



Appeal Decision

Site Visit made on 8 June 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/V4305/D/21/3270251

43 Sundale Avenue, Prescott L35 7JZ

- 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 Paul Mawdsley against the decision of Knowsley Metropolitan Borough Council.
 - The application Ref 20/00782/FUL, dated 21 December 2020, was refused by notice dated 15 February 2021.
 - The development proposed is described as a 'two storey side extension and redesigned porch'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reason for refusal refers to the effect of the proposal on a first floor window within the side elevation of 41 Sundale Avenue. However, the delegated officer report sets out substantive concerns over an effect on a ground floor window within the same elevation. For the avoidance of doubt, I have determined the appeal on the totality of the Council's objections in regard to the main issue of this case which is detailed below.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 41 Sundale Avenue, with particular regard to outlook and light.

Reasons

4. The appeal relates to a two storey semi-detached dwelling that is located in a predominantly residential area that comprises a mixture of semi-detached and terrace housing.
5. The Council has not raised any objections to the proposed alterations to the porch and I have no reason to question this view. I also recognise that the first floor of the proposed two storey side extension would be set back approximately 1 metre from the front face of the main dwelling. An approximate 150mm gap would also be retained between the proposed side extension and the shared boundary.
6. However, this element of the proposal would result in a substantial two storey elevation that would directly face the ground and first floor windows that are located in the side elevation of No 41. The appellant accepts that the first floor window is a principal habitable room window to a bedroom. I could not verify whether the ground floor window within the side elevation served a kitchen on

my site visit as I was unable to visit the neighbouring property. However, I noted the position of this window within an original single storey outrigger, and its clear glazing from outside of the appeal site. In the absence of any evidence to the contrary, I consider it to be likely that it is a sole window to a habitable room.

7. I am satisfied that the orientation of the appeal site in relation to the direction of the sun is such that the proposal would not result in a substantial amount of overshadowing to the ground and first floor side windows of No 41. Nonetheless, at such close proximity to the shared boundary, and the side windows of No 41, the mass and bulk of the proposed two storey side extension would visually dominate the outlook from these openings. It would thereby have an oppressive and overbearing effect and significantly reduce the amount of natural light to them.
8. The appellant argues that the first floor window does not serve the main bedroom and that its position will restrict the size and scale of any future extensions to the side of the house. Nonetheless, this window appears to be an original feature that is shared by a number of other semi-detached properties in the area. In this instance, I therefore see no substantive reason why it would not warrant the same level of protection as a sole window that serves a habitable room in the front or rear aspect of a dwelling.
9. My attention has also been drawn to an example of a nearby existing two storey side extension that has a similar relationship with a bedroom window in the side elevation of a neighbouring property. This is shown in a photograph that the appellant has submitted. However, I do not have the full details of the circumstances that led to this example being accepted so cannot be certain that it represents a direct parallel to the appeal proposal. I have, in any case, determined the appeal based on its own merits.
10. I therefore find that the proposed development would have a significantly harmful effect on the living conditions of the occupiers of 41 Sundale Avenue, with particular regard to outlook and light. As a result, it would conflict with Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan 2006, which, amongst other matters, seek to ensure that new development does not unacceptably impact on the amenity of neighbouring occupiers of adjacent dwellings. It would also be contrary to Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016, which seek to ensure that development promotes good quality design, respects its setting and maintains a good standard of amenity for all existing and future residents. In addition, it would fail to comply with the advice set out in the Knowsley Householder Development Supplementary Planning Document 2016, which states that two-storey side extensions should be designed to avoid having an overbearing effect or cause unacceptable loss of light for neighbours.
11. It would also fail to accord with paragraph 127 of the National Planning Policy Framework which seeks a high level of amenity for all existing and future users.

Other Matters

12. In reaching my findings I have had regard to the appellant's need for additional bedroom space. However, this factor does not outweigh or overcome the concerns outlined above.

Conclusion

13. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

Mark Caine

INSPECTOR