



Appeal Decision

Site visit made on 1 October 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/Z4310/D/24/3343945

32 Woburn Hill, Liverpool L13 6RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Neil Pennington against the decision of Liverpool City Council.
 - The application Ref is 24PH/0072.
 - The development proposed is a single storey rear extension projecting 4.3 metres from the rear elevation. Lean to pitched roof with 5 no. roof lights.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a single storey rear extension projecting 4.3 metres from the rear elevation. Lean to pitched roof with 5 no. roof lights at 32 Woburn Hill, Liverpool L13 6RL in accordance with the application 24PH/0072 made on 10 January 2024 and the details submitted with it including Location Plan (Scale 1:1250), Block Plan (Scale 1:500), Dwg No's: 01, 02, 03 and 04 pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Background and Main Issue

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
3. I consider that the main issue in this appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and the impact of the proposed development on the amenity of neighbouring occupiers at 30 and 34 Woburn Hill with regard to outlook and sunlight.

Reasons

4. The appeal property is a semi-detached dwelling which is situated on the southern side of Woburn Hill. The adjoining property, 34 Woburn Hill has no rear additions and at ground floor level, has glazed doors that serve a living room closest to the boundary with the appeal property.

5. The proposed extension would occupy the full width of the appeal property at the rear and would extend to a depth of 4.3m. Although it would be positioned along the boundary with No. 34, given the height of the extension, and the size and position of this neighbouring property's glazed doors relative to the proposal, I do not consider that it would give rise to an unacceptable overbearing impact. There are a number of ground floor windows on the rear elevation of No. 34, but these are further away from the appeal property than the glazed doors and there would therefore be no harmful effect on outlook.
6. The relative position of the proposed extension to the neighbouring property at No. 34 would result in some effect on sunlight but this would be limited to later in the day. The appellant has referenced the 45-degree angle test from the Building Research Establishment (BRE) *Site layout planning for daylight and sunlight*, with the submitted plans illustrating in the elevation form that the angle would not be breached and with a limited incursion in the plan form. As such, the extent of additional overshadowing to No. 34's living room area would be limited. Given the large size of this neighbouring property's rear garden, and that the proposed extension would only extend along a small section of the boundary to it, the large majority of this garden area would continue to receive adequate sunlight.
7. The other neighbouring property, No. 30 Woburn Hill is not attached to the appeal dwelling and this neighbouring building is set away from the proposed extension with an intervening tall brick boundary wall. The proposed development would thus not have an overbearing impact on the occupiers of No. 30.
8. In conclusion, the proposal would not have an unacceptable impact on the amenity of neighbouring occupiers at 30 and 34 Woburn Hill with regard to outlook and sunlight. As such, it would be compliant with, insofar as it is a material consideration, Policy H8 of the Liverpool Local Plan 2013-2033, which seeks, amongst other matters, for extensions to have no significant reduction in the living conditions of the occupiers of neighbouring properties. Although there would be some conflict with the House Extensions Supplementary Planning Guidance Note 1 (SPG) insofar as the projection of rear extensions, this is guidance and not policy, which would not in any event be determinative for this prior approval case. In any event, the proposed development would not be contrary to the aims of the SPG, which include ensuring extensions do not overshadow or have an overbearing effect on neighbouring properties to the detriment of residential amenity.

Other Matters

9. Reference has been made by a neighbour to party wall matters and other works at the appeal property, but as my determination rests on the criteria set out in the GPDO and specifically to the proposed rear extension subject of this appeal, these matters do not have a bearing on my decision.

Conditions

10. Conditions have been suggested, including commencement of development, and matching materials. However, these are all matters addressed in provisions of the Order and are therefore not necessary in this case.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR