



Appeal Decision

Site visit made on 30 September 2025

by **J Moore BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Appeal Ref: APP/Z4310/W/25/3367166

18-20 Albert Drive, Liverpool L9 8BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Damien Silverbeck of Fenwell Commercial against the decision of Liverpool City Council.
 - The application Ref 25F/0385, dated 18 February 2025, was refused by notice dated 9 April 2025.
 - The application sought planning permission for: *To carry out alterations to three of 12 apartments creating an additional bedroom in each. extended existing dormers to rear and hip to gable roof extension, install render to all external surfaces* without complying with a condition attached to planning permission Ref: 21F/0385, dated 20 July 2022.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the following drawings and documents: (i) Drawing Numbers: 0.001_Rev* - Site Location Plan, 0.100_Rev A - Existing Ground floor Plan, 0.110_Rev A - Existing First Floor Plan, 0.120_Rev A - Existing Second Floor Plan, 0.130_Rev_ - Existing Roof Plan, 0.200_Rev C - Existing Front & Rear Elevation, 0.210_Rev C - Existing Side Elevations, 2.100_Rev A - Proposed Ground Floor Plan, 2.110_Rev C - Proposed First Floor Plan, 2.120_Rev C - Proposed Second Floor Plan, 2.130_Rev_ - Proposed Roof Plan, 2.210_Rev C - Proposed Front & Rear; 2.200_Rev C - Proposed Side Elevations; (ii) Supporting Documents: Render details received 17th June 2022
 - The reason given for the condition is: For the avoidance of doubt.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building is a two-storey detached building in a residential area with further accommodation in the roof space, forming 12 apartments. Planning permission was granted to include alterations and extensions to create additional bedrooms (the original permission/approved scheme). The appealed application seeks to vary the plans condition of the original permission. The application form indicates that the proposed development was complete at the time of the application, and the application was determined on a retrospective basis.
3. The Council draws my attention to a discrepancy in the proposed plans on the second floor, in that the floor plans indicate a rear facing window to a proposed dormer, while the corresponding elevations show a side facing one. This matter is not addressed or disputed by the appellant. Taking account of all the evidence before me, it is clearly the intention of the scheme to retain the side facing windows of the dormers as built, and I have considered the proposal accordingly.

Background and Main Issue

4. The proposal includes various alterations to the approved scheme including changes to openings, the removal of existing render and the installation of insulation and silicone render to improve thermal efficiency. The dispute concerns the proposed windows within the side elevations of the proposed extended dormers within Flats 10 and 11 on the second floor of the building.
5. The appellant suggests that the Council's Officer Report (the OR) which considered the application identified harm only to No 16 Albert Drive (No 16). However, the language used in the OR and reason for refusal clearly refers to outdoor spaces in the plural rather than the singular.
6. Both the reason for refusal and the OR refer to Policy UD1 of the Liverpool Local Plan 2022 (LP). This policy concerns local character and distinctiveness. However, the effect of the proposal upon the character and appearance of the host property or the area is not a matter of dispute between the main parties. I find no reason to consider otherwise. In addition, LP Policy H8, which concerns house extensions is listed within the OR but is not cited within the RFR. I consider this policy to be relevant to the appeal before me.
7. Therefore, and having regard to all the evidence before me, the main issue is the effect of the proposal upon the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

8. The appeal building is given to have included existing dormers to the front and rear roof planes. As built, the rear dormers are extended and include a side facing window. During my visit I was able to observe the outlook from these windows.
9. The neighbouring two storey residential property at No 16 includes windows serving habitable rooms at the ground and first floors of its rear elevation and rear outrigger. No 16 also includes a long rear garden which includes a patio area near its rear elevation. The proposed side facing window in the dormer serving Flat 10 faces the rear outrigger of No 16. Due to the relationship between the host property and No 16, the proposed side facing window of the dormer to Flat 10 enables views into habitable rooms within the rear outrigger and rear elevation of No 16. In addition, views are available of the rear garden at No 16 and its patio area. Consequently, the proposal has resulted in unacceptable harm to the privacy of neighbouring occupiers at No 16.
10. The neighbouring property at No 22 includes a rear extension structure with a blank side elevation facing the appeal building, and rear facing windows within its rear elevation. Although the proposed side facing window in the dormer serving Flat 11 does not enable views into windows serving habitable rooms, it permits views of the long rear garden serving No 22. Such views adversely affect the privacy of neighbouring occupiers at No 22 when enjoying their rear garden space.
11. I appreciate that the proposal is largely similar to that previously approved. However, the approved scheme included rear facing windows, rooflights and obscurely glazed windows. The use of side facing windows in the extended rear dormers has resulted in a distinctly different relationship to neighbouring properties, as demonstrated in the Council's photographic evidence and from my

own observations. Such a variation in the design of the scheme is not a minor amendment as the appellant suggests, and results in greater harm than the approved scheme. While the angle of view to each neighbouring window at No 16 and to neighbouring rear gardens may vary, this does not overcome the unacceptable harm that I have found.

12. I accept that views of rear gardens from neighbouring properties are not uncommon in urban areas. However, in this case, the side facing windows enable direct views towards the private amenity space in proximity to a neighbouring rear elevation, where levels of privacy have been unacceptably diminished.
13. For the reasons above, I conclude that the proposal unacceptably harms the living conditions of neighbouring occupiers, with particular regard to privacy, in conflict with LP Policies UD7 and H8. These policies seek to ensure that alterations and extensions to existing buildings minimise overlooking impacts; and alterations and extensions to dwelling houses do not significantly reduce the living conditions of neighbouring occupiers, including privacy.

Other Matters

14. The appellant suggests that the proposal would meet the government's objectives for the effective use of land, with reference to the National Planning Policy Framework (the Framework). However, such support is not unfettered. Paragraphs 124 and 125 seek to promote the effective use of land while ensuring safe and healthy living conditions; and paragraph 129 requires me to take into account the importance of securing well-designed, attractive and healthy places. In addition, with my emphasis in italics, paragraph 135 seeks to ensure that developments *optimise* the potential of the site to accommodate and sustain an appropriate amount and mix of development. This paragraph also seeks to ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users.
15. The appellant suggests that the proposal would enhance residential amenity for the owners and/or occupiers of the proposed development by creating more functional layouts and increasing natural light and ventilation through the additional dormer windows. However, it has not been demonstrated that the proposal is the only way to achieve such objectives, nor that it would be the least harmful option. Indeed, the approved scheme could also achieve these objectives, without causing the harm I have identified. This limits the weight I attach to these matters.
16. The proposal includes measures to improve the thermal efficiency of the building and would therefore assist in tackling climate change. This matter attracts limited weight in favour of the proposal.
17. The proposal would increase the size of apartments within the existing building in terms of bedrooms. There is no substantive evidence before me to demonstrate that this would have a net positive effect in meeting wider housing needs or housing choice, nor that it is the only way to deliver this objective, nor the least harmful option. In such circumstances, this benefit would be a private one, limited to the owners and/or occupiers of the proposed development.
18. The proposal is acceptable in terms of the character and the appearance of the host building and the area. However, this is a policy requirement of development and not a benefit.

Conclusion

19. While the proposal delivers benefits, these are largely limited and individually or collectively they do not outweigh the unacceptable harm that I have found.
20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR