



Appeal Decision

Site visit made on 19 April 2022 by N Unwin BSc (Hons) MSc

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/Z4310/D/21/3292009

71 Capricorn Crescent, Liverpool L14 9LP

- 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 John McCarrol against the decision of Liverpool City Council.
 - The application, ref. 20H/3014, dated 23 November 2020, was refused by notice dated 1 October 2021.
 - The development proposed is a two storey extension to the side, single storey extension to the front and rear.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to the side, single storey extension to the front and rear at 71 Capricorn Crescent, Liverpool L14 9LP in accordance with the terms of the application, ref. 20H/3014, dated 23 November 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; and Proposed Plans and Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing host dwelling.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Since the determination of application 20H/3014, the Liverpool Local Plan 2013 – 2033 (2022) (LLP) has been adopted and therefore its policies carry full weight in the determination of this appeal. The delegated report and decision notice make reference to the relevant policies of the LLP which were clearly a consideration in the determination of application 20H/3014. The Council has confirmed that the saved policies of the Unitary Development Plan (UDP) have now been superseded.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of no 69 Capricorn Crescent, with particular regard to outlook.

Reasons for the Recommendation

5. The appeal property is a two storey semi-detached dwelling set back from the highway behind a short front garden. The neighbouring property (no 69) is similar in character and appearance to the appeal property; however, the building is set further forward, closer to the highway. The properties are separated by their respective driveways. The host dwelling has an existing single storey extension to the rear.
6. The proposed two storey side extension would be set back from the principal elevation and have a marginally lower ridgeline than that of the host dwelling. The extension would bring the host property approximately 3 metres closer to the shared boundary with no 69, however, the rear building line would be maintained. Consequently, there would not be a significant impact on the existing outlook of the neighbouring garden area. Moreover, no 69 is set back from the boundary with the appeal site which would limit the impact of the proposal on the outlook of habitable rooms within the rear elevation.
7. Given the existing built form beyond the rear elevation of no. 69, the modest increase of the proposal towards the shared boundary is not considered to result in an unacceptable impact on the existing outlook of the occupants of no. 69.
8. I acknowledge that the Council consider that the proposal would fail to accord with the guidance contained in the House Extensions Supplementary Guidance Note 1 (SGN1). Nonetheless, given the recent adoption of the LLP the status of this document is unclear and, in any event, as I have not identified any harmful effects there is justification to depart from the guidance in this case.
9. For the above reasons, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of no. 69, with particular regard to outlook. The proposal would therefore comply with Policies H8 and UD1 of the LLP which require the consideration of the scale of proposals and to ensure there is no significant reduction in the living conditions of the occupiers of neighbouring properties.

Conditions

10. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans and a condition requiring the external materials used match that of the existing dwelling. These conditions are required to protect the character and appearance of the host building and wider area.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR