
Appeal Decision

Site visit made on 10 April 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 5th May 2017

Appeal Ref: APP/Z4310/D/17/3168552

8 Carleen Close, St Michael's Wood, Riverside Gardens, Liverpool

- 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 Mrs Sun against the decision of Liverpool City Council.
 - The application Ref 16H/0202, dated 15 January 2016, was refused by notice dated 21 October 2016.
 - The development proposed is a new detached garden summer house and new boundary walls at front.
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Decision

1. The appeal is allowed and planning permission is granted for a new detached garden summer house and new boundary walls at front at 8 Carleen Close, St Michael's Wood, Riverside Gardens, Liverpool in accordance with the terms of the application, Ref 16H/0202 dated 15 January 2016, 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: Rev A and Summer House Plans.
 - 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.

Main Issue

2. The Council's decision notice cites only one reason for refusal which relates to the effect of the development on the character and appearance of the area. However, the Officer's report states that the development would also harm the outlook of the occupants of the neighbouring property, No 2 Moel Famau View.
3. In light of the above, I consider the main issues to be the effect of the development on the character and appearance of the area and the living conditions of the occupants of No 2 Moel Famau View, with regard to outlook.

Reasons

Character and Appearance

4. The appeal site is located at the end of a short cul-de-sac, Carleen Close, on the edge of a predominantly residential area. The Close comprises four large, detached dwellings lining the northern side of the road. A low brick wall abutting the back of the footway along Riverside Drive, Penhale Close and

Bempton Road encloses the Close. The Close runs parallel with the adjacent busy road, Riverside Drive. This stretch of Riverside Drive is lined on either side with trees that form small groups, treelines or larger areas of woodland which form an Environmental Improvement Corridor. The juxtaposition of the pleasant green corridor with the surrounding built environment makes a positive contribution to the character and appearance of the area.

5. The appeal property has an existing high brick wall to the front and side. The proposal seeks to extend this further south, towards Riverside Drive. Due to the wide grass verge and footway, the proposed setback position of the wall from the existing low wall to the south of the site and the existing treeline along the northern edge of the Drive, I do not consider that it would be readily visible when travelling along the Drive and would not appear prominent in the streetscene.
6. Within the Close there is a group of trees on the open grassed area to the south. The proposed wall would extend into this area resulting in the loss of one of these trees. A Tree Report, dated 3 May 2016 confirms that this tree has significant structural and physiological flaws. The group of trees make a positive contribution to the visual amenity of the area. Whilst there would be a loss of a tree, the remaining trees would ensure that this contribution is sufficiently maintained without any significant diminishment of the character and appearance of the area.
7. Whilst the wall would be visible through the trees when viewed from short distances along the immediate stretch of Riverside Drive, much of it would be read against the backdrop of the large dwelling and existing high wall. Furthermore, although the trees would not screen the wall from view, they would assist in breaking up its mass.
8. I find therefore that the proposal would not significantly harm the character and appearance of the area and as such complies with Saved Policies HD18 and OE15 of The City of Liverpool Unitary Development Plan 2002, which, amongst other matters, seek to ensure that development pays special attention to views into and out of any adjoining green space and incorporate a high standard of boundary treatment within Environmental Improvement Corridors.

Living Conditions

9. The proposed summer house would be positioned in a 'V' shaped corner of the garden which adjoins the rear garden of the neighbouring property, No 2 Moel Famau View. The height of the summer house would rise above that of the boundary wall between the two properties, resulting in it being visible from the garden of No 2.
10. However, given the 'V' shape of the summer house, its side elevation would be at an oblique angle to No 2, which would reduce its visual prominence. Furthermore, it would only adjoin a small section of the rear boundary wall of No 2 and given the overall size of No 2's garden, I do not find that it would significantly harm the outlook from the garden to such an extent that it would create an unacceptable sense of enclosure.

11. I find therefore that it would not significantly harm the living conditions of the occupants of No 2, with regard to outlook.

Conditions

12. I have had regard to the conditions that have been suggested by the Council. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area, a condition is necessary regarding materials.

Conclusion

13. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR