
Appeal Decision

Site visit made on 23 March 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th April 2024

Appeal Ref: APP/Z4310/D/23/3333444

1 Elder Gardens, Liverpool, Merseyside L19 9DJ

- 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 Mrs Anet McLoughlin against the decision of Liverpool City Council.
 - The application Ref 23H/1764, dated 16 July 2023, was refused by notice dated 10 November 2023.
 - The development proposed is described as 'demolition of ground floor side extension and erection of double storey side extension to dwellinghouse, pave front garden for off road parking spaces'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of double storey side extension to dwellinghouse, pave front garden for off road parking spaces at 1 Elder Gardens, Liverpool, Merseyside L19 9DJ in accordance with the terms of the application, Ref 23H/1764, dated 16 July 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 Rev B and 4 Rev B.

Main Issue

2. This is the effect of the appeal proposal on the living conditions of the occupiers of No 75 Darby Road (No 75).

Reasons

3. The appeal property (No 1) stands within a residential area containing similar houses. The flank wall of No 1 faces the rear elevation of properties in Darby Road, of which No 75 is the closest. This type of relationship between houses at the junction of two roads is not unique. Indeed, a recent appeal decision relating to 2 Bracken Wood, Liverpool (APP/Z4310/D/23/3323516) has been referred to in evidence. In that appeal, the relationship between the neighbouring properties was similar to the appeal proposal.

4. In summary and among other things, Policy H8 'House Extensions' of the Liverpool Local Plan 2013–2033 (LP) requires extensions to be designed so that there is no significant overbearing or over-dominant effect on the habitable rooms or outdoor amenity space of neighbouring properties. Supplementary Planning Guidance Note (SPG) 1 has a similar objective, noting that consideration will be given to the orientation and position of neighbours' windows in relation to extensions.
5. SPG1 also indicates that proposals for the extension of houses should have regard to the Council's interface distances set out in SPG10 'New Residential Development'. As I have not been provided with this document, I am unable to determine with any certainty its relevance to relationships between existing buildings, rather than entirely new-build schemes. Nonetheless, both parties refer to a required separation distance of 15m as set out in SPG10.
6. The proposed extension would infill most of the space between No 1 and the side boundary which currently contains a single storey side extension. The proposed extension would be some 7m from the rear ground floor windows of No 75. The ground floor of No 75 has been extended towards its rear boundary, thereby reducing the distance between the two properties. As there is already a single-storey extension at the side of No 1, that relationship would be little changed. In these circumstances, and as No 75's rear ground floor windows are not in an original location, the distance between the ground floor element of the proposed extension and the ground floor windows of no 75 are not determinative in this appeal.
7. Turning to the effect of the proposed extension on the first-floor windows of No 75, the distance between them would be about 12m, whereas SPG10 requires a 15m separation. The brickwork on the new gable elevation would extend across the width of No 75's rear elevation and garden. Its appearance would be little changed, although it would be closer.
8. The nearness of the additional storey would inevitably change the relationship between the properties, particularly in respect of the outlook from the ground and first floor windows and garden. However, the appeal evidence and the site-specific circumstances including the orientation of the respective properties, the location of the side extension and its design, lead me to conclude that the proposed extension would be a sufficient distance from the rear windows of No 75 to prevent an unacceptably overbearing effect.
9. For the foregoing reasons, I conclude that the proposed extension would not appear visually or physically overbearing from the rear windows or garden such as to significantly harm the living conditions of the occupiers of No 75. The proposal therefore accords with LP Policy H8 and SPG1 and the broad aims of SPG10. Having regard to all other matters raised, the appeal is allowed.
10. A condition is necessary to require the use of matching materials to preserve the character and appearance of the surrounding area. I have included a condition identifying the approved drawings for the avoidance of doubt and in the interests of proper planning.

Elaine Benson

INSPECTOR