



Appeal Decision

Site visit made on 13 August 2007

by **Jean Russell MA MRTPI**

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

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Appeal Ref: APP/ M4320/ A/ 07/ 2043194

41 Lydiate Park, Thornton, Liverpool, L23 1XL

- 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 Robert Nuttall against the decision of Sefton Metropolitan Borough Council.
- The application (ref: S/2006/0691), dated 12 July 2006, was refused by notice dated 19 October 2006.
- The development proposed is described as "existing single storey bungalow to dormer bungalow".

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions as set out below in the Formal Decision.

Procedural Matters

1. In the interests of precision, I shall amend the description of development as follows: *extensions to form dormer bungalow.*

Main Issue

2. I consider the main issue to be the effect of the proposed development on the living conditions of nearby occupiers, with regard to outlook, light and privacy.

Reasons

3. The appeal site includes a bungalow with front and rear gardens. It is enclosed by two storey houses and a residential care home. The proposed development is to alter the roof of the bungalow in order to provide accommodation in the loft. The maximum height of the roof would be raised from approximately 4.5m to 6m; two dormer windows and six skylights would be inserted on the rear roof slope while two more dormer windows would face the front.
4. 33 Lydiate Park lies at an angle to the appeal site and the back gardens of the two properties adjoin. I understand that the appeal bungalow is sufficiently close to the mutual boundary that its side can be clearly seen from no. 33. However, the proposed roof extension would be set in from the existing gable end and hipped at the side. One of the rear facing dormers would be in the centre of the roof slope while the other would be at the far end from no. 33. I consider that the bulk and massing of the extension would be minimised in relation to the adjoining property.
5. In this situation, it seems to me that the proposed extension would not appear unacceptably oppressive or overbearing from 33 Lydiate Park. Although there is a conservatory at no. 33, and the garden at that property is modest in size,

- the development in my view would cause no unacceptable loss of outlook or daylight. I realise that the bungalow is to the south east of no. 33 and the proposed roof extension would cause it to cast a longer shadow than at present towards the adjoining property. However, the shadow would be thrown in the morning and so remain relatively short. Since the existing boundary fence would cast a shadow in the same direction, I consider that the proposed roof extension would not cause an unacceptable loss of sunlight at no. 33.
6. In relation to privacy, it is proposed that the dormer window and skylights nearest to 33 Lydiate Park would be obscurely glazed – and this can be ensured by imposing a planning condition. The dormer window and skylights at the far end of the roof slope would have clear glass but I consider that they would be orientated at such an acute angle to no. 33 as to prevent unacceptable overlooking.
 7. I now turn to the impact of the proposed development on 29 Lydiate Park. The rear elevation of the appeal bungalow directly faces bedroom windows, the garden and a conservatory at the back of this neighbouring property. I estimate, however, that the bungalow is at least 21m from the rear elevation and 10.5m from the boundary of no. 29 – separation distances which the Council's *Supplementary Planning Guidance 1: New Housing Development* (SPG1) considers sufficient to prevent unacceptable overshadowing, loss of outlook or overlooking. The proposed dormer windows would be set back on the roof slope, to increase the separation distances.
 8. In my view, therefore, while the proposed roof extension would be visible, it would be sufficiently far away to avoid overwhelming no. 29. It would not cause an unacceptable loss of outlook, daylight, sunlight or privacy in the facing dwelling. I also consider that the proposed dormers would not appear unduly prominent from no. 29 and the slope of the roof would prevent the skylights from appearing intrusive.
 9. The west side elevation of the appeal bungalow faces the rear of 35 Lydiate Park and the back garden of no. 39. It lies within approximately 1m of the boundary with no. 39 and the proposed roof extension would be visible from that property. However, since it would be set in from the side of the bungalow, and to the east of no. 39, I am not persuaded that it would appear oppressive or cause an unacceptable loss of outlook, daylight or sunlight in the adjoining garden. There would be no first floor windows facing nos. 35 or 39.
 10. It is proposed to install a first floor window facing the care home to the east, and a dormer window on the front elevation that would look over the rear garden and a conservatory at 43 Lydiate Park. In my view, these windows could seriously compromise the privacy of adjoining occupiers. However, it is proposed that the windows would be obscurely glazed and I accept that such a measure would be effective in preventing unacceptable overlooking.
 11. The windows to be obscurely glazed would include two skylights serving bedroom three in the appeal bungalow, and a side window and a dormer window serving bedroom two. I have doubts as to the merits of a design which relies upon the use of obscure glazing in habitable room openings. It seems to me that future occupiers might find such windows oppressive. However, bedrooms two and three would also have clear glazed windows which in my

view would provide sufficient light and outlook for adequate living conditions. Thus, it would be reasonable as well as necessary to impose a condition requiring the use and retention of obscure glazing in the windows identified.

12. On this basis, I conclude that the proposed development would neither be over-intensive nor cause any unacceptable harm to the living conditions of nearby occupiers. It would comply with Policy MD1 of the *Sefton MBC Unitary Development Plan 2006*, which permits house extensions where they would be minor in relation to the existing dwelling and not cause significant harm to the amenities of neighbours. It would also comply with SPG1 and with *SPG12: House Extensions*, which seeks to ensure reasonable levels of privacy, daylight, sunlight and outlook at nearby properties.

Other Matters

13. The proposed development would also include single storey front and rear extensions. In my view, they would leave adequate garden space and not cause the site to appear cramped. In any event, they now have planning permission, following a separate application, and are under construction.
14. I saw that the site lies within an estate which comprises two storey houses and true bungalows with consistent designs. In my view, the proposed dormer bungalow would effectively be a new house type but one that is within the existing range of property sizes and respectful of existing building styles. With the site largely hidden from the street scene, I consider that the development would cause no unacceptable harm to the character and appearance of the area. I see no reason to believe that it would set a damaging precedent, since planning applications should be considered on their merits, particularly in cases such as this where the circumstances of the site are unusual.
15. I have had regard to all the other matters raised and planning policies cited, but none alter my decision.

Conditions

16. I have considered the conditions suggested by the Council. I have found that it would be reasonable and necessary to require the use and retention of obscure glazing in specified windows. Since the purpose of the condition is to protect the privacy of neighbours, the condition should ensure that the same windows are fixed shut and that the type of obscure glass is approved by the Council. For this condition to be effective, I consider that it would also be necessary to prevent the construction of additional windows.
17. I shall require the development to be built in materials to match the existing building, to protect the character and appearance of the area. I see no need for a condition which specifies the approved plans, which would duplicate the terms of the permission.

Formal Decision

18. I allow the appeal, and grant planning permission for extensions to form dormer bungalow at 41 Lydiate Park, Thornton, Liverpool, L23 1XL in accordance with the terms of the application (ref: S/2006/0691) dated 12 July 2006, the location plan, and the plans entitled '41 Lydiate Park Thornton as

existing' and '41 Lydiate Park Thornton as proposed, Rev 12.07.06' submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
- 2) Development shall not commence until samples of obscure glazing to be fitted to the dormer window on the front elevation of bedroom two, the window on the east side elevation of bedroom two, the dormer window serving the en-suite and bathroom, and the skylights to bedroom three, as shown on the plan '41 Lydiate Park Thornton as proposed, Rev 12.07.06' have been submitted to and approved in writing by the local planning authority. These windows shall be fitted with obscure glazing in accordance with the approved details, non-opening and retained as such thereafter.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.
- 4) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Jean Russell

INSPECTOR