
Appeal Decision

Site visit made on 30 June 2015

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 July 2015

Appeal Ref: APP/Z4310/D/15/3032549

9 Immingham Drive, Garston, Liverpool L19 2HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John Bowers against the decision of Liverpool City Council.
 - The application Ref 15H/0466, dated 20 February 2015, was refused by notice dated 29 April 2015.
 - The development proposed is alterations to garage roof to form open sun terrace.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to garage roof to form open sun terrace at 9 Immingham Drive, Garston, Liverpool L19 2HB in accordance with the terms of the application, Ref 15H/0466, dated 20 February 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Alterations to Garage Roof to Form Open Sun Terrace, February 2015.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of existing and future occupants of Nos 5 and 7 Immingham Drive with regard to privacy.

Reasons

3. The host property is one of three adjoining properties that comprise a three-storey terrace. It is part of a high density development characterised by small rear gardens and a significant degree of overlooking between neighbouring properties. The host property is at one end of the terrace and shares a low, double garage with a neighbouring detached property, No 11. The garage is gabled and set back from the front of the terrace to a significant extent. Its orientation is such that each roof pitch is parallel to rear gardens of the host property and No 11. The proposal would lead to the creation of a partially-screened roof terrace on the pitch facing the host property.

4. I observed from my site visit that the rear garden areas of the adjoining properties, Nos 7 and 5 Immingham Drive, are clearly visible from the second storey windows of the host property. I also observed a significant degree of overlooking to be present from the rear elevation of a closely situated, facing terrace on Port Talbot Close. Furthermore, the orientation of this terrace is such that the occupants of these dwellings have an unrestricted, direct view of the rear elevation of No 7.
5. Whilst I accept that the proposed terrace would be closer and create a new vantage point, the visibility of the habitable rooms of No 7 would nevertheless be restricted by the resulting acute angle of view. This would be the case even if users were standing at the northern corner of the terrace where this would be least acute. The plans also indicate that these windows would only be visible when users of the terrace are standing. The height of the obscured glass panels would be such that seated users would not be able to overlook any of the surrounding properties. Consequently, I am satisfied that the proposal would not be detrimental to the living conditions of either the existing or future occupants of Nos 7 and 5 as the proposal would not lead to any significant material change in privacy.
6. Given the above, I conclude that the proposal would not cause significant harm to the living conditions of existing and future occupants of Nos 5 and 7 Immingham Drive with regard to privacy and that the proposal would, therefore, not be contrary to saved policy H8 of the City of Liverpool Unitary Development Plan 2002 that seeks, among other things, to ensure that levels of privacy are preserved.

Conclusion and Conditions

7. I have considered both the wording and grounds for the conditions suggested by the Council in accordance with the tests set out in paragraph 206 of the National Planning Policy Framework 2012. In addition to the standard time limit condition, a condition requiring development to be carried out in accordance with the plans is necessary for the avoidance of doubt and in the interests of proper planning. A further condition requiring matching materials is also necessary in the interests of preserving the character and appearance of the local area.
8. For the above reasons and having regard to all other matters raised I conclude that, subject to appropriate conditions, the appeal should be allowed.

Roger Catchpole

INSPECTOR