

Appeal Decision

Site visit made on 3 March 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2022

Appeal Ref: APP/Z4310/D/22/3290234

9 Bull Lane, Liverpool L9 8DA

- 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 Miller against the decision of Liverpool City Council.
 - The application Ref 21H/1483, dated 22 May 2021, was refused by notice dated 27 October 2021.
 - The development proposed is a double storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the application was determined, the Liverpool Local Plan has been formally adopted and supersedes the Liverpool Unitary Development Plan. My decision takes this into account.

Main Issues

3. The main issues in this case are the effect of the proposal on the character and appearance of the host dwelling and the surrounding area along with its effect on the living conditions of the occupiers of No. 11 Ferndale Close and No. 36 Monaghan Close with particular regards to outlook and privacy.

Reasons

Character and appearance

4. The appeal relates to modern detached property located within a road which is home to dwellings of a range of styles and sizes.
 5. The proposal seeks to replace a conservatory at the rear of the appeal dwelling with a part two storey and part single storey extension. At ground floor level, the extension would span the full width of the dwelling and would project some 3.5 metres rearwards. The first floor element of the extension would project the same distance but would span only about half the width of the dwelling. The single storey element, closest to No. 36 Monaghan Close, would have a flat roof finished with a lantern.
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6. The submitted plans contain a discrepancy in so far as the proposed rear elevation and roof plan show the ridge of the two storey element of the proposed extension sitting comfortably below the main ridge, whereas the proposed side elevations show the ridge in line with the main ridge.
7. I am mindful that the Council's adopted Supplementary Planning Guidance titled '*House Extensions*' (SPG) suggests that two storey extensions should be a maximum of 3 metre deep. However, this is simply guidance and based on the ridge being positioned as show on the rear elevation and roof plans, I consider that the proposed extension would be well designed and well proportioned and it would appear subservient to the main dwelling.
8. Notwithstanding this, the depth of the rear garden of the appeal dwelling is modest. According to the figures provided by the Council which have not been disputed by the Appellant, the proposed extension would effectively reduce the depth of the garden to about 7 metres. As a result, I consider that the proposed extension would result in an overdevelopment of the plot and the reduced garden depth would conflict with the established pattern of development found locally.
9. Accordingly, although the proposed extension would not harm the character and appearance of the host dwelling, it would amount to an overdevelopment of the plot and would not be in keeping with the established pattern of development within the immediate surroundings. In such terms, it conflicts with policies H8 and UD1 of the LP and the SPG, which promote high quality design that complements its surroundings.

Living conditions

10. As explained, the proposed extension would bring the two storey element of the dwelling some 3.5 metres closer to the rear boundary and would result in a rear garden depth of just over 7 metres.
11. In my view, a degree of overlooking is somewhat inevitable in a built up suburban area such as this. However, the distance between the proposed two storey element of the extension and the boundary with the rear garden of No. 11 Ferndale Close, which is the property directly to the rear and which sits at right angles to the appeal dwelling, would be very limited. Whilst I am satisfied that the shortened separation distance would not result in a material reduction in the level of natural light available to No. 11 Ferndale Close, the effect would be unduly overbearing and invasive when viewed from the rear garden of this property and it would lead to a greater sense of being overlooked.
12. The single storey element of the proposed extension would be screened from No. 36 Monaghan Close by the mature vegetation which defines the shared boundary. The two storey section would be set a generous distance from this boundary and there would be no windows to the associated side elevation.
13. The side elevation of the proposed extension would be some 15 metres from the main rear elevation of No. 36 Monaghan Close. Whilst I am mindful that a conservatory is sited close to the boundary with the appeal dwelling, I am satisfied that a reasonable distance would remain. As such, I am of the view that the proposed extension would not be unduly overbearing when seen from No. 36 Monaghan Close and the level of natural light available to this property

would not be harmfully reduced. I am also satisfied that the extension would not lead to a greater level of overlooking of No. 36 that the level which can be achieved from the rear first floor windows of the existing dwelling.

14. For the above reasons, although I find that the proposed extension would not unduly affect the living conditions of the occupiers of No. 36 Monaghan Close, it would harm the outlook and levels of privacy currently enjoyed by the occupiers of No. 11 Ferndale Close. In such terms, it conflicts with policies H8 and UD2 of the LP and the SPG, which seek to safeguard appropriate living conditions for neighbours.

Other considerations

15. The Appellant refers to an extension which has been permitted at No. 9 Leybourne Grove in Liverpool and suggests that it is similar, if not larger, than the appeal proposal. However, I do not know the precise circumstances behind this example or its setting. In any event, I have considered the appeal proposal on its individual merits, taking into account its specific context and relationship with adjacent dwellings.

Overall Conclusions

16. I conclude that although the proposed extension would not harm the character and appearance of the host dwelling itself, it would result in a disproportionately small garden which would be out of keeping with the established pattern of development within the immediate surroundings. In addition, the proposed extension would unacceptably harm the living conditions of the occupiers of No. 11 Ferndale Close.
17. 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