



Appeal Decision

Site visit made on 18 July 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/Z4310/D/23/3323516

2 Bracken Wood, Liverpool L12 0NG

- 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 Paul Owen against the decision of Liverpool City Council.
- The application Ref 23H/0863, dated 23 March 2023, was refused by notice dated 16 May 2023.
- The development proposed is a two storey extension to the side and a single storey extension to the rear of an existing dwelling.

Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to the side and a single storey extension to the rear of an existing dwelling at 2 Bracken Wood, Liverpool L12 0NG in accordance with the terms of the application, Ref 23H/0863, dated 23 March 2023, 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: 23-026-102; 23-026-110; 23-026-111; 23-026-112; 23-026-113; and 23-026-114.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The Council raises no issue with the single storey rear extension, and I see no reason to disagree with that assessment. Therefore, the main issue is the effect of the proposed first floor side extension on the living conditions of 6 Craven Lea, with regards to outlook and sunlight.

Reasons

3. The detached appeal property lies within a relatively modern residential area characterised by properties of a similar style, size and finish. The property fronts Bracken Wood, but the north-east facing flank elevation faces the rear elevation of No 6. Habitable room windows populate the ground and first floors of No 6, which also benefits from a conservatory and a rear garden. A tall fence extends between the two properties.
4. The side extension would be built above the existing single storey part of the dwelling, but its scale and massing would be subordinate to the host dwelling. However, the additional built form would be closer to the rear facing windows

in No 6 and its rear garden. A separation distance of around 6.9 metres to the conservatory in No 6, and around 10.9 metres from its windows in the rear elevation is estimated by the Council.

5. Although both parties refer to a separation distance of 15 metres, there is no such recommendation in the policy and guidance documents before me. Nonetheless, Policy H8 of the Liverpool Local Plan 2013 – 2033 (Local Plan) requires extensions and alterations to be designed so that there shall be no significant loss of light/overshadowing and overbearing or over-dominant effect on the habitable rooms or outdoor amenity space of neighbouring properties.
6. Supplementary Planning Guidance Note 1 (SPG1) contains a similar objective, but it explains that consideration will be given to the orientation and position of neighbours' windows in relation to the extension.
7. Owing to the resultant distances to the conservatory and rear facing windows in No 6, the proposed side extension would affect the living conditions of the occupiers of this property. This type of relationship is not unique, and the large expanse of brickwork that would form the new gable elevation would extend across the width of No 6's rear elevation and garden. That said, the appearance of the flank elevation is not new, it is the expanse of brickwork which would be closer. However, based on the site's specific circumstances, I do not consider that the side extension would cause a significant loss of light or be unduly overbearing. This is because of the orientation of the respective properties, the location of the side extension and its design. For the same reason, I consider that the occupants of No 6 would still retain a satisfactory garden space suitable for what is a family-sized dwelling.
8. For these reasons, I conclude that the proposed first floor side extension would not have a significant effect on the living conditions of No 6, with regards to outlook and sunlight. As such, the proposal would accord with Local Plan Policy H8 and SPG1. These jointly seek extensions and alterations to not cause a significant reduction in the living conditions of occupiers of neighbouring properties, with regards to loss of light/overshadowing and an overbearing or over-dominant effect.

Conditions

9. In the interests of certainty, I have imposed an approved plans condition. So that the extensions harmonise with the host property and the surrounding area, I have imposed a materials condition.

Conclusion

10. The proposal accords with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
11. For the reasons given above I conclude that the appeal should be allowed.

Andrew McGlone

INSPECTOR