

Appeal Decision

Site visit made on 19 July 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2023

Appeal Ref: APP/Z4310/D/23/3320335

12 Heydale Road, Liverpool, L18 5JQ

- 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 S Owen against the decision of Liverpool City Council.
 - The application Ref 23H/0027, dated 3 January 2023, was refused by notice dated 13 April 2023.
 - The development proposed is a double storey side and partial rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 14 Heydale Road with regard to outlook.

Reasons

3. The proposal includes alterations to the side and rear of this property but it is only the first floor element, that extends beyond the original rear building line and adjacent to the boundary with 14 Heydale Road, that is raised as a concern by the council. The property already extends to the boundary at this point but it would become two storey rather than the single storey of the existing.
 4. The neighbouring dwelling is set away from the shared boundary beyond the side passage which provides access from its front to the rear. A small relatively narrow shed is located on the boundary beyond the rear elevation of that house but is of a height lower than the dividing wall. It ensures that the nearest part of the neighbouring garden is not used for sitting out. The neighbouring house has a rear conservatory which is set further into the site, beyond the first rear facing window which serves the kitchen. The conservatory has its main aspect to the rear but it also has side windows and a glazed door that opens towards the proposed two storey structure.
 5. The proposed wall of the first floor extension, along the boundary, would be extremely imposing when in the area just to the rear of the neighbouring house and when in the kitchen and conservatory. The plans show that the new works would not breach a 45 degree line taken from what appears to be the centre of the kitchen window but it would nevertheless remain imposing when within that
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room. The current garden layout would ensure that the use of the nearest part of that garden would have a more limited impact than if the shed were removed but the new higher wall would, nevertheless, remain a very dominant feature. When within the conservatory and using its door to access the garden, the new structure would, due to its height and proximity, be overbearing.

6. Reference has been made to other extensions in the area but I have not been provided with specific details of permissions relating to them and I must in any event, consider this proposal on its own particular merits and the specific relationship with its neighbour. As the neighbouring residents have not extended across the full width of their house, they have retained an area to the rear of their kitchen which allows for an open aspect, particularly to their conservatory and kitchen but also this area of garden. A second storey to the corner area of the existing extension would be unacceptably overbearing and would be harmful to the living conditions of those residents with regard to outlook.
7. The most relevant policy of the Liverpool Local Plan 2013-2033 (2022) is policy H8 which refers to house extensions. Section c.(ii) seeks to resist extensions that reduce the living conditions of neighbouring occupiers with specific regard to being overbearing or over-dominant; and the effect on habitable rooms and outdoor amenity space. I find clear conflict with regard to the impact on the conservatory and garden area of the neighbouring property in particular. The reduced outlook from the kitchen adds to his concern. As this policy accords with the aspirations of the *National Planning Policy Framework*, with regard to amenity, I afford it full weight.
8. Whilst I have considered the matters put forward in support of the proposal, these are not sufficient to outweigh the particular concern regarding the two storey height of the rear corner element of the proposal. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR