



Appeal Decision

Site visit made on 17 June 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 17th July 2024

Appeal Ref: APP/P4320/D/24/3341511

8 Hastings Road, Birkdale PR8 2LS

- 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 David Vidheon against the decision of Sefton Council.
 - The application Ref: DC/2023/02023 dated 20 November 2023 was refused by notice dated 17 January 2024.
 - The application is for proposed alterations to safety balustrade at first floor balcony and extension to balcony.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposal upon the living conditions of neighbours.

Reasons

3. The appeal property is a two storey detached house that has seen significant modification over recent years from its origins as a Mock Tudor, Arts and Crafts inspired property to that of a more modern looking off white rendered house. The property is set back from the road where the front garden is almost wholly hardstanding for vehicles and to the rear there is a generous garden that is partially terraced as it extends away from the property.
4. The property has previously been extended with a two storey extension to the side and rear and a single storey extension also to the rear that has seemingly been constructed along the back length of the house¹. As part of this application there was access to part of the central area of the flat roof rear extension from first floor rooms. This accessible area appears to have been originally intended to halt around the start of the first floor projecting wing adjacent to the neighbouring house at number 6. The balcony rail effectively now divides this space in two but work has since been undertaken to rail off the area in front of this projection in order to make the area safe should emergency access be required to the first floor bedroom here. It is this area of balustrade, and its associated potential use as a balcony, that is the main subject of this appeal.

¹ Application approved 2020 reference number DC/2020/00757

5. In assessing this scheme, although I understand that the bedroom here requires a means of escape, I am at pains to find a way that such means of escape could reasonably and fully exclude those occupying this part of the property from using the roof space as an informal amenity area. This is especially true in light of the need to maintain this access open at all times. As such I am obliged to assess this scheme based upon what I consider is the high likelihood of this space being used as a balcony which people could occupy.
6. I saw on my site visit that the appeal property is located due south to that of number 6 next door over who's garden the balcony currently overlooks. Number 6 has a single storey extension to the nearest part of the ground floor here and another room at first floor level. As a result of the extensions to the appeal site, this room appears to be set back considerably from the rear façade of the single storey ground floor projection at the appeal site.
7. Through wishing to maintain this area of roof as a balcony, whether formal or informal, there are two issues at stake. Firstly, there would be a considerable impact upon the living conditions of neighbours at number 6 through overlooking that could very easily occur by anyone who was to stand at such a height, so close to the common boundary. Secondly, were there to be erected a 1.7m obscure glazed screen here, as proposed to protect this amenity, the addition of a further projection would potentially result in further issues through over dominance and perhaps some over shadowing due to the height and extent of the proposed railings.
8. In assessing these issues I concur with the Council that considerable overlooking would occur over the neighbours garden were the scheme to be left as it is. As such some form of shielding would be required to be effective in mitigating such an impact. However, the added protrusion of a further obscure screen here would, although lightweight and partially transparent, lead to a sense of further enclosure from this elevation which would also be harmful and would result in an over dominant impact upon those occupying number 6.
9. As mentioned above, although this area would, with the best of intentions, only be used as emergency escape, in reality there would be no way to enforce or ensure such use was only for emergency purposes. As a result I find that the scheme before me would, on balance, constitute a harmful impact upon the living conditions of neighbours and that, as a result, this proposal would be in conflict with Policy HC4 of the Sefton Local Plan and the Council's own Supplementary Planning Document on House Extensions. As such the appeal must fail.

Conclusion

10. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR