



Appeal Decision

Site visit made on 7 February 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/H4315/D/22/3305353

4 St James Road, Rainhill, St Helens L35 0PF

- 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 Tony Wilkinson against the decision of St. Helens Council.
 - The application Ref P/2022/0251/HHFP, dated 4 April 2022, was refused by notice dated 12 July 2022.
 - The development proposed is a two storey side extension, replacing previous attached garage, projecting beyond the front elevation.
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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 the occupiers of 2 St James Road with regard to outlook and sunlight.

Reasons

3. The appeal property comprises of a two-storey detached dwelling situated amongst a group of similar residential dwellings, some of which have been subject to alterations and extensions. The properties are set back from the highway but at varying distances such that the buildings along this stretch of the road have a staggered front building line.
4. The proposal includes a side extension which has a partial two storey form. This element of the proposal has been amended so it is set back from the main rear wall of the appeal dwelling. It would nevertheless be within close proximity to the first-floor side window of No. 2 St James Road which serves a bedroom. I appreciate the amendments to the two-storey part of the proposal would ensure the proposal complies with a 45 degree angle drawn from the centre of the neighbouring property's bedroom window towards the rear. The two-storey proposal would nevertheless directly face part of this neighbouring window. As such, the additional built form of the side wall, together with the close proximity to this neighbouring side window would create an overbearing sense of enclosure and dominance within the bedroom. Despite the amendments that have been made, the scale and positioning of the two-storey element of the proposal would also result in harmful overshadowing.
5. The appellant has referenced the side facing bedroom window at No. 2 may not be original and differs from the layout of other dwellings of a similar style along this section of the road. Be that as it may, it is not disputed that the window

serving this bedroom is lawful and I am required to determine this appeal accordingly, having regard to the site's current context.

6. The Council has not raised any concerns in relation to the ground floor elements of the proposal and I have no reason to disagree.
7. Despite this, taking all of the above into consideration, I conclude the proposal would have a detrimental impact on the living conditions of the occupiers of 2 St James Road with regard to outlook and sunlight. As such, it would be contrary to Policy LPD04 of the St Helens Borough Local Plan up to 2037 (Local Plan) which seeks, amongst other matters, for there not to be an overbearing or over-dominant effect on the outlook from any habitable room in any neighbouring dwelling. It would also conflict with Paragraph 130 of the National Planning Policy Framework (Framework), which seeks a high standard of amenity for existing and future users. Although Policy GEN 8 of the St. Helens Unitary Development Plan is referenced in the refusal notice, the Council has stated that this was superseded with the adoption of the Local Plan.

Other Matters

8. Reference has been made to many of the similarly styled neighbouring dwellings having been extended above the garage. I was able to see these at the time of my visit, but as the appellant has set out, their circumstances differ from the appeal property as none of them had in close proximity a neighbouring property with a side facing bedroom window.
9. My attention has also been drawn to other extensions in the area, but limited details have been provided. I can confirm that I have dealt with this appeal on its own merits.
10. The appeal property is not situated in the Green Belt and the development proposed would not give rise to a terracing effect. These are neutral matters and not ones which weigh in favour of the development.
11. Various references have been made to the design, including the setting in of the extension so the roof structure doesn't overhang the boundary and compliance with Householder Development Supplementary Planning Document in terms of the width of the extension. I accept that the visual appearance of the property would be improved through the removal of the existing flat roof elements of the property. This would not however outweigh the harm that I have identified in respect of the main issue.

Conclusion

12. The proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.

F Rafiq

INSPECTOR