

Appeal Decision

Site visit made on 4 April 2017

by S R G Baird BA(Hons) MRTPI

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

Decision date: 18th April 2017

Appeal Ref: APP/Z4310/D/17/3168131

1 Errington Court, Alma Road, Liverpool L17 6DP

- 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 and Mrs P White against the decision of Liverpool City Council.
 - The application Ref 16H/1946, dated 28 July 2016, was refused by notice dated 30 November 2016.
 - The development proposed is a 2-storey extension to the side of the house.
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Decision

1. The appeal is allowed and planning permission is granted for a 2-storey extension to the side of the house at 1 Errington Court, Alma Road, Liverpool L17 6DP in accordance with the terms of the application, Ref 16H/1946, dated 28 July 2016, subject to the conditions contained in the attached schedule.

Main Issue

2. The effect on the street scene.

Reasons

3. Development Plan¹ Policies H8 and HD18 seek to ensure that the scale, massing, design and finish of any extension respects the character of the existing dwelling, its neighbours and relates well to the locality. Policy HD18 indicates, that where appropriate, the building lines and layout of the development relate to those in the locality. Supplementary Guidance (SPG) Note 1 relates to House Extensions. This indicates that to ensure they do not detract from the street scene, 2-storey side extensions should not normally extend beyond the established building line to the return street frontage. Where no building line is apparent such extensions should retain a minimum side space of 2m. In addition SPG Note 1 indicates that 2-storey side extensions on semi-detached properties should not exceed half the width of the existing house. Two-storey extensions to detached houses are to be dealt with on their merits.
4. No. 1 Errington Court is a "linked-detached house", and as such I consider the above SPG provision relating to semi-detached houses does not apply and the proposal should be dealt with on its merits. If I am wrong, and this provision also applies to "linked-detached houses", the extension would not exceed 50% of the existing house. The SPG does not define what is considered to be the "existing house". Here, it appears that the garage was built at the same time

¹ Unitary Development Plan

as and is an integral part of the existing house. As such I consider it should be included when measuring the width of the existing house.

5. Alma Road is a mature residential street with dwellings of varying ages, designs scale, massing and finishes. The setback of dwellings on the southern side of Alma Road varies, with only 3 dwellings, Nos. 14 to 18, coming anywhere close to having the same building line as the return frontage of No. 1 Errington Court. In this context, I disagree with the lpa that the southern side of Alma Road has, "*an established building line*". In terms of its appearance, scale, massing and finish, the proposed extension would be subservient to and consistent with the existing building. Alma Road has a sylvan setting and even in winter the side elevation of No. 1 Errington Court is well screened in views from either direction along Alma Road. Drawing all these factors together, I conclude that the proposed extension would not appear incongruous or intrusive in the street scene. Accordingly, this proposal would not conflict with the objectives of the development plan or Supplementary Planning Guidance regarding house extensions.
6. For the above reasons and taking into account all other matters raised I allow this appeal.

Conditions

7. Several trees within the side garden of No. 1 Errington Court are included within a Tree Preservation Order. These trees make a significant contribution to the sylvan character and appearance of the area. The proposed extension does not require the removal of any trees it is located within the root protection area of the protected trees. Whilst the proposal has the potential to result in harm to these trees, the lpa, subject to the imposition of appropriate conditions, acknowledges that the proposal would not conflict with the provisions of Policy HD22 Existing Trees and Landscaping. In the interests of protecting the existing tree cover and the character/appearance of the area, I consider the suite of conditions suggested by the lpa relating to tree protection is necessary.
8. Where necessary and in the interests of precision and enforcement and to remove potential conflict with the Arboricultural Method Statement, I have reworded the suggested conditions. In the interests of clarity and having regard to the submitted tree report (August 2016), I have imposed a condition relating to the submission of foundation details and existing and proposed finished floor and ground levels.

George Baird

Inspector

Schedule of 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: Drawing Nos. 1 - July 2016; 2 July 2016; 3 - June 2016; 4 - July 2016; 5 - July 2016; 6 - June 2016; 7 - June 2016; 8 - June 2016; 9 - July 2016 & 10 - July 2016.
- 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 building.
- 4) Prior to the commencement of any works on site, including the pre-construction delivery of equipment or materials, plans showing details of existing and proposed finished ground levels, existing and proposed finished ground levels and details the proposed foundations shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to commencement of any works on site, including the pre-construction delivery of equipment or materials, a Schedule of Pre-Construction and Construction Works and an Arboricultural Method Statement incorporating fully (a) the recommendations contained at paragraphs 6.1 to 6.6 and paragraphs 7.1 and 7.2 of the report BS5837 Trees in Relation to Design, Demolition and Construction Survey prepared by Treestyle Consultancy dated August 2016 and submitted with the application and (b) details of a system to redirect roof run-off from the extension only to the soil area covered by the building shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) Any protective fencing required by the Arboricultural Method Statement shall be erected in accordance with the approved Schedule of Pre-Construction and Construction Works and shall be retained on-site until the development hereby permitted is complete.
- 7) Prior to commencement of any works on site, including the pre-construction delivery of equipment or materials, an Arboricultural Clerk of Works, the details of which shall first be submitted to and approved in writing by the local planning authority, shall be appointed. The Arboricultural Clerk of Works will provide a report to the local planning authority on no more than a fortnightly basis starting immediately prior to the commencement of works on site and include the following information: tree protection fencing integrity and location; compliance with the construction exclusion zone (CEZ); the monitoring of any works within the CEZ; the integrity of ground protection measures and any damage to retained trees.
- 8) At least 5 working days written notice shall be given to the local planning authority of the intention to commence site works.
- 9) Trees to be retained as identified in the submitted approved tree reports shall not be cut down, uprooted, topped, lopped, destroyed or in any other way damaged, without the prior written approval of the local planning authority. Any existing tree that suffers injury during the period

of construction shall be replaced with a tree or new planting the details of which shall be first submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in the first available planting season thereafter. All works are to be carried out in accordance with BS 4428: 1989 "Code of Practice for General Landscape Operations".