



Appeal Decision

Site visit made on 31 March 2026

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 28 April 2026

Appeal Ref: APP/V4305/C/25/3360385

11 Oak Place, Roby, Knowsley L16 2AF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Megan Fox against an enforcement notice issued by Knowsley Metropolitan Borough Council.
 - The notice was issued on 21 January 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a detached building to the rear of the Property ("the Building").
 - The requirements of the notice are to:
Either:
 - a. Remove the Building in its entirety from the Property,
 - or
 - b. Amend the Building to a form which complies in full with drawing entitled "Proposed Outbuilding Plan and Elevations – Rev A" dated 07/10/2023, a copy of which is included in "Appendix B"
 - The period for compliance with the requirements is: Four Months from when this notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Formal Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a detached building to the rear of the property at 11 Oak Place, Roby, Knowsley L16 2AF as shown on the plan attached to the notice.

Appeal on ground (a)

2. An appeal on ground (a) is brought on the basis that planning permission ought to be granted for the matters stated in the notice, as constituting a breach of planning control. The notice does not specify which neighbouring properties the Council considers to be adversely affected by the development. However, the delegated planning report for the retrospective planning application (Ref: 23/02712/FUL) provides an assessment on the impact of the detached building on the residential amenity of the occupiers of 9, 15 and 25 Oak Place.
3. The main issue is therefore the effect of the development on the living conditions of the occupiers of 9, 15 and 25 Oak Place, with particular regard to outlook.

Reasons

4. The detached building sits at the western end of No 11's back garden area. According to the Council's uncontested measurements it is 5.79 metres (m) wide,

with a depth of 3m, an eaves height of 2.39m, and a height of 3.27m at its tallest point. I have no substantive reason to question these figures or any of the Council's measurements.

5. However, the detached building does not extend fully across the shared boundary with No 25, situated to the rear of the appeal site, leaving an open section at the southern side. Whilst its eaves are higher than the boundary fence, this is not by a significant margin, and the development is set approximately 0.59 metres away from this fenceline. Furthermore, the sloping nature of the pitched roof moves the scale and massing of the detached building away from the shared boundary with this neighbouring property.
6. These factors, along with the separation that is achieved between the detached outbuilding and the rear habitable windows of No 25, which the Council measure to be 10.88m, combine to ensure that a sufficient breadth of outlook is retained from these openings. Accordingly, I am satisfied that the development does not visually dominate or have an unacceptable overbearing or enclosing effect on No 25's rear windows or back garden area.
7. Furthermore, the Council measure the detached building to be off set from the shared boundaries with No 9 and No 15 by 2.19m and 0.8m respectively. This degree of separation, when combined with the angled relationships and intervening distances between the development and the rear windows of No's 9 and 15, allow large open aspects to be retained for both of these neighbouring dwellings.
8. Given the size and length of No 9 and No 15's rear garden areas, and the single storey scale and siting of the detached building to the rear of the appeal site, I am also satisfied that it does not appear imposing, dominant or overbearing from these neighbouring gardens. As such, the development does not have an overly oppressive effect or cause an undue loss of outlook or an unsatisfactory quality of life for the occupiers of any of these neighbouring properties.
9. I therefore find that the development does not cause unacceptable harm to the living conditions of the occupiers of 9, 15 and 25 Oak Place, with particular regard to outlook. As such, no conflict arises with Policy CS19 of the Knowsley Local Plan: Core Strategy (Local Plan) (2016) and Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan (2006). These require, amongst other matters, for development not to have an adverse impact on the amenity of the occupiers of adjacent dwellings. Although Local Plan Policy CS2 is referenced in the notice, this is not relevant to living condition matters relating to outlook.

Other Matters

10. I am satisfied that the orientation of No 25's rear windows and back garden area in relation to the position of the development and the direction of the sun path ensures that an unacceptable amount of overshadowing or undue loss of light to this property does not occur. There is also no substantive evidence before me to demonstrate that the development has led to any surface water, drainage or flooding problems. Furthermore, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conclusion

11. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed. In these circumstances the appeal on ground (g) does not fall to be considered.

Mark Caine

INSPECTOR