



Appeal Decision

Site visit made on 30 August 2022 by N Unwin BSc (hons) MSc

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2022

Appeal Ref: APP/Z4310/D/22/3297577

5 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 William Hampson against the decision of Liverpool City Council.
 - The application Ref: 21H/3332, dated 17 November 2021, was refused by notice dated 13 April 2022.
 - The development proposed is described on the application form as the “erection of single storey extension to side of dwelling at first floor height”.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at the side at 5 Capricorn Crescent, Liverpool L14 9LP in accordance with the terms of the application, ref. 21H/3332, dated 17 November 2021, 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: SGCC/21 - B Vers 2; SGCC/21 - A Vers 2; and SGCC/21 - C Vers 2.
 - 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. The description in the banner heading above is taken from the application form. However, the Council’s decision notice describes the proposal as a first floor extension at the side. It is noted that the appellant has utilised this revised description on the appeal form. Given that this accurately describes the proposal before me, I have determined the appeal on the basis of the revised description.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 41 Gemini Drive with particular regard to outlook.

Reasons for the Recommendation

5. The appeal site is located in a residential area which largely comprises of a cluster of semi-detached two-storey dwellings. The appeal property itself has a single storey side extension with a hipped roof and the proposal would introduce a first floor over the majority of this extension. The proposal would be set back from the front elevation of the host dwelling and from the southern elevation of the existing single storey side extension, incorporating a hipped roof.
6. The rear garden of 41 Gemini Drive adjoins the southern boundary of the appeal site and is set at a higher land level than the appeal site. No.41 is a two-storey semi-detached dwelling with a rear conservatory. The side elevation of the appeal property extends along almost the entire width of the rear garden of No.41, albeit set back slightly from the boundary which is formed of a tall fence. Half of the rear garden area of No.41 adjoins its rear elevation, with the other half adjoined by a parking area.
7. Policy H8 of the Liverpool Local Plan 2013 - 2033 (2022) (LLP) relates specifically to house extensions, requiring development to avoid "*an overbearing or over-dominant effect on the habitable rooms or outdoor amenity space of neighbouring properties*".
8. The proposal would result in the built form of the host dwelling at first floor level being closer to the rear garden and rear elevation of No.41. Nevertheless, this increase would be modest and would not extend beyond that of the existing single storey side extension limiting its impact on the outlook from the rear garden, rear windows and conservatory of No.41.
9. The hipped roof would slope away from the boundary, moving the built form away from No.41 at its higher levels. This, when combined with the higher floor levels of No.41 in relation to the appeal property and proposal, would not result in an unacceptable impact on the outlook from the rear windows or conservatory of No.41.
10. Turning to the garden area I noted that this largely has an open aspect to the east, west and partially to the south (where it adjoins the driveway). Given the existing openness of these aspects, the first-floor extension would not result in an unacceptable level of enclosure to the rear garden and would not therefore result in an unacceptable loss of outlook when the occupiers of No.41 utilise their rear garden.
11. The Council has drawn my attention to the Liverpool Unitary Development Plan Supplementary Planning Guidance Notes 1 (House extensions) (SPGN1) and 10 (New Residential Development) (SPGN10).
12. SPGN10 refers specifically to new residential development and, from the evidence before me, does not therefore apply to extensions to existing dwellings. Notwithstanding that, even if the interface distance in SPGN10 was applicable, given the juxtaposition of buildings surrounding No.41 I consider that adherence to this standard would be unnecessarily restrictive in this case.

In respect of SPGN1, this does not detail any interface standards. Given my conclusions above, I consider that the proposal accords with the provisions of SPGN1.

13. For the above reasons, the development would not harm the living conditions of the occupiers of 41 Gemini Drive. The proposal would therefore accord with Policy H8 of the LLP which amongst other matters seeks to ensure that there would not be any significant reduction in the living conditions of the occupiers of neighbouring properties.

Conditions

14. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

Conclusion and Recommendation

15. 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

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

Chris Forrett

INSPECTOR