



Appeal Decision

Site visit made on 25 October 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/Z4310/D/22/3304845

30 Pitville Road, Liverpool L18 7JD

- 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 Reg Richards against the decision of Liverpool City Council.
 - The application Ref 22H/0023, dated 5 January 2022, was refused by notice dated 1 June 2022.
 - The development proposed is formation of home office/ utility space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on: -
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 28 and 32 Pitville Road by reason of outlook, privacy and sunlight.

Reasons

Character and Appearance

3. The appeal site comprises of an end terrace house adjacent to another row of terraced houses with a side passageway running between Nos 30 and 32 from Pitville Road to a gated passageway to the rear of the terraced houses. There is a high wall on the other side of the rear passageway with a row of trees and playing fields beyond.
4. The existing garage is single storey with a hipped roof and along with other outbuildings to the rear of the houses, appears low key when viewed from the rear passageway. The proposed development would add a floor above the garage, thereby creating a two-storey building. There are no other two storey buildings in similar locations to the rear of the houses close by.
5. Although part of the first floor would be within the roof space, the shape of the roof would be altered with the proposed eaves and ridge height noticeably higher than the existing building. This would create a very prominent building at odds with the otherwise lower and less intrusive outbuildings in the rear gardens of the houses which are a characteristic of the area. Whilst the development would not be visible from the street, the extended garage would be clearly visible to users of the rear passageway. As a substantial number of houses back onto the passageway, its appearance would be noticeable to

others beyond just the immediate neighbours. I appreciate that the development would be on the same footprint as the existing garage and the eaves would not be much higher than the existing ridge height but these matters do not lessen its impact sufficiently to overcome the harm I have identified.

6. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area. This would conflict with Policy H8 of the Local Plan¹ and the advice in the Council's SPG² which indicate that extensions and alterations to dwelling houses will be approved where, amongst other things, they complement and are in keeping with the style of the dwelling and the surrounding area. It would also conflict with the design objectives of the National Planning Policy Framework³.

Living Conditions

7. The existing garage is close to the boundary with No 28 and given that the rear gardens are modest in size, a two storey structure so close to the house would create a poor outlook in terms of appearing overbearing and oppressive when viewed from the rear windows of the house. Furthermore, due to the existing design of the hipped roof and the proximity of the garden of No 28, the proposed higher gable wall would have a substantially greater effect on the neighbouring garden in terms of appearing overbearing.
8. The passageway between Nos 30 and 32 means that the angle between the proposed extended garage and the rear windows and garden of No 32 would be slightly off-set. Notwithstanding the separation between No 30 and 32 created by the passageway, the close distance and height of the proposed extension would still appear overbearing and oppressive and therefore create a poor outlook from the rear of the house.
9. The proposed extension would introduce a first floor window that would face towards the gardens and rear windows of Nos 28 and 32, albeit at an angle. Due to the proximity between proposed office/utility space and the neighbouring rear windows and gardens, this would cause a loss of privacy. The appellant has indicated a willingness for the window to be obscurely glazed which could be secured by a condition and the Council has suggested such a condition. However, as the window would be so close to the neighbouring properties, even if obscurely glazed, the presence of the window would potentially be perceived as a source of overlooking. Furthermore, the window would need to be non-opening to avoid any actual overlooking.
10. I appreciate that in an urban area such as this there is some overlooking of garden areas from adjoining neighbouring properties. However, this is not as direct as would be the case from the facing window in the proposed first floor extension above the garage.
11. Due to the orientation of the garage and the houses, increasing the height of the garage would result in overshadowing, especially to the gardens. I am mindful that there are trees on the other side of the rear passageway which, in

¹ Liverpool Local Plan 2013 – 2033, Adopted January 2022.

² Liverpool Unitary Development Plan (UDP) Supplementary Planning Guidance Note 1 House Extensions.

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework) – Paragraph 130.

the summer months especially, would lessen any additional overshadowing impact from the development. However, overshadowing would still occur.

12. With regard to users of the passageway between No's 30 and 32, I do not consider that the proposal would have an adverse effect. The existing garage wall would be increased in height but it would only be for a relatively short section of the passageway and any experience of oppressiveness would be brief. However, the lack of harm in this respect would not overcome the harm I have identified above.
13. On this issue I conclude that the living condition of the occupiers of 28 and 32 Pitville Road would be harmed by reason of creating a poor outlook due to appearing overbearing and oppressive and causing a loss of privacy and sunlight. It would conflict with Local Plan Policy H8 and the SPG which, amongst other things, seek to preserve levels of privacy and amenity for neighbours. The proposal would also conflict with the Framework in terms of promoting a high standard of amenity.

Other Matters

14. The appellant disputes the relevance of Local Plan Policy H8 and the SPG on the basis that they do not specifically refer to outbuildings but rather refer to house extensions. However, the proposed development relates to an extension within the residential curtilage of the appeal site and is required for domestic purposes, I consider therefore that the objectives of Policy H8 and the SPG are relevant.
15. I note that the accommodation provided by the extension would enable the appellant to work at home whilst separating his home environment from his work place and that the existing house does not allow for adequate office space. I also note that the proposal would reduce the appellant's need to travel long distances to work and reduce emissions and their effect on climate change. However, these matters do not carry sufficient weight to overcome the harms I have identified and set out above.

Conclusion

16. For the reasons given above and having regard to the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

J D Clark

INSPECTOR