The Planning Inspectorate

Appeal Decision

Site visit made on 24 January 2023

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2023

Appeal Ref: APP/Z4310/D/22/3309518
128 Rudston Road, Liverpool L16 4PJ

- 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 Mike Jackson against the decision of Liverpool City Council.
- The application Ref 22H/1998, dated 20 July 2022, was refused by notice dated 7 October 2022.
- The development is the erection of a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 128 Rudston Road, Liverpool L16 4PJ in accordance with the terms of the application, Ref 22H/1998, dated 20 July 2022, subject to the following conditions:

   1) The development hereby permitted shall be carried out in accordance with the following approved plans: A-100 P1; A-101 P1 and Kitchen Extension at Rear of Dwelling (showing the floorplan and elevations).

Procedural Matter

2. The extension subject of this appeal has already been erected and, as such, is referred to as the development in this decision.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 130 Rudston Road.

Reasons

4. The appeal property is a 2-storey dwelling situated within a predominantly residential area. Prior to the erection of the appeal scheme, there was a single storey rear addition approximately half the width of the property. The appeal scheme has effectively created a full width rear extension which is about 3.5 metres in length. The flank wall of the development is sited adjacent to the shared boundary with 130 Rudston Road and projects above a wooden fence.

5. The appellant has identified that, as permitted development for a dwelling house, an extension of up to 3 metres in length could be erected to the rear of the property and could also be sited adjacent to the shared boundary. Although no drawings to compare the appeal scheme and what could be erected as permitted development have been provided, the potential fallback is an important material consideration in the determination of this appeal.

6. At ground floor level and within the rear elevation of No. 130 is a patio window which provides access to a paved area. This area is enclosed by the appeal scheme and a single storey addition projecting from its rear wall. For this reason, there is a sense of enclosure associated with the extension as it has been constructed. Further, the extension is a noticeable feature in the outlook from the patio window.

7. However, there is still an adequate outlook from the patio window and paved areas towards the elevated rear garden. The flank wall of the single storey extension only forms a part of the outlook from the window and is not such a conspicuous or visually dominant form of development that it is overbearing for the occupiers of No. 130. There also remains a substantial part of the garden of No. 130 which is unaffected by the extension in terms of it dominating the outlook from this private amenity space.

8. Although there is some diminution on the levels of daylight and sunlight reaching the habitable room because of the extension's siting, by reason of the rear elevation being south facing the degree of reduction in these levels is not so significant that it justifies this appeal being dismissed. Similar effects on outlook and levels of sunlight and daylight would occur if an extension was erected as permitted development to which significant weight is given in the determination of this appeal.

9. For the reasons given, it is concluded that the development does not cause unacceptable harm to the living conditions of the occupiers of 130 Rudston Road and, as such, it does not conflict with Policy H8 of the Liverpool Local Plan. Amongst other matters, this policy requires house extensions not to cause a significant reduction in the living conditions of the occupiers of neighbouring properties, including by loss of light, overshadowing or by being an overbearing or over-dominant form of development.

Conditions

10. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. Conditions concerning the commencement of development and the use of external materials to match the host property are unnecessary because the extension has been substantially constructed. However, for the avoidance of doubt about the design of the extension, then it is necessary for a condition to refer to the approved drawings. Accordingly, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR