



Appeal Decision

Site visit made on 12 December 2023

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 December 2023

Appeal Ref: APP/M4320/W/23/3319731

5b Manchester Road, Southport PR9 9EP

- 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 Douglas Grogan against the decision of Sefton Metropolitan Borough Council.
 - The application Ref DC/2022/01953, dated 6 October 2022, was refused by notice dated 16 December 2022.
 - The development proposed is the erection of an outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have not included the full description of development from the appellant's planning application form as it makes reference to the proposal being retrospective and that is not in itself development. I was able to see on my site visit that the development has taken place and therefore I have determined this appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the ground floor flat at 5 Manchester Road, with particular regard to outlook and privacy.

Reasons

4. The appeal is for a timber-built outbuilding in the garden belonging to 5b Manchester Road, an upstairs flat in a block of two flats within a detached property. A separate part of the outdoor area and gardens surrounding the detached property belong to the ground floor flat at 5 Manchester Road. Although the two flats each have their own garden area, there are no distinct boundary treatments separating the two individual gardens at the location of the proposed outbuilding.
5. The outbuilding is situated less than 6m from the side elevation of the ground floor flat, and directly faces a bedroom and kitchen window. The maximum height of the outbuilding is approximately 2.5m and it is over 4m wide. The outbuilding's location at relatively close quarters to the ground floor flat's habitable windows is oppressive and has an overbearing impact. Given its proximity to the windows of habitable rooms, with no planting or screening between to soften the impact, the outbuilding is insensitively located within the

garden plot, and unduly dominates and diminishes the outlook from the ground floor flat.

6. The front elevation of the outbuilding has one window with four panes and a double door which has eight windowpanes. The glazing has been frosted, but nonetheless, the presence of windows directly facing the habitable rooms of the ground floor flat leads to a perception of overlooking and a loss of privacy to the occupiers of the ground floor flat. Furthermore, the doors of the shed could be opened which would allow direct views from the outbuilding into the ground floor flat.
7. I acknowledge that there was a willow tree in the garden previously, but I consider that the outlook on to a tree cannot be directly compared visually to that of a solid structure such as the outbuilding. I also note reports that the occupiers of the ground floor flat once parked their caravan on the site of the appeal proposal. However, this would not have led to an impression of overlooking or a loss of privacy.
8. As such, I find that the proposed development would not provide adequate living conditions for the occupiers of the ground floor flat at 5 Manchester Road, in relation to outlook and privacy. As such the proposal would not accord with Policy H4 of the Sefton Local Plan (2017) which seeks to ensure that outbuildings do not reduce the living conditions of occupiers of neighbouring properties with particular regard to loss of outlook, loss of privacy or by having an over bearing or over-dominant effect on neighbouring properties' habitable rooms.

Other Matters

9. I note that there are no design, heritage, highway or parking concerns, and that the proposed development would not result in a loss of light to the ground floor flat. However, such lack of harm means that these are neutral matters within the planning balance.
10. I have noted the concerns raised by interested parties. However, as I have found the proposal to be unacceptable on the main issue, it is not necessary for me to explore these matters further. However, many of the issues raised, including but not limited to the general maintenance of the two flats; washing lines; property deeds and general neighbourly relations are not planning matters and have had no bearing in the determination of this appeal.

Conclusion

11. For the reasons that I have set out, I conclude that the proposal would conflict with the development plan taken as a whole and there are no material considerations to indicate that a decision should be made other than in accordance with it. Therefore the appeal is dismissed.

L C Hughes

INSPECTOR