The Planning Inspectorate

Appeal Decision

Site visit made on 18 October 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 3rd November 2016

Appeal Ref: APP/Z4310/W/16/3155383
7 Almond Court, Liverpool, L19 2QZ

- 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 & Mrs Smith against the decision of Liverpool City Council.
- The application Ref 16F/1001, dated 11 March 2016, was refused by notice dated 10 June 2016.
- The development proposed is to sever part of the site and erect a detached bungalow.

Decision

1. The appeal is allowed and planning permission is granted to sever part of the site and erect a detached bungalow at 7 Almond Court, Liverpool, L19 2QZ in accordance with the terms of the application, Ref 16F/1001, dated 11 March 2016, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Proposed Bungalow within the Site of 7 Almond Court.

    3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling at No 7 Almond Court.

Main Issues

2. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of No 7 Almond Court with regard to an overbearing impact on the rear of the property.

Reasons

Character and appearance

3. Almond Court forms part of a modern development that comprises both semi-detached houses and bungalows. The majority of these properties have regular plot sizes, although there is some variation on the corner plots. No 7 occupies a generous corner plot that is significantly larger than those occupied by the adjacent properties. The appeal proposal would introduce a new bungalow into the side / rear garden of this property.

4. The corner plot occupied by No 7 is unique in the context of Almond Court. It is both large and irregularly shaped, and allows for an unusually large garden to No 7. Under the proposal, both the new dwelling and No 7 would sit within plots that would be of a comparable size to the adjacent properties. In this respect, the appeal proposal would not appear as an over development of the site. The proposed dwelling would also be of a similar size and design to the adjacent bungalows and would respect the building line established by the properties to the east. It would be compatible with the existing pattern of development in this regard, and would not appear unduly cramped in my view.

5. I conclude that the development would not unacceptably harm the character and appearance of the area. It would therefore be in accordance with saved Policies HD18, H4, and H5 of the Liverpool Unitary Development Plan (2002). These policies seek to ensure, amongst other things, that new development is well related to the local area.

Living conditions

6. The proposed dwelling would be located relatively close to the rear of No 7. The existing conservatory and French doors are the habitable room windows that would be nearest to the development.

7. The proposed dwelling would be modest in scale. Whilst the highest part of the dwelling would be over 4.5 metres, the eaves height would be much lower at around 2.5 metres. It would be this part of the development that would be closest to the boundary with No 7. The low eaves height would minimise the impact of the dwelling on the rear of No 7, both in terms of overshadowing and an overbearing impact on the rear of the property. Whilst No 7 would be left with a smaller garden area, it would be of an acceptable size and comparable to other nearby properties.

8. I conclude that the development would not unacceptably harm the living conditions of No 7 Almond Court with regard to an overbearing impact on the rear of the property. It would therefore be in accordance with saved Policies HD18, H4, and H5 of the Liverpool Unitary Development Plan (2002). These policies seek to ensure, amongst other things, that new development does not unacceptably harm the amenity of adjacent occupiers.

Other Matters

9. The appellant states that the new dwelling is intended to be occupied by family members. However, the application is for a new dwelling, rather than an ancillary annexe, which could be occupied separately of the main dwelling.

10. The proposed garden fencing to the new dwelling would be set back from the edge of the footpath, and would allow sufficient visibility for motorists rounding the corner. It would not prejudice highway safety in my view. In this regard I note that the Council's Highway Development Control section considered that the fence would not have a significant detrimental effect on visibility.

11. The proposed dwelling would not be of sufficient stature to unacceptably reduce the amount of natural light received by properties on the opposite side of the street.

12. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.

Conditions

13. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development. I have also imposed a condition that requires the external facing materials to match those of the existing dwelling. This condition is necessary to protect the character and appearance of the area.

14. The Council suggested a further condition that would have removed most permitted development rights from the new property. However, there is no evidence before me that exceptional circumstances exist to justify the removal of permitted development rights in this case. The Council also suggested two conditions relating to land contamination. However, there is no evidence before me that these are necessary.

15. Finally, the Council's Highway Development Control section suggested a condition that would require the installation of a vehicle crossover prior to occupation of the dwelling. However, the proposal does not include any off-street parking and this condition is therefore unnecessary.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR