



Appeal Decision

Site visit made on 13 May 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 18 June 2025

Appeal Ref: APP/Z4310/D/24/3356512

37 Highbank Drive, Liverpool L19 5PE

- 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 Phuc Phan against the decision of Liverpool City Council.
 - The application Ref is 24H/2746.
 - The development is a single storey extension to rear following demolition of existing conservatory.
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Decision

1. The appeal is allowed and planning permission is granted to erect a single storey extension to rear following demolition of existing conservatory at 37 Highbank Drive, Liverpool, L19 5PE in accordance with the terms of the application, Ref 24H/2746, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I saw at my site visit that the conservatory described in the banner heading has been demolished and a single-storey extension has been built to the rear of the appeal property. However, the plans before me do not reflect this development. The plans vary from the extension as built in respect of, among other things, the height and pitch of the roof. As such, I have dealt with the appeal on the basis of the proposed development as shown on the plans.
3. While the conservatory has already been demolished, it is shown on the plans. The scale and form of the conservatory is pertinent to the appeal. I have no reason to question the accuracy of the plans in this regard.

Main Issue

4. The main issue is the effect of the appeal development on the living conditions of occupants of 35 Highbank Drive (No 35), with particular reference to outlook and light.

Reasons

5. 37 Highbank Drive is half of a pair of semi-detached houses on a corner plot set forward from the adjacent terrace row. No 35 is the other half of the pair. The rear garden to the appeal property is longer than most in the area. The garden borders 39 Highbank Drive (No 39) to one side. Separating the appeal property and No 39 is a pair of single-storey outbuildings that appear contemporary with the original development. To the other side, the garden boundary is formed by a high concrete-post and timber-panelled fence that is shared with No 35, and the rear

boundaries of 33 and 31 Highbank Drive. While the pair of semi-detached houses are built on a level, the ground falls toward No 35 resulting in its garden being at a slightly lower level than the appeal property.

6. The appeal development is for a flat-roofed extension to the kitchen of the house. It would occupy and extend beyond the site of the former lean-to conservatory. The conservatory is shown on the plans to have had a shallow-pitched roof and to have been constructed with a blank, brick wall to the boundary with No 35. A section of the timber fence would be replaced by the extended brick side wall of the appeal development.
7. No 35 is predominantly unaltered and has two windows to habitable rooms on the ground floor overlooking the rear garden. Overall, the appeal development would increase the area of the brick wall between the properties visible from the habitable rooms. However, the height of the appeal development, where it would meet the original house, would be lower than the former conservatory roof. Moreover, I find the solidity of the timber boundary fence no less overbearing than the brick wall that would replace it. As such, while the overall area of brickwork between the properties would increase, the effect on the living conditions of occupants of the neighbouring property would be negligible and not unduly overbearing.
8. The boundary fence and former conservatory along the boundary with No 35, shade part of that property for part of the day. The appeal development would be longer than the former conservatory and higher than the section of fence that it would replace. However, the height of the appeal development would be lower than the former conservatory at its highest point. As such, there would be some slight increase in shading of the neighbouring property.
9. I am satisfied that given the relationship between the appeal site and No 35 that the appeal development would not appreciably change the level of daylight or sunlight into the rear facing windows of No 35. Similarly, there would be a slight increase in shading to the rear garden of No 35. However, given the size and orientation of the garden the change would not be significant and would not result in a detrimental effect on the living conditions of occupants of the neighbouring property.
10. Taking the above into account, I conclude that the appeal development would not result in a harmful effect to the detriment of the living conditions of the occupants of 35 Highbank Drive, in respect of outlook and light. Hence, it would accord with Policy H8 of the Liverpool Local Plan, January 2022, which seeks, among other things, to ensure that there would be no significant reduction in the living conditions of occupants of neighbouring properties as a result of overbearing or overshadowing development.

Conditions

11. As the development has commenced, a condition relating to a time limit for implementation is not necessary.
12. The Council recommends a condition requiring the single-storey extension currently occupying the site to be maintained in accordance with the plans. As the extension, as described above, does not accord with the plans this condition is not

necessary. However, I have attached a condition specifying the approved plans for the appeal development to provide certainty.

13. I have imposed a condition restricting the permitted development rights on the site to control the construction of windows in the side elevation of the appeal development adjoining 35 Highbank Drive in the interests of the living conditions of neighbouring occupants.

Conclusion

14. I conclude that the appeal development accords with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is allowed.

C Mayes

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be built in accordance with drawing numbers:
 - A101 – Existing Plans
 - A102 – Existing Elevations
 - A103 – Proposed Plans
 - A104 – Proposed Elevations
- 2) 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 windows shall be constructed on the side elevation of the extension hereby permitted adjoining the neighbouring property, 35 Highbank Drive.

End of Schedule