



Appeal Decision

Site visit made on 12 January 2023

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2023

Appeal Ref: APP/M4320/D/22/3307009

49 De Villiers Avenue, Crosby, Sefton L23 2TH

- 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 Simon Madden against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/01216, dated 17 June 2022, was refused by notice dated 7 September 2022.
 - The development proposed is a double storey side extension, single storey rear extension and porch extension.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The Council does not object to the ground floor elements of the proposal and following my site visit I see no reason to disagree. Therefore, the main issue is the effect of the proposed first-floor side extension on the living conditions of the occupiers of 1 Longfield Avenue (No 1) in respect of their outlook, overshadowing, and privacy.

Reasons

3. The proposed first floor of the side extension would be substantially higher than the existing flat-roofed single-storey projection at the side of the appeal property. At first-floor level the extension would be significantly closer to the small rear garden and the kitchen and bedroom windows of No 1 than the existing main gable wall of the appeal property.
4. As a result of its mass, height and proximity to the common boundary between these properties, and due to the limited depth of the garden of No 1, the proposal would be an unduly dominant feature that would overshadow the garden and rear rooms of No 1 for much of the day. Further, because of its height and depth next to the common boundary, the first-floor extension would create a harmfully oppressive sense of enclosure and would be an overbearing feature when viewed from the rear garden and from the rear windows of No 1.
5. In addition, there would be direct views from the study window of the first-floor extension into the top corner of the neighbour's rear garden and some oblique views over other parts of that garden. The overlooking of the rear garden at close proximity would be an unacceptable invasion of privacy of the occupiers of No 1 when using their back garden.

6. Therefore, I conclude that the proposed development would be harmful to the living conditions of the occupiers of 1 Longfield Avenue in respect of their outlook, overshadowing and privacy in conflict with Policy HC4 of the Local Plan for Sefton (April 2017) which seeks to safeguard appropriate levels of residential amenity. The proposal would also conflict with the Council's House Extensions Supplementary Planning Document (June 2018) where it seeks to protect the outlook and privacy of residents and prevent unreasonable overshadowing.

Conclusion

7. For the reasons given above, having had regard to the development plan as a whole, I conclude that the appeal should be dismissed.

David English

INSPECTOR