

Appeal Decision

Site Visit made on 21 June 2021

by Mr Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2021

Appeal Ref: APP/Z4310/D/21/3271359

94 Corinthian Avenue, Liverpool L13 3TH

- 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 Mrs M Fishwick against the decision of Liverpool City Council.
 - The application Ref 20H/1487, dated 22 June 2020, was refused by notice dated 3 February 2021.
 - The development proposed is a single storey wrap around extension to side and rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Examination Hearings of the Liverpool Local Plan 2013 - 2033 (LLP) have concluded and the Council is preparing a consolidated schedule of all the potential main modifications. The Council refer to emerging LLP Policy H8, and I recognise that the LLP maybe at an advanced stage, but the LLP has not yet been found sound or adopted. Nor do I have details of any unresolved objections. Therefore, this policy carries moderate weight. The development plan for the time being remains the saved policies of The City of Liverpool Unitary Development Plan (UDP).

Main Issue

3. The main issue is the effect of the proposed development on the character of the area and the living conditions of occupants of 96 and 98 Corinthian Avenue, with regards to outlook.

Reasons

4. The two-storey semi-detached appeal property is on a corner plot within a residential area characterised by properties of a similar style, design and finish. Its flank elevation faces the front elevations of Nos 96 and 98. The driveway extending in-between Nos 96 and 98 and the appeal property affords a degree of separation between the respective dwellings. The garage that originally served No 98 has been converted into a non-habitable room.
5. I agree with the Council's assessment about the rear part of the proposed extension having regard to the character of the area and the living conditions of the dwelling to the rear. However, the extension to the rear is not physically and functionally severable from the remainder of the proposal which would wrap around to the side of the house.
6. Proposals for the extension of houses should have regard to the City Council's interface distances. The proposed extension to the side would not achieve the minimum distance of 15 metres to the ground and/or first floor room windows

in Nos 96 and 98. However, not every part of the front elevations of Nos 96 and 98 currently accord with the minimum interface distance. While the interface distances may well be a guide, saved UDP Policy H8 seeks house extensions to preserve levels of privacy and amenity for neighbours.

7. As the proposed extension to the side would shorten the interface distance by several metres it would not preserve the current outlook from the ground floor habitable room window in No 98. This window would directly face the extension which would be of a greater scale than the existing boundary fence and closer to it than the existing two storey gable elevation of the appeal property. Due to relationship, the proposal would cause unacceptable harm to the occupier's outlook and would therefore be overbearing. A slightly larger interface distance would be kept to the first-floor habitable room window of No 98. This would be below the Council's interface distances but no harm would be created by this relationship as the occupier's outlook would be elevated and of the proposed extension's roof form and the gable elevation of the appeal property.
8. Due to the siting, layout and the position of windows in No 96 the proposal would preserve the outlook of the occupiers of No 96 even if the 15 metre interface distance was not achieved.
9. The Council are concerned about the proposal's effect on the character of the area and a precedent being set. I do not agree on either point as the extension would not extend beyond the line of the flank boundary fence and the relationship between the appeal property and its neighbours is not repeated elsewhere in the road.
10. I have, even with the lack of objections, considered the appeal on its planning merits alone and while the general scale, massing and design of the proposal is acceptable, my conclusion that the proposed development would cause harm to the living conditions of the occupiers at No 98 with regards to outlook outweighs this. Thus, the proposal would not accord with saved UDP Policy H8, Supplementary Planning Guidance Note 1 and emerging LLP Policy H8. Collectively these seek house extensions to preserve levels of amenity for neighbours and to not have an overbearing effect to an unacceptable degree.

Conclusion

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

Andrew McGlone

INSPECTOR