The Planning Inspectorate

Appeal Decision

Site visit made on 25 April 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/M4320/D/23/3316340
5 Ince Road, Thornton L23 4UE

- 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 Stephen White against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2022/02060, dated 24 October 2022, was refused by notice dated 13 December 2022.
- The development proposed is the erection of a first-floor side extension above an existing garage along with the erection of a 2m high boundary wall to create a larger rear garden space. Existing brickwork to house to be fully rendered over and painted.

Decision

1. The appeal is dismissed.

Preliminary matter

2. The main parties either requested or expected that I view the site from 3 Ince Road. In those circumstances, I called at this neighbouring property twice during the site visit having written to the occupier beforehand to request access. In the absence of a response, I carried out the inspection of the site and the surrounding area unaccompanied without viewing the site from this adjacent dwelling. Having done so, I am satisfied that such an approach allows a reasonable assessment of the proposal.

Main issues

3. The main issues are the effect of the proposed development firstly, on the living conditions of the occupiers of No 3 with regard to outlook, visual impact and light; and secondly, on the character and appearance of the local area.

Reasons

Living conditions

4. The appeal property is a 2-storey detached house with a ground floor flat roof side projection that is situated within a predominantly residential area. With the new first floor side extension in place, there would be 2-storey wall and roof slope close to the shared boundary between the site and No 3. Within the side elevation of No 3 there is a first-floor window that looks out directly towards the appeal dwelling, which I shall refer to hereafter as 'the window'. From the evidence before me, the window provides the sole source of natural light and an external outlook to a small room within the roof space of No 3.

5. The photographs provided show this room to be sufficient in size to accommodate a bed and some furniture and in use as a bedroom with restricted head height in part. Alternatively, if the bedroom furniture were to be replaced, there is no obvious reason why this room could not be used as a place to sit, relax, study or work from home. The appellant contests the suitability of this room for any of these activities, which I understand follows an inspection of it and a review of relevant building regulation requirements for fire escape and evacuation. Nevertheless, the evidence before me indicates that the room could be used on a day-to-day basis at present for a range of activities normally associated with a home and, in doing so, people may well spend a reasonable amount of time within it. That access to the room is only through an adjoining room does not in my view diminish its potential value to existing and future users in this regard.

6. The proposal would significantly reduce the gap at first floor level between Nos 3 and 5 by introducing additional built form. The new first floor element would be directly opposite the window at close range. By effectively drawing the upper side elevation of No 5 much closer to the side of No 3, the new flank wall and roof would unacceptably dominate the outlook from the window. Due to its scale, height and position, the presence of the new built form would also be so imposing as to overbear on the occupiers of this adjacent property. The use of light-coloured render on the entire side elevation facing No 3 would not mitigate its harmful visual impact. The height and position of the new sidewall would also reduce the amount of natural light entering the room served by the window. The effect of overshadowing would exacerbate the visual impact of the new development, causing it to appear oppressive to the occupiers of No 3.

7. From the submitted plans, the proposed side extension would also project beyond the rear elevation of No 3 and so it is likely to be evident in oblique views from some of its rear windows and its back garden. Even so, the main direction of outlook from the rear windows of No 3 is likely to remain across its back garden and the source of light is unlikely to be significantly affected.

8. Nevertheless, I conclude on the first main issue that the proposed development would materially harm the living conditions of the occupiers of No 3. As such, it conflicts with Policy HC4 of A Local Plan for Sefton (LP) and the guidance within the Council's Supplementary Planning Document, *House Extensions* (SPD) insofar as they aim to safeguard residential amenity. It is also at odds with the National Planning Policy Framework (the Framework), which states that development should ensure a high standard of amenity for users.

Character and appearance

9. The appeal property is set back from the road behind gardens on a prominent corner plot at the junction of Ince Road and Chellowdene. From what I saw, a variety of low-level brick walls, fences, open frontages, and hedgerows broadly characterise the highway boundaries of properties in the vicinity of the site. These features positively contribute to a relatively informal, open character to the street scenes of which No 5 forms part and the local area.

10. Part of the new brick wall would extend along the back edge of the footway to Chellowdene. It would be noticeably taller and more substantial in-built form than the low-level wall that is currently in place along this boundary. From the road, the proposed wall would draw the eye as a rather stark, solid, formal barrier that would sharply contrast with the more informal, low-key frontage

boundaries that predominate locally. In that context, the new brick wall would be an obtrusive, incongruous and an unwelcome addition to the local area.

11. There are some properties in the vicinity of the site with substantial boundary walls and fences that are visible from the road, as the appellant points out and has provided photographs. However, these cases are isolated examples and atypical of the boundary treatment that characterises properties within the local area. In most cases, these walls and fences exemplify the harm to which I have referred and so do not lend support to the appellant's case.

12. The appellant also considers that a brick wall could be erected along the rear boundary of the site and set back from the site's boundary to Chellowdene through the exercise of permitted development (PD) rights. However, a PD compliant scheme would differ to the proposal before me, as would its visual impact and so these options are not directly comparable. The existence of PD rights is insufficient reason to permit unacceptable development.

13. On the second main issue, I conclude that the proposed boundary wall would cause significant harm to the character and appearance of the local area, in conflict with LP Policies EQ2 and HC4. These policies seek to ensure that development contributes positively to the character of the surroundings and require dwelling alterations to be in keeping with the local area. It is also at odds with the guidance within the Council's SPD, which notes that new walls should respect the design and character of the area and nearby properties.

Other matters

14. Once complete, the additional accommodation provided would improve the living conditions of the appellant. I also appreciate the appellant's desire to enclose the space at the side and rear of the property to create a larger area of private garden. However, these matters do not outweigh the significant harm that I have identified.

15. The Council raises no objection to the application of painted render to the enlarged dwelling, as proposed. I, too, find this element of the appeal scheme appropriate in design and general appearance. However, it is not clearly severable to the new side extension, which is objectionable. Consequently, I am unable to issue a decision that grants planning permission solely for it.

Conclusion

16. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR