



Appeal Decision

Site visit made on 20 March 2025

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 4 April 2025

Appeal Ref: APP/M4320/D/24/3357891

91 Field Lane, Litherland L21 9QB

- 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 Faye Shannon against the decision of Sefton Council.
 - The application Ref is DC/2024/01604.
 - The development proposed is the erection of a two storey side extension to the side and single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In December 2024, the Government published its revised National Planning Policy Framework (the Framework). In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework and that no party would be disadvantaged by such a cause of action.
3. An amended plan showing changes to the design of the proposed scheme together with amended fenestration was received by the Council during the course of the application. I have considered the appeal based on the amended plan.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwelling, 93 Field Lane.

Reasons

5. The appeal property, No 91 Field Lane (No 91) is a two storey end terrace property fronting Field Lane. It differs from that of its non attached neighbouring property, No 93 Field Lane, (No 93) whose front elevation faces the canal. As such the respective rear gardens of the two properties are adjacent to each other, albeit separated by a narrow pathway.
6. The proposed two storey and single storey rear extension would be sited up to the side boundary of No 91 and would extend along much of the side of the rear garden of No 93. However, the proposed development would be single storey in height for some of this length and although it would be a more prominent feature than the existing garage/storage room, the orientation from the rear windows of

habitable rooms in No 93 draw the outlook to the rear garden and beyond.

Therefore, whilst the proposed extensions would result in some additional sense of enclosure to one side, the wider outlook from the rear of No 93 would not be significantly compromised as a result of the development. Further, given both the attached neighbouring dwellings of Nos 91 and 93 are three storey developments any overshadowing or loss of daylight as a result of the proposed development would be minimal.

7. However, the installation of a full height window and Juliet balcony in the proposed first floor rear bedroom elevation would overlook the garden of No 93 and provide views into the rear habitable rooms of No 93. A sense of overlooking would be heightened by the elevated position of the window close to the side boundary. I acknowledge that within built up areas there is a level of mutual overlooking and that the properties are not directly back to back with each other. Nonetheless, there would be a greater and unacceptable level of overlooking of No 93 from an elevated position where none exists at present. As such it would have an adverse and unacceptable impact on the privacy of the occupiers of No 93.
8. I acknowledge too that No 93 has the benefit of an additional seating area at the front of the dwelling facing the canal. However, from my observations on site, this is not private, nor the main usable outdoor space serving No 93. I acknowledge too that the development provides improved living accommodation for the appellant and their extended family. However, these matters do not outweigh the harm I have identified in relation to the effect of the amenities of the occupiers of the neighbouring property by way of privacy.
9. For the above reasons, the development would result in unacceptable harm to the living conditions of the occupiers of No 93 Field Lane. As such it would not comply with Policy HC4(c) of a Local Plan for Sefton (adopted April 2017) which requires amongst other matters for development to be designed so that there should be no significant reduction in the living conditions of the occupiers of neighbouring properties by way of a significant loss of privacy. It would also not comply with guidance contained in the Sefton Council House Extensions Supplementary Planning Document (May 2023) in relation to the design of extensions.
10. Accordingly I dismiss the appeal.

K Winnard

INSPECTOR