

Appeal Decision

Site visit made on 14 July 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/Z4310/D/17/3176456

77 Waylands Drive, Liverpool L25 0LX

- 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 Jon Janvier against the decision of Liverpool City Council.
 - The application Ref 17H/0425 was refused by notice dated 18 May 2017.
 - The development proposed is to erect 2 storey extension to side elevation - infilling between the existing structures. Form new mansard dormer roof to rear and side of roof. New windows and 2 new velux rooflights and render property. Removal of some internal walls.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on the character and appearance of the local area and on the living conditions of the occupiers of 75 and 79 Waylands Drive with particular regard to privacy.

Reasons

Character and appearance

3. The appeal property is a semi-detached house within a mainly residential area, wherein dwellings are broadly similar in age although vary in scale and general appearance due partly to various external alterations and extensions that have been carried out. Consequently, there is some variety in existing built form within the area to which No 77 belongs.
4. The Council has recently granted planning permission¹ to extend and alter the appeal property in a manner that is similar to the proposal before me. The main difference between the approved scheme and the proposed development is that the latter also includes a dormer extension on the side and rear roof slopes of the host building.
5. The new dormer would be set down from the ridge of the host building and set back from the eaves with one side of the rear element set in from the attached

¹ Ref 15H/1831 dated 25 September 2015

- property. The external materials would match those of the existing dwelling and be similar to those used on several properties along Waylands Drive.
6. Nevertheless, this element of the appeal scheme would be a sizeable addition. It would cover much of the rear roof slope and wrap around the corner to extend along part of the side elevation. The considerable width and flat roof of the new dormer would cause it to appear as an overly large 'box like' addition, the bulk of which would give the host building an awkward top-heavy appearance even with the new side extension in place. That the dormer would include a relatively large double window would also relate unsatisfactorily to the hierarchy of fenestration in the rear elevation in which windows generally reduce in size further up the building. This arrangement would accentuate the uneasy relationship between the proposed dormer and the main house.
 7. Part of the new dormer would be visible at an oblique angle from Waylands Drive to one side of the site. From this vantage point, the proposed dormer would be partly screened by the host building and the roadside tree and so it would not draw the eye in the local street scene. It would, however, be visible from the back gardens of the adjacent properties on each side, which are 75 and 79 Waylands Drive. From each of these locations, the new built form would disrupt the pair to which No 77 belongs by unbalancing their rear elevations. As such, the proposal would be obtrusive and an unwelcome addition to the local area.
 8. From what I saw, some properties further along Waylands Drive and other nearby streets included sizeable extensions including No 95 to which the appellant has referred and provided photographs. Few background details have been provided of this case and so I cannot be sure that its particular circumstances are the same as, or are very similar to, the proposal. I observed that properties with large side and rear dormers were not a strong characteristic of the area immediately around the site. In any event, each proposal must be assessed on its own merits, as I have done.
 9. The National Planning Policy Framework (the Framework) states that planning decisions should not impose architectural styles or particular tastes, nor stifle initiative through unsubstantiated requirements to conform to certain development forms and styles. It is, however, proper to seek to promote high quality design. The Framework also states that development should respect local character and add to the overall qualities of the area. For the reasons given, the proposed dormer would not do so.
 10. On the first main issue, I therefore conclude that the proposed dormer would significantly harm the character and appearance of the local area. As such, it conflicts with Policies H8 and HD8 of the Liverpool Unitary Development Plan (UDP). These policies aim to ensure that house extensions respect the character of the existing dwelling and adjacent properties and that new development relates well to the locality and achieves a high quality of design.

Living conditions

11. The elevated position of the new dormer would lead to a greater level of overlooking of the adjoining rear gardens of Nos 75 and 79 than would be possible from the upper rear windows of the existing dwelling. Having viewed the relationship of the appeal property with each of these adjacent houses, I

am persuaded that views from the new dormer towards the neighbouring rear gardens would be at close range, the main effect of which would be to unduly diminish the value of the rear outdoor space to the occupiers of Nos 75 and 79.

12. In my experience, some overlooking of this general type is a characteristic of the relationship between properties in estate style residential areas such as this. However, in this case, the potential for overlooking would be considerable given the size of the new rear windows and their high level position. The use of obscure glazing and a requirement that the windows be fixed shut can sometimes overcome these problems. However, such measures would curtail the sole external outlook to the new bedroom at roof level, which would create unacceptable living conditions for future users of a main habitable room. The occupiers of Nos 75 and 79 would also still perceive that the outdoor space at the back of their properties would be overlooked because the new windows of the dormer would be clearly in view from the rears of these adjacent houses.
13. The appellant states that the proposal adheres with the Council's minimum separation distances and that the 45-degree code is complied with. Nevertheless, I conclude on the second main issue that the new dormer extension would seriously harm the living conditions of the occupiers of Nos 75 and 79. Accordingly, it conflicts with UDP Policies H8 and HD18 insofar as they aim to safeguard residential amenity. The proposal would also fail to adhere to a core principle of the Framework, which is to always to seek to secure a good standard of amenity for all occupants of land and buildings.

Other matters

14. The additional living accommodation provided would improve the living conditions of the appellant's family. The proposal would also make efficient use of the dwelling with no significant increase in the built footprint of the property. These are all important matters to which I have given consideration. However, they do not outweigh the harm that I have identified.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR