



Appeal Decision

Site visit made on 2 February 2023

by David English BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/Z4310/D/22/3307444

52 Rockbourne Avenue, Liverpool L25 4TL

- 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 Devonish against the decision of Liverpool City Council.
 - The application Ref 22H/0219, dated 25 January 2022, was refused by notice dated 4 July 2022.
 - The development proposed is a two-storey side and front extension, single-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of neighbouring residents at 54 Rockbourne Avenue in respect of their outlook, daylight and sunlight, and overshadowing; and on the character and appearance of the area.

Reasons

Living conditions

3. The proposed single-storey extension adjacent to the common boundary with the neighbouring detached bungalow, 54 Rockbourne Avenue, would be positioned a short distance further from that common boundary than an existing flat-roofed garage. However, the proposed single-storey extension includes a lean-to roof, and it projects significantly further along the side of the appeal property than the existing garage. This would result in the creation of a noticeably taller structure having a greater built mass than currently exists at this side of the appeal property when viewed from the main window to a habitable room in the side wall of No 54.
4. Rockbourne Avenue slopes noticeably downwards past No 54 which appears to be lower at its ground floor level than the appeal property. There would remain only a small gap between the side window of No 54 and the proposed single-storey extension. There is a tall fence along the boundary between the dwellings, and I recognise that a small increase in separation between buildings would be created when compared to the positioning of the existing flat-roofed garage. However, that garage is set sufficiently forward of the window in the side wall of No 54 such that it is currently visible only at an oblique angle.

5. The proposed side extension would be in direct view from the main window in the side wall of No 54, whereas currently a degree of separation exists between that window and the main side wall of the appeal property. The limited distance between the window and the proposed side extension would result in the proposal being an unduly dominant and overbearing feature when viewed from that window. Further, the increased height and the creation of a longer solid structure close to the common boundary would reduce both daylight and sunlight entering the window of No 54, and it would cause additional overshadowing. These effects would be noticeable throughout the day due to the orientation of the properties.
6. I recognise that daylight and sunlight reaching the window in the side wall of No 54 may currently be limited, and it will be overshadowed at times due to the relative orientation of the dwellings and the difference in their overall heights. However, this would currently be limited to periods later in the day and, in any event, those existing circumstances do not justify a proposal that would make the living conditions at No 54 substantially worse.
7. The appellant contends that a single-storey extension could be constructed to the side of the appeal property using permitted development rights. I have nothing before me showing the form of a stand-alone single-storey extension that the appellant suggests they would build, and in any case the proposed single-storey side extension comprises an integral part of a much larger overall proposal. I therefore attach little weight to this scenario.
8. Therefore, I conclude that the proposed development would be harmful to the living conditions of the occupiers of 54 Rockbourne Avenue in respect of their outlook, daylight and sunlight, and overshadowing in conflict with Policies H8 and UD7 of the Liverpool Local Plan 2013-2033 (January 2022) (the Local Plan) which seek to prevent development that would cause a significant reduction in the living conditions of the occupiers of neighbouring properties. The proposal would also conflict with the Council's Supplementary Planning Guidance Note 1 on House Extensions (the SPG) which also expects that extensions should not overshadow or have an overbearing effect on neighbouring properties to an unacceptable degree.

Character and appearance

9. The appeal property is situated in a quiet residential area comprising a mix of relatively modern detached houses and bungalows in reasonably large plots. The dwellings are generally set back a short distance from the highway, and, while some dwellings have been extended up to one of their boundaries, the overall impression at first-floor level is that there are gaps of varying size between buildings. There is no particularly rigid building line to the frontages largely due to the variety in the design and appearance of the dwellings. This pleasant variety particularly of the houses near the appeal property adds interest to the street scene. Several houses on the same side of Rockbourne Avenue as the appeal property have been extended, and I saw during my site visit those to which my attention has been directed. The extensions and alterations to those houses tend to add further interest to the appearance of the area.
10. The extensions proposed substantially increase the size of the appeal property. However, given the width of the plot, the proposed two-storey side extension would appear as a subordinate addition. Having regard to the creation of a

small gap at ground-floor level and maintenance of the separation distance at first floor to the common boundary with No 54, and the retention of a gap to the common boundary with 50 Rockbourne Avenue, the dwelling as proposed to be altered would sit comfortably within its plot and in the street when seen in context with neighbouring properties.

11. The appeal property sits further back in its plot at first-floor level than dwellings to either side. As a result of this arrangement, the proposed first-floor extensions to the front and side would not appear unduly prominent or incongruous in the street since they would generally align with the front elevations of the neighbouring dwellings. Accordingly, when considering the intentions of the SPG in respect of front and side extensions to detached dwellings, the proposals would not be unduly visually obtrusive, and overall, would result in the creation of an extended dwelling commensurate in size and consistent in appearance with other houses in the immediate vicinity.
12. I conclude on this main issue that the proposed development would not harm the character and appearance of the area and it would therefore not conflict with Policies H8, UD1 or UD7 of the Local Plan, which in summary require extensions to dwellings to exhibit high quality design that matches or complements the style of the host dwelling and the surrounding area. The proposed development also generally accords with the SPG in these respects.

Other Matters

13. The Council's reason for refusal No 3 refers to Policy UD1 of the Local Plan. However, that policy concerns local character and distinctiveness and does not refer to the effects development may have on the living conditions of neighbours. Accordingly, in respect of the first main issue I have defined concerning living conditions, Policy UD1 is not a relevant development plan policy and I have therefore not had regard to that policy in reaching my conclusion on that main issue.
14. I agree with the appellant's contention that the proposed development would not overshadow or overlook No 50, but this is not a matter in dispute. I note that the proposals would result in the removal of a landing window facing directly towards No 54. While that change would result in some benefit in respect of privacy to that neighbour, this would be limited, the views currently available are not from a habitable room, and this small benefit would not be sufficient to outweigh the harm I have identified in respect of other effects.

Conclusion

15. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR