storey extension to the rear, single storey extension to front and side and first floor extension to the side at 7 The Dell, Liverpool L12 0AE in accordance with the terms of the application, Ref 20H/2262, dated 8 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1.001, 4.001 Rev. C, 4.004 Rev. C, 4.005 Rev. C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The description of development in the banner heading is taken from the application form. The description of development used by the Council and on the appeal form is "to erect single storey extension to the rear, single storey extension to front and side and first floor extension to the side". I consider that this more accurately describes the proposed development and it is the description that I have used in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of 6 The Dell with particular regard to outlook.

Reasons

4. The appeal property is a 2 storey detached dwelling located on the south side of a cul de sac comprising a mix of single and 2 storey detached dwellings. The wider area is mainly residential in character with a mix of detached and semi-detached dwellings. A number of the dwellings on The Dell have an irregular building line. The appeal property sits further to the south than no. 6. A solid timber fence marks the boundary between the rear gardens of 6 and 7 The Dell. No. 6 has what appears to be a habitable room in its rear elevation within a side projection that sits towards the boundary of the 2 properties. There are other windows in the rear elevation of no. 6 at ground and first floor level but these are located further from the boundary with no. 7.
5. The guidance on rear extensions in the Liverpool Unitary Development Plan Supplementary Guidance Note 1 (SPG1) is intended to protect the occupiers of neighbouring properties from a loss of outlook or overshadowing. It advises that planning permission will not normally be granted for extensions which project in excess of 3m from the original rear main wall of the dwelling where it abuts the party boundary. Where the rear main building line is irregular, this 3m limit will be taken from the original main wall of the affected house.
6. Due to the staggered position of nos. 6 and 7, the combined length of the proposed rear extension and the existing dwelling from the original main wall of no. 6 would not meet the guidance in SPG1. The existing gable of no. 7 will be visible in views from the rear garden and rear windows of no. 6 as would the proposed rear extension. However, the effect of the proposed rear extension on those views would be tempered by the pitched roof, the offset distance from no. 6 and the screening effect of the existing boundary fence which would limit the extent of the proposed rear extension that would be visible. These factors would ensure that the sense of enclosure for occupants of no. 6 would be modest, and the proposed rear extension would not dominate the outlook from the rear windows or garden of no. 6. Consequently, I find that, although the proposed rear extension would be visible from within no. 6, it would not result in an unacceptable overbearing effect and no significant harm to outlook would be caused.
7. As such, I conclude that the effect of the proposed rear extension on the living conditions of the occupants of 6 The Dell, with particular regard to outlook, would be acceptable. Consequently, the proposed rear extension, although not meeting the guidance in SPG1, would nevertheless accord with Policy H8 of the City of Liverpool Unitary Development Plan 2002 (the UDP) which requires proposals for house extensions to preserve levels of amenity for neighbours, amongst other matters.
8. The emerging Liverpool Local Plan (emerging LP) has been independently examined by a Planning Inspector. The National Planning Policy Framework (the Framework) advises that weight can be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the Framework. The Officer Report states that, in this particular case, the age of the existing development plan and the fact that the emerging plan has now been submitted for examination and has been the subject of recent consultation which resulted in an absence of relevant objections to Policy H8, some weight can be given to this Policy. The

Council subsequently submitted a note on the emerging LP. This states that the Council gives significant weight to Policy H8 of the emerging LP. The Council defines policies given significant weight as "having Early Schedule Main Modifications and limited representations either of support or had only minor criticisms of the policies, or in several cases were irrelevant".

9. The emerging LP has not yet been found sound or adopted. Consequently, whilst the emerging LP appears to be at an advanced stage in its preparation, the weight that I attach to emerging policies is moderate. Policy H8, as set out in the Draft Schedule of Main Modifications, March 2021, (Draft Main Modifications) states that extensions will be approved where they are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties. In particular, extensions must not result in a significant loss of light/overshadowing for neighbours, an overbearing or over-dominant effect on the habitable rooms or outdoor amenity space of neighbouring properties, a significant loss of privacy for neighbouring residents. For the reasons given above, the proposed rear extension would not result in a significant reduction in the living conditions of occupiers of no. 6 due to an overbearing or over-dominant effect. It would therefore accord with Policy H8 of the emerging LP, as set out in the Draft Main Modifications in this regard.
10. The proposed development also includes a single storey extension to the front and side and a first floor extension to the appeal property. The Council considers that these elements of the proposed development would be acceptable. I saw no matters during my site visit that would lead me to take a different view of those elements of the proposed development.

Other Matters

11. The Officer Report makes reference to overshadowing of habitable room windows and loss of privacy for occupiers of no. 6. Given the orientation of the dwellings, there would be some additional overshadowing to no. 6 as a result of the proposed rear extension during the later part of the day. However, any additional overshadowing caused by the proposed rear extension would be mitigated by the presence of the large trees to the south and west of the dwellings which would currently cause overshadowing to both properties during this part of the day. Any additional overshadowing caused by the proposed rear extension would not be materially greater than the shading that would currently be experienced. Given that the proposed rear extension would be single storey, no windows are proposed in its side elevation and the screening effect of the existing boundary fence, there would be no undue overlooking or loss of privacy to the occupiers of no. 6.

Conditions

12. A condition to require the development to be carried out in accordance with the approved plans is necessary in the interests of certainty. Furthermore, a condition requiring the use of matching materials is necessary in the interests of protecting character and appearance.

Conclusion

13. I have found that the proposed development would not have a significantly harmful effect on the living conditions of occupiers of 6 The Dell with particular regard to outlook. It would not conflict with the development plan taken as a

whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should succeed.

F Wilkinson

INSPECTOR