



Appeal Decision

Site visit made on 16 February 2025

by A Hartley LLB (Hons) Solicitor MBA

an Inspector appointed by the Secretary of State

Decision date: 06 March 2025

Appeal Ref: APP/Z4310/D/24/3355518

51 The Oaks Liverpool L12 0PQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Williams against the decision of Liverpool City Council.
 - The application Ref is 24H/1770
 - The appeal development is the installation of a first-floor balcony at the rear.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. The National Planning Policy Framework (the Framework) has been updated since the appeal representations were made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph references) it was not considered necessary to seek further comment.
3. At the site visit I noted that a first-floor balcony had been constructed at the rear and appeared to accord with the submitted plan. I also viewed the appeal development from the rear garden of No. 60 Woodvale Road, where I could also observe the relationship between the rear garden of No. 62 Woodvale Road and the appeal development.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of adjacent properties and Nos 60 and 62 Woodvale Road with particular regard to privacy.

Reasons

5. The appeal property is a substantial detached property, with Nos 49 and 51 The Oaks having been converted into a single dwelling, extended, and now known as No. 51 The Oaks (No. 51). The neighbouring property is No. 47 The Oaks (No. 47). To the rear of the appeal property, in an elevated position, is a small pair of semi-detached bungalows comprising Nos 60 and 62 Woodvale Road (Nos 60 and 62). The rear gardens of the bungalows face the rear elevation and garden of No. 51.

6. The appeal development introduces a first-floor balcony to the rear of the appeal property nearest to the boundary with No. 47. The balcony projects approximately 1.82 metres from the rear elevation of the appeal property. It is approximately 2.66 metres high from ground level to the base of the platform. The total height of the balcony is approximately 3.99 metres.
7. The rear elevation of No. 47 is set back from that of No. 51 so that there is no overlooking into the habitable room windows of No.47 from the balcony. However, due to the height from the ground to its base and the position of the balcony near the boundary with No. 47, it affords views of the outdoor rear amenity space of No. 47.
8. The rear elevation of No. 60 Woodvale Road includes patio doors to the living area at the rear. The balcony enables views of the patio doors and the rear garden. No. 62 Woodvale Road is directly behind the appeal property. The evidence states that when the appellant is using the balcony, one of the occupiers of the bungalows has closed their blinds due to a sense that their privacy is being invaded in a main habitable room of their small property and feels unable to open the bathroom window due to the sense the appellant is able to view inside from the balcony.
9. The views from the balcony differ from the views available from within the first-floor bedroom of the appeal property as a wider angled view is achieved, and it is closer to the rear boundary. The purpose of the balcony is stated to be for the appellant to enjoy sitting in the sunshine and therefore it is likely the use of the balcony provides for prolonged viewing.
10. Even with the addition of screening to the side of the balcony and planting, I find that due to the height and position of the balcony, the resultant overlooking to the rear garden of No. 47 adversely affects the privacy of the occupiers of No. 47 and thus has an unacceptable effect on their living conditions.
11. Due to the difference in ground levels between the appeal property and the bungalows at Nos 60 and 62 Woodvale Road, I find that any additional planting would not prevent views from the balcony into the rear gardens and the habitable room windows on the rear elevations of those properties. The existing fencing and planting within the gardens of the bungalows only afford limited screening and the trees appear to be deciduous. Overall, I find that the appeal development causes unacceptable harm to the level of privacy that should be afforded to the occupiers of Nos 60 and 62, both within and outside their properties and therefore has an unacceptable effect on their living conditions.
12. Consequently, the proposal would conflict with Policy H8 of the Liverpool Local Plan (2022) as it gives rise to a significant reduction in the living conditions of neighbouring properties. It also conflicts with the Framework, which seeks a high standard of amenity for existing and future occupiers.

Other Matters

13. My attention has been drawn to examples of other balconies. Those in Waterstone Close and Oakgate Close are not comparable, appearing to be a feature within the original design of apartment buildings. The example in Dalcross Way also differs in context as it is within a front elevation overlooking the highway. The development at 29 The Oaks concerns a dormer window. I do not find the examples to be relevant

to the proposal before me and I have therefore attached no weight to these in reaching my decision.

14. That the balcony is already in situ is not relevant to my determination of this appeal and is a matter to which I attach no weight in making my decision.
15. The appellant expresses disappointment in relation to the Council's handling of the planning application and previous planning decisions regarding the construction of the bungalows to the rear and an approved extension. These matters are outside the scope of this appeal.

Conclusion

16. In conclusion, having regard to all representations made, I find that the appeal development conflicts with the development plan as a whole and with the provisions of the Framework. There are no material considerations that would justify a decision other than one in accordance with the development plan. Therefore, the appeal should be dismissed.

A Hartley

INSPECTOR