

## Appeals Received and Decisions Made

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Appeals received and decisions made between 27 November 2022 and 02 January 2023

## Appeal Decisions

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### 16 Beaumont Drive Aintree Liverpool L10 8LS

**Reference:** DC/2022/01167 (APP/M4320/D/22/3303827)

Prior approval submission for a proposed rear extension projecting 5 metres from the wall of the original dwellinghouse with a height of 2.48 metres at the eaves and a maximum height of 2.8 metres (Valid 13.06.2022)

**Procedure:** Householder Appeal

**Start Date:** 16/09/2022

**Decision:** Dismissed

**Decision Date:** 06/12/2022

## New Appeals

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### 101 South Road Waterloo Liverpool L22 0LS

**Reference:** DC/2022/01361 (APP/M4320/W/22/3307024)

Change of use of 1st and 2nd floors from bank (Class E) to an 8 bedroom HMO (Sui Generis), with a rear deck extension to provide amenity space

**Procedure:** Written Representations

**Start Date:** 02/12/2022

**Decision:**

**Decision Date:**

### 101 South Road Waterloo Liverpool L22 0LS

**Reference:** DC/2022/01358 (APP/M4320/W/22/3307322)

Retention of ground floor use (E), Change of use of 1st and 2nd floors of former bank (e) to form a 5 No. bedroom House of Multiple Occupancy (HMO) with associated refuse and cycle storage in rear yard (with flat roof extension).

**Procedure:** Written Representations

**Start Date:** 02/12/2022

**Decision:**

**Decision Date:**

### 101 South Road Waterloo Liverpool L22 0LS

**Reference:** DC/2022/01399 (APP/M4320/W/22/3307028)

Change of use of 1st and 2nd floors from bank (E) to a 5 bedroom HMO (C4), with a rear deck extension to provide amenity space

**Procedure:** Written Representations

**Start Date:** 02/12/2022

**Decision:**

**Decision Date:**

### 102 The Serpentine North Blundellsands Liverpool L23 6TJ

**Reference:** DC/2021/01739 (APP/M4320/W/22/3307412)

Erection of a two storey extension to one side, a part two storey/part single storey extension to the opposite side, a two storey extension to the rear, single storey extensions to the front and rear of the dwellinghouse, a roof terrace and partial conversion of the existing garages.

**Procedure:** Written Representations

**Start Date:** 28/11/2022

**Decision:**

**Decision Date:**

Appeals received and decisions made between 27 November 2022 and 02 January 2023

## 56 Mersey Road Crosby Liverpool L23 6SS

**Reference:** DC/2022/00315 (APP/M4320/W/22/3308968)

Construction of 2no. parking spaces with electric vehicle charging points and associated vehicular access from Mersey Road.

**Procedure:** Written Representations

**Start Date:** 14/12/2022

**Decision:**

**Decision Date:**

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## 2 Stanley Park Litherland Liverpool L21 9JT

**Reference:** EN/2022/00447 (APP/M4320/C/22/3312110)

Appeal against Without planning permission and within the last ten years the change of use of the property from residential to a mixed use of residential and gym - commercial personal training facility.

**Procedure:** Written Representations

**Start Date:** 16/12/2022

**Decision:**

**Decision Date:**



## Appeal Decision

Site visit made on 1 November 2022 by Darren Ellis MPlan

**Decision by Chris Preston BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 December 2022

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**Appeal Ref: APP/M4320/D/22/3303827**

**16 Beaumont Drive, Aintree L10 8LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3 and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Alan Upton against the decision of Sefton Metropolitan Borough Council.
  - The application Ref DC/2022/01167, dated 10 June 2022, was refused by notice dated 21 July 2022.
  - The development proposed is a single storey flat roof rear extension with central glazed lantern to roof & rear bi-fold doors.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Preliminary Matters and Main Issue

3. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
  4. Development is permitted under Class A subject to limitations and conditions, as set out in paragraphs A.1 to A.4. Paragraph A.1.(g) allows for a single-storey rear extension to project up to 6m beyond the rear wall of the original dwellinghouse. There is no dispute between the parties that the proposal complies with the limitations in GPDO paragraph A.1 and from the evidence before me, I see no reason to disagree.
  5. Paragraphs A.4.(7) and A.4.(9) state that where any owner or occupier of any adjoining premises objects to the proposed development, prior approval is required as to the impact of the proposed development on the amenity of any adjoining premises, and that any representations made must be taken into account.
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6. Accordingly, the main issue is whether prior approval should be granted having regard to the effect of the proposed development on the amenity of adjoining premises.

### **Reasons for the Recommendation**

7. The proposed rear extension would replace an existing smaller extension and would project 5m along the boundary with the adjoining neighbour at No 14.
8. Although the extension would have a flat roof which would minimise the height of the extension, it would have an expanse of blank wall which would face the garden of No 14 and would be an obtrusive feature. Due to its proximity and its greater depth compared to the existing extension, it would cause a significant overbearing impact and increased sense of enclosure to the users of the rear garden of No 14 as well as to its patio doors, which provide light to the kitchen.
9. Owing to the orientation of the proposed extension to the west of No 14, the extension would cause a small amount of overshadowing and loss of sunlight to the rear garden of No 14. However, this would occur for a short period when the sun is setting and at its lowest point in the sky, and the modest height of the extension would limit any overshadowing or loss of sunlight. Moreover, the existing extension already causes a degree of overshadowing and loss of sunlight to the kitchen and the area of garden nearest to the house at No 14. Given that the height of the proposed extension is similar to the height of the existing extension the proposal would not cause any significant increase in overshadowing or loss of sunlight.
10. Due to its position and separation from the other adjoining properties, the proposed extension would not have any significant impact on the amenity of any other adjoining premises.
11. However, for the reasons above, the proposal would cause harm to the living conditions of the occupiers of No 14 as a result of its overbearing impact and increased sense of enclosure. Therefore, prior approval should not be granted having regard to the effect of the proposed development on the amenity of adjoining premises.

### *Other Matters*

12. I note that the appellant has not provided details of the proposed external materials of the extension. However, paragraph A.3 of the GPDO sets out conditions that apply to any development that is permitted under Class A, including A.3.(a) which states that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
13. The neighbour's representation also raises issues regarding communication and consultation between the appellant and neighbours. However, this is a private matter between the relevant parties and is not a planning consideration.

**Conclusion and Recommendation**

14. The proposal would cause harm to the amenity of adjoining premises. I therefore recommend that prior approval should not be granted and that the appeal should be dismissed.

*Darren Ellis*

APPEAL PLANNING OFFICER

**Inspector's Decision**

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

*Chris Preston*

INSPECTOR