

Appeal Decision

Site visit made on 11 May 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 01 June, 2023

Appeal ref: APP/Z4310/D/23/3317477

No. 6 Basil Road, Liverpool L16 5EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Steven Bray against the decision of Liverpool City Council.
 - The application, ref. 22H/2974, dated 22 October 2022, was refused by a notice dated 7 February 2023.
 - The development proposed is the construction of a pitched roof first floor extension at the rear and a single storey extension to the side.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a pitched roof first floor extension at the rear and a single storey extension to the side to the house at No. 6 Basil Road, Liverpool L16 5EJ in accordance with the terms of the application, ref. 22H/2974, dated 22 October 2022, 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: 00025-BR-03-00 - Existing Proposed Plans-P100; 00025-BR-03-00 - Existing Plans-P101; 00025-BR-03-00 - Existing Elevations-P102; 00025-BR-03-00 - Existing Elevations Demolition-P103; 00025-BR-03-00 - Proposed Plans Roof Plan-P104; 00025-BR-03-00 - Proposed Elevations-P105; 00025-BR-03-00 - Existing Proposed Sections-P106.

Main issue

2. The main issue derives from the Council's reason to refuse to grant planning permission. They said the first floor rear extension at No. 6 Basil Road would be an over dominant form of development that would detrimentally impact on the amenity of the neighbouring gardens and restrict the outlook of habitable rooms in houses in the adjoining road, Francis Way.

Considerations

3. No. 6 Basil Road is a 2 storey hipped roof semi-detached house. The neighbouring houses immediately to the south-west are the semi-detached pair of houses, Nos. 37 and 39 Francis Way, which rear elevations and gardens face north-eastwards towards the side elevation of No. 6 Basil Road. The gap between the 2 buildings was said to be 10.2m.

4. I can understand the Council's concern that Mr Bray's house extension project would harm the amenity of the close neighbours in Francis Way. But the combination of the 10m or so gap between the rear of Nos. 37 and 39 Francis Way and the side of No. 6 Basil Road and the fact that the proposed rear 2 storey projection at No. 6 will not close the gap between the properties, favours the project. Also, the new extension situated to the north-east of the Francis Way properties means there would be no reduction of sunlight at the rear of Nos. 37 and 39 Francis Way. The new extension would not cause any significant overshadowing or loss of light at the rear of those properties, particularly as No. 6 is set lower than the houses in Francis Way.
5. The Council's worry that the Francis Way neighbours' outlook towards No. 6 would be restricted is, in my view, misplaced and not an objection that weighs much against allowing the proposed extensions at No. 6. Indeed, habitable rooms in the rear elevations of Nos. 37 and 39 Francis Way, particularly those at No. 39, already overlook the side and rear garden of Mr Bray's home at No. 6 Basil Road, potentially impinging upon his family's privacy. Seeking to protect such possible overlooking seems inappropriate.
6. Subject to the imposition of the standard time limit on the permission, (s.91 (1) of the Act; para (5) - 3 years), and a condition requiring compliance with the application drawings, the appeal succeeds and planning permission is granted for Mr Bray's home extension scheme.

Conclusion

7. For the reasons outlined above, I conclude that the appeal should be allowed.

John Whalley

INSPECTOR