



Appeal Decision

Site visit made on 17 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/M4320/D/24/3355131

9 Birch Green, Sefton, Formby L37 1NG

- 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 Dave Sixsmith (JTD Estates Ltd) against the decision of Sefton Council.
 - The application Ref is DC/2024/01520
 - The proposed development is for a first-floor extension to the side of the dwellinghouse.
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Decision

1. The appeal is allowed, and planning permission is granted for a first-floor extension to the side of the dwellinghouse at 9 Birch Green, Sefton, Formby L37 1NG in accordance with the terms of the application reference DC/2024/01520, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans Ref: proposed first floor plan (12); proposed front (west) elevation (13); proposed rear (east) elevation (14); proposed side elevations (15); proposed roof plan (16); proposed site block plan (17); location plan (18).
 - 3) 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows or dormer windows shall be constructed on the side elevation of the extension hereby approved.

Preliminary Issue

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.

Main Issue

3. The main issue is the effect of the proposal on the existing living conditions of the occupiers of No. 7 Birch Green (No. 7), with particular regard to outlook.

Reasons

4. The appeal property is a two-storey detached dwelling in a generous plot. The surrounding area is residential. There are dormer windows at the first floor of the neighbouring property at No. 7, facing the side elevation of the appeal property. These dormer windows face a blank elevation to the appeal property, save for a window opening serving the landing. The existing distance between the dormer windows and the side elevation falls short of the recommended 12 metres, at approximately 8 metres.
5. There is an extant planning permission for a first-floor side extension that was granted on appeal¹. That appeal decision is relatively recent and is a material consideration to which I attach significant weight. I concur with the findings of the Inspector in that case. The approved first-floor side extension would reduce the separation distance further but would not affect the oblique views from the dormer windows at No. 7 of the front and rear gardens of No. 9 and beyond. I find the impact on those oblique views to be the critical issue to address in considering the effect of the appeal proposal on the existing living conditions of the neighbours.
6. The difference between the approved first-floor extension and the appeal proposal is that the appeal proposal would extend rearward approximately 8.8 metres, as opposed to 5.6 metres, the ridge height would increase and there would be an obscure glazed window in the side elevation serving an ensuite bathroom.
7. My attention is drawn to the plan titled *Proposed Combined Site and Block Plan (Dwg No. 17)* that demonstrates that the oblique view from the rearward dormer window of No. 7 would be maintained, notwithstanding the increased depth of the extension. The submitted *Shade Report* demonstrates that there would be no significant detrimental effect on the living conditions of the occupiers of No.7 by reason of overshadowing.
8. Although the proposed window opening in the side elevation would be closer to No. 7 than the existing landing window, it would be obscure glazed. I do not consider that the increased proximity of the elevation and obscure glazed window would significantly reduce the existing heavily compromised outlook from the dormer windows at No. 7 to a significant degree. However, I find it necessary to remove permitted development rights to prevent further window openings being constructed in the side elevation to maintain the resultant level of privacy.
9. I have had regard to the existing heavily compromised outlook from the dormer windows of No. 7, the evidence that the oblique views would be maintained, and there would be no unacceptable overshadowing. Overall, I find that the appeal proposal would not result in a significant loss of outlook from the side dormer windows of No. 7, and therefore the proposal would not have an unacceptable effect on the existing living conditions of the occupiers of No. 7.

¹ APP/M4320/D/22/3308137

10. Consequently, the proposal would comply with Policy HC4 of the Sefton Local Plan (2017), the Sefton Council Supplementary Planning Document – House Extensions (May 2023), Policy ESD2 of the Formby and Little Altcar Neighbourhood Plan (2019) and the Framework, all of which seek a high standard of amenity for existing and future occupiers.

Conditions and Conclusion

11. In addition to the standard time limit condition, I have imposed a condition specifying the plans in the interests of certainty; a condition to require matching materials in the interests of visual amenity, and a condition to control the construction of additional window openings in the side elevation to maintain levels of privacy.
12. In conclusion, having regard to all representations made, I find that the appeal development complies with the development plan as a whole and with the provisions of the Framework. Therefore, the appeal should be allowed.

A Hartley

INSPECTOR