



Appeal Decision

Site Visit made on 4 November 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/Z4310/W/21/3276428

17 Claremont Road, Wavertree, Liverpool L15 3HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Muhammad Ahmad against Liverpool City Council.
 - The application Ref 21H/0862, is dated 13 March 2021.
 - The development proposed is to erect a single storey extension to rear elevation with flat roof and roof lantern.
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Decision

1. The appeal is dismissed and planning permission to erect a single storey extension to rear elevation with flat roof and roof lantern is refused.

Preliminary Matters

2. The extension has already been constructed and I determine the appeal on that basis.
3. The appellant has referred to a prior approval notification for a larger single-storey rear extension that they submitted prior to the submission of the planning application to which this appeal relates. The status of that prior approval notification is not however a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have that matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issue

4. The appeal is against a failure to determine the planning application however the Council has provided a delegated report which outlines that the application would have been refused due to the effect of the development on the living conditions of the occupiers of 19 Claremont Road. This is therefore the main issue relating to the appeal.

Reasons

5. The extension runs along the full length of the common boundary with 19 Claremont Road and is immediately adjacent to it. This adjoining dwelling has a modestly sized rear yard area and a ground floor window on its rear elevation. It is apparent that the extension is higher than the boundary wall that existed between the properties, and it is higher than boundary treatments which would usually be expected to be found between residential dwellings. Due to its

height, positioning and projection along the full length of the common boundary, it forms a dominant and overbearing structure that has resulted in significant harm to the living conditions of the occupiers of No.19.

6. It is suggested by the appellant that the projection of the proposal could be reduced by 0.54 metres to reflect the prior notification submission they made. However, such a reduction would not materially reduce the harm caused by reason of the height, positioning and projection of the extension. As the status of the previous prior approval notification is uncertain, I cannot give this consideration weight as a potential fallback position.
7. My attention has been drawn to other rear extensions in the vicinity of the site, but I do not have full details of the circumstances of these before me. In any event, I must determine the appeal primarily on the merits of the proposal that is before me. These other extensions do not therefore justify the harm that has arisen as a result of the appeal development.
8. For these reasons, I conclude that the development has caused significant harm to the living conditions of the occupiers of No 19. Consequently, the development fails to accord with Saved Policy H8 of the Unitary Development Plan 2002, where it seeks to protect living conditions. There would also be a conflict with Supplementary Planning Guidance Note 1 2001 and emerging Policy H8 of the Liverpool Local Plan 2013-2033 in the same respect.

Other Matters

9. The appellant's Statement of Case advises that a separate letter relating to an award of costs would be submitted, and the matter of costs was subsequently referred to by the appellant after the deadline for final comments had passed. However, a formal application for costs has not been received. Whilst I have the powers myself to instigate an award of costs, I am satisfied that there would be no justification for taking such a course of action. This is because I have determined that the appeal should be dismissed, and therefore the appellant has not incurred unnecessary or wasted expense in having to submit an appeal.
10. The appellant's general dissatisfaction with their interactions with the Council is a matter between those parties and it cannot have any bearing on my determination of this appeal.

Conclusion

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

Graham Wraight

INSPECTOR