
Appeal Decision

Site visit made on 20 November 2024

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2024

Appeal Ref: APP/Z4310/D/24/3350426

19 Spurgeon Close, Liverpool L5 4TF

- 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 Lorraine Cavanagh against the decision of Liverpool City Council.
 - The application Ref 24H/0913, dated 2 April 2024, was refused by notice dated 20 June 2024.
 - The development proposed is single storey rear extension and conversion of loft with rear dormer.
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Decision

1. The appeal is allowed. Planning permission is granted for single storey rear extension and conversion of loft with rear dormer at 19 Spurgeon Close, Liverpool in accordance with the terms of the application Ref 24H/0913, dated 2 April 2024 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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 and documents: 001, 002 & 003.
 - 4) The rear dormer hereby permitted shall not be occupied until the window within the rear dormer serving the bathroom has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issues

2. The main issues are the effect of the rear dormer window on the character and appearance of the area and its effect on the living conditions of occupiers of nearby properties.

Reasons

Character and appearance

3. The appeal property is set within a well built up residential area where properties are set close together incorporating modern dwellings. Whilst the dormer would be well sized and would occupy a large proportion of the rear roof slope of the dwelling, dormer windows of a similar style and appearance are already in place on properties close to the appeal site. At least one of those dormer windows is visible from the public domain. They form part of the established character and appearance of the area. I therefore conclude that the introduction of the dormer window would not cause any harm to the character and appearance of the area.
4. There would subsequently be no conflict with Policy H8 of the Liverpool Local Plan (2022) (LLP) which amongst other things states amongst other things that extensions and alterations to dwellinghouses will be approved where the size, scale and materials of development are in keeping with the original dwelling and the surrounding area. There would also be no conflict with Policy UD1 of the LLP which amongst other things requires the local grain and pattern of development as well as street character to be taken into account.

Living conditions

5. Residential properties to the rear of the appeal site are reasonably closely clustered and being in the main two story properties, there will to an extent already be an existing degree of overlooking to areas to the rear of those properties. The dormer window would be set a significant distance back from the boundary of the appeal site with the property to the rear, limiting opportunity for overlooking.
6. The area to the rear of the neighbouring property at No. 8 Hamilton Road (No.8) differs however in that the rear garden area is currently largely private due to the position and window arrangements on nearby dwellings. The introduction of the dormer window would allow some overlooking into the rear garden.
7. However, the larger window in the dormer close to that property would serve a bedroom and generally, a bedroom would be less likely to be in use during the daytime, when a garden would be most likely to be in use. The appeal site and the neighbouring property also fall within a reasonably densely developed urban area. The dormer window would not cover the whole roof slope and it would be set no higher than the existing ridgeline.
8. I therefore conclude that the proposal would not have an adverse impact on the living conditions of the occupiers at No.8 or other nearby properties with regard to overlooking, privacy or any other impact. Further, the dormer window would not form an overbearing or over dominant feature as a result of its design characteristics.
9. There would subsequently be no conflict with policies H7 and H8 of the LLP which amongst other things state that within the primary residential areas, planning permission will be granted for development provided there is no adverse impact on residential amenity or the character of the area and with regard to house extensions where the extensions and alterations are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties.

Other Matters

10. I accept that the plot would be well developed were the extensions and alterations under this proposal to go ahead. However, the plot would retain a small rear garden area, driveway, and well sized front garden. The proposal would not therefore represent overdevelopment when considering the site as a whole. I cannot afford any significant weight to concerns over loss of value of property.

Conditions

11. Planning permission is granted subject to the standard three year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. It is also necessary that the materials to be used in the construction of the external surfaces of the development hereby permitted should match those used in the existing building. A condition is necessary to ensure that the bathroom window within the dormer would be fitted with obscure glazing in the interests of the living conditions of nearby occupiers.

Planning Balance and Conclusion

12. I have not identified conflict with the development plan and there are no considerations that indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T Burnham
INSPECTOR