
Appeal Decision

Site visit made on 3 March 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2022

Appeal Ref: APP/V4305/W/21/3288364
8 Sedum Grove, Tower Hill, Kirkby L33 1SX

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Tindale against the decision of Knowsley Council.
 - The application Ref 21/00576/FUL, dated 10 July 2021, was refused by notice dated 3 November 2021.
 - The development undertaken is 'the construction of a wooden tandem garage to the rear of the above property. With rain water being drained via plastic gutters down pipes and existing drains'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The garage was present at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issues

3. The main issues in this case are whether the garage amounts to an overdevelopment of the appeal property with particular regards to its effect on the outlook for its occupiers and the size of the amenity space remaining, along with its effect on the outlook for neighbouring residents.

Reasons

4. The appeal relates to detached garage which has been erected within the rear garden of the appeal property. A colleague Inspector found a similar building to be unacceptable in November 2016 (Ref. APP/V4305/D/16/3155508). The building considered by my colleague was 9.5 metres long, 4 metres wide and around 2.7 metres to the ridge.
 5. According to the submitted plans, the building before me is 9.5 metres long, 4.34 metres wide and 2.5 metres tall. Accordingly, it has a very similar footprint to the scheme considered by my colleague and it is only 200mm lower.
 6. My colleague found the garage building to be disproportionate to the size of the rear garden of the host dwelling and to dominate the rear of the plot,
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significantly reducing the level of private amenity space available. My colleague also opined that as the garage building was sited very close to the rear elevation of the house, it adversely affected the outlook from the nearest habitable rooms at the rear of the dwelling. As the garage before me sits in broadly the same position and has a similar footprint, I share these concerns. A reduction in its height by some 200mm does not materially alter these adverse impacts.

7. I therefore find that the garage amounts to an overdevelopment of the appeal site, unacceptably reducing the level of private amenity space and the outlook from the rear of the host dwelling. In such terms, it conflicts with policies CS2 and CS19 of the adopted Knowsley Local Plan Core Strategy and saved policies H5 and H8 of the adopted Knowsley Replacement Unitary Development Plan which collectively promote high quality design which safeguards a good standard of amenity.
8. In considering the earlier scheme, my colleague reasoned that the garage was significantly taller than the fence to the rear of the property and given its position directly on the rear boundary, it resulted in a poor outlook for the adjoining properties to the rear, Nos. 5 and 7 Hyacinth Avenue. As explained, the position and footprint of the garage has not materially changed and even with the 200mm reduction in height, the garage is still readily visible above the rear fence. As a result, the impact when seen from the rear of Nos. 5 and 7 Hyacinth Avenue is still unduly dominant and the outlook from the rear of these properties is unacceptably compromised.
9. As my colleague explained, the neighbouring dwelling, No. 6 Sedum Grove, sits at a slightly higher ground level. Even so, the garage is seen above the boundary fence and it runs along the majority of the side boundary of the rear garden of this property. Even accounting for the reduced height of the garage before me, I consider that the position and scale of the garage results in a poor visual outlook for the occupiers of No. 6 Sedum Grove.
10. I therefore find that the development unacceptably harms the outlook from the rear of Nos. 5 and 7 Hyacinth Avenue and from No. 6 Sedum Grove. In such terms, it conflicts with the development plan policies outlined above.

Other matters

11. The Appellant argues that the size of the garage could be reduced. However, I must consider the merits of the development before me. This does not prevent the Appellant from negotiating an appropriate reduction in the size of the garage with the Local Planning Authority.
12. The Appellant refers to a large bright blue building which is present upon entering the estate. I do not know the precise planning circumstances behind this development but in any event, I have considered the garage before me on its individual merits, taking into account its specific context.
13. I understand the Appellant is disappointed with the manner in which the Council determined the planning application, but this is not a matter for me to consider.

Overall Conclusions

14. I conclude that the garage has unacceptably reduced the size of the private amenity space of the appeal dwelling along with the outlook from the rear of this dwelling. It also unacceptably harms the outlook from the nearest dwellings to the side and rear of the appeal property. In such terms, it conflicts with the development plan policies referred to above. The arguments advanced by the Appellant do not outweigh this harm and the associated policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR