



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: 17 March 2025

Appeal Ref: APP/Z4310/D/24/3355078
25 Greenacre Road, Liverpool L25 0LD

- 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 Ms Rebecca Telford against the decision of Liverpool City Council.
 - The application Ref is 24H/1273.
 - The proposed development is for a two-storey side extension and part two/ part single-storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey side extension and part two/ part single-storey rear extension at 25 Greenacre Road, Liverpool L25 0LD in accordance with the terms of the application reference 24H-1273 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Elevations 24-006(05)002 Rev P03 (as revised to incorporate single storey rear extension at eastern boundary).

Existing and Proposed Ground Floor GA Plan 24-006(04)001 Rev P04.

Existing and Proposed First Floor GA Plan 24-006(04)002 Rev P05.

Site Location Plan 24-006(01)001-P01.
 - 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.

Preliminary Issues

2. There are two submitted plans with the same title and reference numbers. For the avoidance of doubt, I have considered the proposal shown on the Proposed Elevation Plan 24-006(05)002 Rev P03. This Plan was updated by the appellant's agent to address the Council's concerns by moving the two-storey part of the rear extension away from the shared boundary with No. 27 Greenacre Road (No. 27)

and was submitted to the Council on 17 July 2024 and was before them when they made their decision. The plan shows inter alia a two-storey side and single-storey rear extension on the eastern boundary with No. 27.

3. The description of development set out in the application form refers to a single storey rear extension. However, due to the submission of the amended plans, this is no longer entirely accurate, as the proposed rear extension would include a two-storey element. I have therefore used the description of development from the Notice of Decision in the Banner Heading and Decision above as this more accurately describes the amended proposal.

Main Issue

4. The Council considers the proposed rear extension to fully comply with Policy H8 of the Liverpool Local Plan (2022) (LP), as it would meet the guidance set out in the Supplementary Planning Guidance Note 1 – House Extensions (2001) (SPG). From the evidence before me and my observations on site, I can find no reason to disagree. The Council only raises concern regarding the two-storey side extension. This is reflected in its reason for refusing the proposal, which only refers to the two-storey side extension.
5. In this context, the main issue in this appeal is the effect of the proposed two-storey side extension on the living conditions of the occupiers of No. 27 in particular, regarding light and outlook.

Reasons

6. No. 27 has a single-storey side extension that abuts the shared boundary with the appeal property. There is a kitchen window in the rear elevation of that extension. As a result of the staggered alignment of the rear elevations of the appeal property and No. 27, the proposed side extension would protrude further than the rear elevation of No. 27. Given this, it would have a similar effect to a two-storey rear extension. Therefore, the Council has applied that part of the SPG relating to two-storey rear extensions. The proposed two-storey side extension would not meet the requirements of that part of the SPG as it would protrude further than the rear elevation of No. 27 and is within three metres of the shared boundary.

Light

7. Notwithstanding the conflict with the SPG identified by the Council, the main parties agree that the proposed side extension would not obstruct a 45-degree line of sight from the centre of the kitchen window. The 45-degree rule is not referred to in Policy H8 of the Local Plan or the SPG. Nonetheless, it is often used in practice to assess the impact of new development on the sunlight received by the existing windows of neighbouring properties and therefore is a useful guide to indicate whether the proposed extension would affect the sunlight received by the kitchen window.
8. Paying regard to this, and factors including the open aspect of the rear gardens and the general prevailing light conditions in this residential area, notwithstanding the proximity to the boundary and the length of protrusion to the rear, it is unlikely that the proposed extension would block a significant amount of light from entering the kitchen window at No. 27.

Outlook

9. At the site visit I saw that the appeal property and its neighbour, No. 27, have generous rear gardens in relation to the size of the properties and to the rear of the gardens the existence of mature trees and open space creates a verdant and pleasant outlook. There is also an open view across to the east of the rear garden of No. 27 from its kitchen window. Within this context, although the two-storey extension would be visible from the kitchen window of No.27, the change to outlook would not be so significant as to create an overbearing effect. This is due to the more limited extent of protrusion of the two-storey extension that would be visible from the window of No. 27 and the remaining high quality of outlook across to the east of the garden of No. 27.
10. Overall, I find that the proposed two-storey side extension would not have an unacceptable effect on the living conditions of the occupiers of No. 27 in relation to light or outlook.
11. Consequently, the proposal would comply with Policy H8 of the LP as it would not give rise to a significant reduction in the living conditions of neighbouring properties, a significant loss of light or overshadowing for neighbours, or an overbearing effect on the habitable rooms of neighbouring properties.

Conditions and Conclusion

12. I have had regard to the conditions proposed by the Council. I have imposed a condition specifying the approved plans as this provides certainty and a condition requiring materials to match those of the existing dwelling in the interests of visual amenity.
13. In conclusion, having regard to all representations made, I find that the appeal development complies with the development plan. Therefore, the appeal should be allowed.

A Hartley

INSPECTOR