



Appeal Decision

Site visit made on 25 July 2017

by A Jordan BA Hons MRTPI

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

Decision date: 4 August 2017

Appeal Ref: APP/Z4310/W/17/3174724

Land Adjoining 37 Everton Brow, Liverpool, L3 3BL

- 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 Dr Issa against the decision of Liverpool City Council.
 - The application Ref 17F/0266 dated 18 January 2017, was refused by notice dated 30 March 2017.
 - The development proposed is described as "erection of block of 7 apartments and formation of parking area on Watmough Street".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of adjoining occupiers on Bute Street.

Reasons

Character and Appearance

3. Everton Brow is largely residential in character and the piecemeal redevelopment of plots in and around the site has resulted in a varied streetscene, with dwellings differing in age and appearance. The appeal site is a narrow and overgrown plot which sits between a former public house, now used as a take-away restaurant, and a terrace of two storey dwellings. An infill residential scheme which occupies the corner with Salisbury Street sits opposite, and this rises to five storeys, although most nearby dwellings are single or two storey and are modest in scale.
4. The development proposed is a block of contemporary design which would provide 7 apartments. The blunt proportions of the proposal and the extent to which it would fill the plot would result in an awkward juxtaposition with the modest domestic proportions of the adjoining dwellings. This would be especially evident when viewed from the rear, above the bungalows on Bute Street, where the flat roofline and the covered stairwell would protrude above the eaves of the adjoining pub. Furthermore, despite the shadowing shown on the elevations, the floorplans indicate that the facades would have very limited

variation in depth with the windows set flush with the frontage. Taken together with the size of these openings and absence of any surround, this would result in a flat and featureless façade.

5. I take account the appellant's comments with regard to the historic form of buildings on Everton Brow, and the presence of other large buildings in the wider area. However, most recent development is predominantly single or two storey in height. Therefore despite the building being close in scale to the adjoining former pub, in view of the modest form of residential dwellings in and around the site, and the very narrow plot, the proposal would nevertheless appear as an incongruously large and prominent structure which would fail to sit comfortably in the streetscene.
6. I noted during my visit the run-down appearance of the appeal site, and the detrimental effect it had on the character of the area. Nevertheless, due to its mass and detailing the proposal before me would lead to harm as a result of its failure to improve the character and quality of the area or to relate well to its locality. It follows that the permanent redevelopment of the site in the form proposed would conflict with the provisions of policies H5 and HD18 of the *City of Liverpool Unitary Development Plan* (UDP) and with guidance in the *National Planning Policy Framework* (the Framework). This requires that new development should be visually attractive and add to the overall quality of the area for the lifetime of the development.

Living Conditions

7. The proposal would comprise four storeys of living accommodation, the rear façade of which would include a number of facing windows. No 37 already has a number of rear facing windows which look onto properties on Bute Street and so the environment has a degree of inter and overlooking which is part of the existing character of the area. I also take into account that the submitted plans indicate that the proposed building would be located around 24.5m from the existing bungalows on Bute Street, and that this would comply with the guidance in the Council's *Supplementary Planning Guidance – New Residential Guidance* (SPG), which states that rear elevation windows on single storey dwellings should be a minimum of 20m from other habitable room windows.
8. Nevertheless, in addition to a large number of windows the proposal would also include a roof garden, from which would be available an open and unobstructed view of the rear gardens of properties on Bute Street. This would create an intrusive presence which would significantly diminish the level of privacy available to occupiers of adjoining gardens. Even when not in use the presence of the roof terrace would create a perception of overlooking which would impact upon residents' reasonable expectations of privacy within their homes and outdoor spaces. Therefore, despite some existing overlooking, and compliance with minimum separation distances in relation to facing windows outlined in the SPG, the proposal would nonetheless be harmful to the living conditions of adjoining residential occupiers. It would thereby fail to comply with H4 and H5 of the UDP which seek to maintain levels of privacy and amenity for existing residential development. It would also conflict with guidance in the Framework which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion

9. The proposal would be harmful to the character and appearance of the area and would harm the living conditions of adjoining occupiers. I have been provided of no convincing evidence of any material factors which might outweigh that harm. Therefore, for the reasons given above, and having regard to all other matters before me, I dismiss the appeal.

Anne Jordan

INSPECTOR