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## Appeal Decision

Site visit made on 7 February 2023

**by K Winnard LL.B (Hons) Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>th</sup> February 2023**

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**Appeal Ref: APP/Z4310/D/22/3314084**  
**111 Marrow Drive Liverpool L7 0AB**

- 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 Haikel Al Soufi against the decision of Liverpool City Council.
  - The application Ref 20H/2057, dated 17 August 2020, was refused by notice dated 12 October 2022.
  - The development proposed is the erection of a detached outbuilding.
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### Decision

1. The appeal is allowed and planning permission is granted for a detached outbuilding at 111 Marrow Drive Liverpool L7 0AB in accordance with the terms of the application, Ref 20H/2057, dated 17 August 2020, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not 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: Location Plan, Site Plan and Drg. No 1C Proposed Plans and Elevations Second Amendment.
  - 3) No works shall take place on the external surfaces of the outbuilding hereby permitted until samples of the materials to be used in the construction works have been submitted to and approved by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved details.

### Procedural Matters

2. I have adopted the Council's description of the development within the banner heading above. I note too that this description has been adopted by the agent in the appeal form.
3. The scheme was revised during the course of the application in response to concerns raised by the Council. My decision is based on the revised plan, Drg. No 1C Proposed Plans and Elevations Second Amendment, as considered by the Council.

## **Main Issue**

4. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of the neighbouring dwellings, Nos 27 and 29 Fairfield Street with particular reference to outlook/sense of enclosure.

## **Reasons**

5. The property, 111 Marrow Drive, (No 111) is a detached property located at the far corner of a modern residential estate. In this location the side garden of No 111, adjoins the rear yards of Nos 27 and 29 Fairfield Street, separated by a concrete block wall. Due to the juxtapositioning of the properties, this wall is on the side boundary of No 29 Fairfield Street (No 29) whereas in the case of No 27 Fairfield Street (No 27), it is to the rear of the dwelling. The size of the rear yards of these properties and the presence of the concrete block wall already provide a sense of enclosure to these properties.
6. The appellant disputes the assertion that land levels have been raised in this part of the garden on which the outbuilding is proposed to be built and that as a consequence, levels differ between Nos 111 and the neighbouring properties. Nonetheless the submitted plan identifies that ground levels around the outbuilding and of the floor would be reduced by 200mm and 100mm respectively. The plan also indicates that the eaves height of the proposed outbuilding would not exceed the height of the concrete block wall.
7. In the case of No 27 the outlook is already affected to an extent by the positioning of the concrete block wall. Any potential additional effect would arise from the added height of the pitched roof over the outbuilding. The eaves height of the proposed outbuilding would be no higher than the wall and the additional impact of the pitched roof would be mitigated by the sloping away of the roof from the boundary. As such, the proposal would not unacceptably dominate the outlook from No 27.
8. In the case of No 29 oblique views of the gable wall of the outbuilding would be obtained. However the wider outlook from the rear windows of No 29 would not be significantly compromised. I acknowledge that the outbuilding, if constructed would result in a more prominent feature between No 111 and the two properties on Fairfield Street. However, the potential for any significant additional loss of outlook and dominating effect would in my view be modest. As such the proposal would not unacceptably harm the living conditions of the occupiers of Nos 27 and 29 Fairfield Street.
9. Concerns have been raised in third party representations about potential noise and disturbance as a result of the proposal. In this respect the Council has not identified any harm resulting from the proposal and I would agree with their assessment. Nor are matters relating to previous developments on the site pertinent to my determination.
10. Accordingly, the proposal would not cause unacceptable harm to the living conditions of the occupiers of neighbouring properties. It would not therefore conflict with Policies H7 and H8 of the Liverpool Local Plan (Adopted January 2022) which requires development not to have an adverse impact or significant reduction in the living conditions of the occupiers of neighbouring properties.

## **Conditions**

11. In addition to the standard time condition, I have imposed a condition to require that the development is carried out in accordance with the approved plans in the interests of certainty. I have also included a condition in relation to the approval of materials in the interests of a satisfactory appearance.

**Conclusion**

12. Accordingly and for the reasons given I hereby allow the appeal as set out in the formal decision notice above.

*K Winnard*

INSPECTOR