
Appeal Decision

Site visit made on 26 July 2022

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/M4320/D/22/3299317

18 Far Moss Road, Crosby, L23 8TQ

- 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 Tom Hardwick against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/00079, dated 17 January 2022, was refused by notice dated 4 March 2022.
 - The development proposed is alterations to the approved roof terrace to the rear of the property including enlarging the terrace size and introducing larger privacy screens.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of surrounding occupiers, with particular regard to privacy.

Reasons

3. The proposed terrace is on the second floor on a projecting flat roof at the rear of the property. It extends across most of the width of the building and permission exists for an enclosed terrace to cover part of the proposed space with a depth of around 3.5 metres, enclosed to the sides by opaque screens with a height of 1.7m ('the approved scheme'). The appeal scheme incorporates an enlargement of the enclosed area to a depth of about 6.7m, the full extent of the flat roof area, with enclosing side screens of 1.8m height. In both instances, the height of the rear screen would be 1.2m.
4. I viewed neighbouring properties from all parts of the existing flat roof to the extents of the approved and appeal schemes. Windows in the sides and rear elevations at 16 and 20 Far Moss Road were clearly visible from the part of the roof to be covered by the appeal proposal, but obscured in the approved proposal. Additional patio and garden areas could also be viewed more clearly. I took account of the fact that the proposed opaque screens would limit direct overlooking of neighbouring properties from the sides of the terrace in both cases. Nonetheless, in the appeal scheme, it would be possible to stand at the rear precipice of the terrace and look directly into the gardens of adjoining properties. Similar views in the approved scheme would be restricted by the mass of the building below.
5. The terrace would also be visible from the aforementioned areas and despite the opaque screen treatment, could result in neighbours having the impression

of being overlooked. Whilst there would be views from the terrace towards properties adjoining the rear of the appeal site, these are further away than Nos 16 and 20 and the effects of the appeal and approved schemes are not significantly different.

6. Nonetheless, the appeal scheme would lead to a loss of privacy, and this is sufficient for me to conclude that the proposed development would have a harmful effect on the living conditions of surrounding occupiers. It would conflict with the development plan for the area, *A Local Plan for Sefton* (2017), including Policy HC4 which seeks dwelling extensions of a design that does not result in a significant reduction to the living conditions of neighbouring occupiers, amongst other factors. This policy is consistent with the National Planning Policy Framework (2021), particularly paragraph 130 relating to design quality. I have also had regard to the Council's *House Extensions Supplementary Planning Document* (2018).

Other Matters

7. The appellant's reason for the proposed works is to ensure safe maintenance of the flat roof area. The unbalconied area of the roof in the approved scheme would require clearing of debris and cleaning, and I acknowledge that there would be a safety risk in accessing an unsecure area with no edge protection. However, this would have been considered in the design of the permitted scheme. I also appreciate that home improvement works can benefit the local economy, but both the existence of risk and the small economic benefit beyond that of the approved scheme does not outweigh the harm identified in the main issue.

Conclusion

8. There are no material considerations that lead me to a decision that is otherwise in accordance with the development plan for the area.
9. The appeal is dismissed.

G Rollings

INSPECTOR