



Appeal Decision

Site visit made on 4 November 2025

by **J D Clark BA (Hons) DpTRP MCD DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/M4320/D/25/3371998

4 Thornbeck Avenue, Hightown, Liverpool, Merseyside L38 0BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Brian Jackson against the decision of Sefton Metropolitan Borough Council.
 - The application Ref is DC/2025/00836.
 - The application sought planning permission for the erection of a single storey extension to the rear of the dwellinghouse, extension to the existing dormer, installation of a replacement pitched roof to the flat roof at the front together with a single storey extension to the side, replacement of existing windows and reskinning of front walls and erection of detached garage without complying with a condition attached to planning permission Ref DC/2024/01714, dated 6 November 2024.
 - The condition in dispute is No 2 which states that: *The development shall be carried out in accordance with the following approved plans and documents:*
 - Existing / Proposed Elevations Section, Block and Location Plans and Detached Garage – 2026/01
 - Floor Plans as Proposed and As Existing – 2026/02
 - The reason given for the condition is: *For the avoidance of doubt.*
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension to the rear of the dwellinghouse, extension to the existing dormer, installation of a replacement pitched roof to the flat roof at the front together with a single storey extension to the side, replacement of existing windows and reskinning of front walls and erection of detached garage without complying with a condition attached to planning permission Ref DC/2024/01714, dated 6 November 2024 at 4 Thornbeck Avenue, Hightown, Liverpool L38 0BE in accordance with the terms of the application, Ref DC/2025/00836, subject to the following conditions:
 1. The development shall be carried out in accordance with the following approved plans:
 - Drawing Nos 2026/01B & 2026/02B.
 2. Before the development hereby permitted is first occupied, the windows to the dormer facing number 6 Thornbeck Avenue shall be fitted with obscured glazing to a specification of no less than level 3 of the Pilkington Glass Scale and any part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Preliminary Matters

2. The proposal involves varying the plans specified in Condition 2. The main alteration that has caused the Council to refuse the proposal relates to a large window in the rear (west) elevation instead of a much smaller window shown on the approved plans. The works to carry out the extensions and alterations under the approved planning application (Ref: DC/2024/01714) are underway and the window has been installed. I was therefore able to view the outlook from this window on site.
3. Whilst the window has been constructed as shown on the submitted plans, the internal layout is different. The staircase has been constructed alongside the window and the stairs open out into the upper floor bedroom. However, given that the internal layout makes little difference to the effect of the alterations subject to this appeal, my assessment is based on the submitted plans.

Main Issue

4. The main issue is the effect of the installed window on the living conditions of the occupiers of No 13 Lower Alt Road.

Reasons

5. The appeal site is a detached dwelling fronting Thornbeck Avenue. Lower Alt Road runs at right angles to it and the appeal site adjoins the rear garden of No 13. No 13 has a long garden, part of which is close to the house and part of which can be seen from the window at No 4.
6. The appeal site is lower than No 13's garden. The land rises quite steeply and a fence has been erected at the higher level along the boundary. The appellant has planted a row of Laurel hedging plants inside the fence line. From No 4's window it is possible to see the bottom section of No 13's garden and I was able to see parts of childrens play equipment including a trampoline and a basketball hoop, amongst other things. I appreciate that the neighbour would appear to be overlooked especially as the appeal window is a large one.
7. I accept that there is a clear line of sight which allows overlooking of No 13's garden and the existing fence provides limited privacy. I also accept that the Laurel hedge will take some time to grow and eliminate any overlooking between these properties. I appreciate the concerns raised by the occupiers of No 13 who state that they find that this part of the garden is now unusable. However, I cannot agree that the harm is so great as to significantly harm their living conditions.
8. This is an urban area where some degree of overlooking is inevitable. The house at No 13 and the garden area closest to it is not overlooked from No 4 so the appeal site does not impinge on the neighbours privacy in terms of the house or the more private areas of garden. Although the garden area may be well used, No 13 has a very long garden and it is the part of it further away from the house that is affected.
9. The Council's SPD for house extensions¹ outlines separation distances between dwellings to avoid harm to the living conditions of the occupiers of neighbouring properties. Those relating to the distances between dwellings are not relevant in

¹ Sefton Council – House Extensions Supplementary Planning Document May 2023 (SPD).

relation to my main issue but the distance between habitable windows and the boundary fence/wall is. The SPD advises a distance of 7 metres to avoid poor outlook and overlooking. It also recommends that these distances should be increased to take into account each additional storey or land levels. In this case, there is a distance of approximately 10 metres from the disputed window and the boundary with No 13's garden. No 13 is higher than No 4 so the distance easily exceeds that recommended in the SPD. The Council do not dispute this.

10. Local Plan² Policy EQ2 relates to the design of new development and Policy HC4 specifically refers to house extensions. Both aim to protect residential amenity and ensure that there is no significant reduction in the living conditions of the occupiers of neighbouring properties, amongst other things.
11. Consequently, I conclude that the installed window would not have a harmful effect on the living conditions of the occupiers of No 13 Lower Alt Road and no conflict with Local Plan Policies EQ2, HC4 or the house extensions SPD would occur.

Other Matters

12. The end portion of the garden to 13 Lower Alt Road is used by the occupiers children. As referred to above, I noted the presence of play equipment at the time of my site visit. The neighbour considers that the children are disadvantaged by overlooking from the disputed window.
13. I have had due regard to the Public Sector Equality Duty (PSED)³ which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Children are a group sharing protected characteristics arising from their age and therefore the PSED applies.
14. In this context, I appreciate that it is important that children have a safe place to play. It is also reasonable that a private garden would be a safe environment. However, for the reasons already stated not all parts of a garden in an urban environment can expect to be without a degree of overlooking. In this case, I do not find that the level of overlooking would be significantly different to that in other gardens. I also do not find that the views from the neighbours garden towards the appeal site a cause for concern due to the distance and the land levels. Therefore, for the reasons set out above, the level of overlooking would not carry sufficient weight to justify withholding permission.

Conditions

15. The guidance in the Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under Section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
16. The appellant has suggested some conditions which I have taken into consideration in the light of the PPG and the National Planning Policy Framework. I shall not impose the standard time limit condition as work has already commenced and so it is no longer relevant or necessary. A condition requiring the external materials to be carried out in accordance with the planning application form or as shown on Drawing No 2026/01B is unnecessary. This is because I shall

² Sefton Council – A Local Plan for Sefton – Sefton 2030, Adopted April 2017.

³ Section 149 of the Equality Act 2010.

impose a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interest of proper planning. As these specify the materials, there is no need for a separate condition. I have not been supplied with a copy of the original application form but there is no indication in the submitted documents that anything specified on the form would differ from that on the plans.

17. The original approval included a condition requiring the windows in the dormer facing No 6 Thornbeck Avenue to be obscurely glazed and non-opening below a height of 1.7 metres above the floor level of the room in which it is installed. The appellant suggests the same condition. In the interests of privacy, this condition is reasonable and necessary and so I shall re-state it with minor modifications to the wording.

Conclusion

18. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition and substituting it with another to take into account the amended plans.

J D Clark

INSPECTOR