



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: 27th February 2023

Appeal Ref: APP/Z4310/D/22/3292154
78 Camphill Road Liverpool L25 7UQ

- 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 James Battle against the decision of Liverpool City Council.
 - The application Ref 20H/2182, dated 25 August 2020, was refused by notice dated 12 November 2021.
 - The development is to erect a two storey extension to side, single storey extension to rear, first floor extension to rear, porch and new window to front, dormer extension to rear and two roof lights to front.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to side, single storey extension to rear, first floor extension to rear, porch and new window to front, dormer extension to rear and two roof lights to front at 78 Camphill Road, Liverpool L25 7UQ at in accordance with the terms of the application, Ref 20H/2182, dated 25 August 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Drawing No.20.005.001, Proposed Floor Plans Drawing Number 20.005-03, Proposed Elevations 01 & 02 Drawing Number 05.001 Rev B, Proposed Elevations 03 & 04 Drawing Number 05-001 Rev D and Proposed Site plan Drawing Number 05-008 Rev A.
 - 2) Within 3 months of the date of this permission, the adhesive brick finish and associated supporting structures located on the side of the single storey rear extension positioned on the boundary of No 76 Camphill Road shall be completely removed, and the affected side elevation shall be treated with a render finish as identified on Proposed Elevation 1 & 2 Drawing Number 05 -001 Rev B to match the render used on the property as extended.
 - 3) The gutter identified on the plan Proposed Elevation 1 & 2 Drawing Number 05 -001 Rev B to be located on the side elevation of the single storey rear extension positioned on the boundary of No 76 Camphill Road shall be installed and connected to the existing surface water drainage system at No 78 Camphill Road within 3 months of the date of this permission.

Procedural Matters

2. I have adopted the Council's description of the development as this describes the development more accurately. I note too that this description has been adopted by the agent in the appeal form.
3. The development consists of a number of elements. The Council has indicated that it has no objections to the two storey extension to side, the first floor extension to rear, porch and new window to front, and the dormer extension to rear with two roof lights to front. Accordingly, I shall direct my assessment to the single storey rear extension.
4. The development, the subject of the appeal, has already been constructed. Some deviations in the external finish of the building are apparent between the development and the submitted plans. For the avoidance of doubt I have determined the appeal on the basis that it seeks retrospective permission for the works shown as proposed on the submitted plans.
5. The Council's reasons for refusal include reference to Policies H8 and HD18 of the Unitary Development Plan (UDP). Following the decision on the application, the Council adopted a new development plan, the Liverpool Local Plan 2013-2033 (Adopted January 2022). (Local Plan). Nonetheless, policies, then emerging, were considered in the determination of the application ref. 20H/2182 and the appellant has had the opportunity to address the changing policy context within the appeal documentation. As such it has not been necessary for me to seek further comments in this appeal. I must determine the appeal in accordance with the Development Plan at the present time. Accordingly I have not considered the appeal proposal against the policies set out in the UDP.

Main Issue

6. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of No 76 Camphill Road with particular reference to outlook/sense of enclosure.

Reasons

7. Nos 78 (No 78), Camphill Road, the appeal property, and its neighbouring dwelling, No 76, are semi -detached properties located on a suburban residential development, both of which have been extended. Land levels at No 78 are higher than those at No 76. The rear extension at No 78 as built, runs along a considerable length of the side boundary at the rear of the two dwellings, replacing a detached garage previously located on part of this boundary. Extending across the rear garden of No 78 and occupying the remainder of the boundary with No 76 is a pergola/garden room structure. As a consequence, there is no physical or visual break in built structures along this boundary.
8. Because of a garden shed located in the rear garden of No 76 adjacent to the boundary with No 78, the rear extension has resulted in the nearest ground floor kitchen window in the rear of No 76 being in a recess and somewhat enclosed. However, No 76, benefits from a relatively wide south west facing rear garden which provides an open outlook. I acknowledge that the extension

as constructed is higher and a more prominent feature on the boundary between Nos 76 and 78 than the garage which it replaced. However, the orientation of the rear windows of habitable rooms draw the outlook from No 76 to the rear garden and beyond. Therefore whilst the extension results in some additional sense of enclosure to one side, the wider outlook from the rear of No 76 is not significantly compromised as a result of the development. I am also mindful that the shed within the garden of No 76 separates the garden of No 76 from the boundary and impedes open views of part of this boundary. These factors lead me to the conclusion that notwithstanding that there is no physical break in the side boundary and although the extension is clearly apparent within the adjoining property, such views are not oppressive or overbearing and do not significantly detract from the living conditions within No 76.

9. Concerns have been expressed that the roof of the extension should be flat rather than a pitched roof however I am considering the application on the basis of the plans before me and not any other scheme. In addition, concerns have been raised that the external finishes are to a poor standard and not in accordance with the plans and that guttering on the side of the extension to the boundary of No 76 has not been installed. These matters can be controlled by condition which I address below.
10. Accordingly, the development does not harm the living conditions of the occupiers of the neighbouring dwelling. Of the policies put to me by the Council I consider Policies H8 and UD7 of the Local Plan to be the most relevant. Together these policies require that development proposals should not have an adverse effect or a significant reduction in the living conditions of the occupiers of neighbouring properties, including by being an overbearing or overdominant form of development.

Conditions

11. Because the rear extension has not been completed externally in accordance with the plans, there is a need to apply conditions by way of the external surfaces of the development and the provision of the gutter as identified on the plans. These conditions will ensure a satisfactory finish to the development and in the interests of amenity. A condition in relation to the approved plans is also required for certainty and compliance. In the interests of clarity and precision, I have amended the conditions suggested by the Council where necessary.

Conclusion

12. For the reasons given and having regard to all other matters raised, I allow the appeal as set out in the formal decision notice above.

K Winnard

INSPECTOR