
Appeal Decision

Site visit made on 28 July 2025 by Sara Manson DipTP

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2025

Appeal Ref: APP/M4320/D/25/3367169

23 Birchtree Drive, Melling, Liverpool L31 1DE

- 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 Martin Docherty against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2025/00376.
 - The development proposed is to create a balcony from the first floor French doors.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of Numbers 8,10 and 12 Iris Park Walk and Number 25 Birchtree Drive, with specific regard to privacy.

Reasons for the Recommendation

4. The appeal property is in a residential area where dwellings are modern and similar in their appearance with modest rear gardens abutting each other. Boundaries tend to be close boarded timber fencing.
5. The proposed balcony would project outwards to the rear, accessed by first floor French doors that lead from a bedroom. It would be enclosed by low level glass panels. The platform created by the balcony would be well above the shared boundary fencing, allowing users to have clear views via direct lines of sight into neighbouring rear gardens and partially into rooms. This would lead to both an actual loss of privacy and a perceived one by virtue of the intrusive presence of people standing/sitting out. This would unacceptably diminish the quality of these spaces, and the enjoyment of them, for neighbours.
6. Whilst the screen would offer some mitigation, it would be too low to acceptably reduce the effects I have set out. A taller screen might be more effective, but such is neither before me nor can I be certain that it would not give rise to adverse effects in regard to other matters.

7. The proposals would therefore have an unacceptable effect on the privacy enjoyed by the occupants of 8, 10 and 12 Iris Park Walk and 25 Birchtree Drive, to the detriment of their living conditions. Accordingly, there would be conflict with Policy HC3 of A Local Plan for Sefton 2017, guidance contained in the House Extensions Supplementary Planning Document 2023 and the National Planning Policy Framework. Amongst other things, these seek to ensure a satisfactory level of living conditions for neighbouring occupiers.

Other Matters

8. While other balconies in the wider area have been referenced, these are primarily located on front elevations where they overlook public spaces. These are therefore subject to different considerations and do not raise the same privacy concerns. The only exception provided appears to be for a new development currently under construction, however, I have no details regarding the reasons for its approval before me to be able to make a sufficiently meaningful comparison.
9. Whilst the apparent lack of engagement from the Council has caused frustration, these matters are between the main parties and do not affect the consideration of the main issue. Any concerns relating to conduct are best addressed through direct engagement with the Council, utilising any complaints procedure that it may have.

Conclusion and Recommendation

10. For the reasons given above, the appeal proposals would conflict with the development plan and there are no sufficiently weighty material considerations to indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

Sara Manson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR