

Appeal Decision

Site visit made on 25 October 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2024

Appeal Ref: APP/Z4310/D/24/3347467

57 Sherwoods Lane, Liverpool L10 1LN

- 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 Jack Hillyard against the decision of Liverpool City Council.
 - The application reference is 24H/0330.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 57 Sherwoods Lane, Liverpool in accordance with the terms of the application, reference 24H/0330, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, Layout plan, 184-P01 and Side elevation drawing (illustrative combined elevations).

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 55 Sherwoods Lane with regard to outlook.

Reasons

3. The council accept that the rear extension would not be visible from the wider public domain and would respect the character and visual appearance of the host property and the surrounding area. Their concern is that the depth would cause harm to the visual amenity of the neighbouring property. As the proposal would not result in any harm to the character or appearance of the area and would be of a suitable design for a rear extension, it would not conflict with the design aspects of policies UD1 and UD7 of the Liverpool Local Plan 2013-2033 (2022)(LP).
 4. The extension would be built close to the boundary with 55 Sherwoods Lane. That property has an existing extension of a similar depth. Although it is set away from the boundary, the narrow retained gap is filled by a high enclosed
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cage like structure. The lawfulness of that structure is not clear. In any event, although not solid, it significantly limits the outlook from the partially glazed rear door that provides access to it. The proposed extension would not materially alter this situation. The neighbouring extension also has a side facing window which faces the boundary fence and the area within the enclosed cage. Whilst I do not have details of the internal layout of the neighbouring extension, it does benefit from glazed doors and windows to the rear. The side windows offer little further benefit given the enclosed nature of the narrow, enclosed, side passageway.

5. The council make reference to the proposal extending beyond three metres in depth which is referenced in their Supplementary Planning Guidance Note 1: House Extensions (SPG). It has not been made clear whether an extension limited to this depth would require permission. The impact on light and outlook from such an extension would not differ materially from the current proposal. In any event, the neighbouring residents have indicated that they support the proposal as it would not result in harm to their living conditions and there is nothing before me to suggest that this assessment is incorrect. Given the nature of the existing arrangements, the side passageway offers little amenity in terms of outlook to the living conditions of the neighbouring residents. The addition of this proposal would only slightly alter this existing situation. The function of the caged passageway would also not be materially altered.
6. Given the above, the proposal would not be overbearing and would not materially alter the outlook for the neighbouring residents. It would not therefore result in unacceptable harm to the living conditions of the residents of 55 Sherwoods Lane. There would therefore be no conflict with the amenity requirements of LP policies H8 or UD7.
7. The reasons for refusal do not make reference to the council's SPG. I am not clear of the status of this document but in any event, as its purpose is to protect the amenity of adjacent occupiers and to ensure that proposals do not detract from the character of residential areas, the development would not conflict with its aspirations. I also find no conflict with the requirements of the *National Planning Policy Framework 2023*.
8. In conclusion, as there are no matters that weigh significantly against the proposal, I allow the appeal.
9. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. Only one side elevation is shown which appears to combine the two elevations. However, this can be understood when cross referenced with the floor plan. The side elevation drawing includes an annotation regarding materials and as such, no further conditions are necessary.

Peter Eggleton

INSPECTOR