
Appeal Decision

Site visit made on 6 August 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2019

Appeal Ref: APP/Z4310/W/19/3227669

4 The Heyes, Liverpool L15 8RX

- 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 Iona Omar against the decision of Liverpool City Council.
 - The application Ref 18F/2242, dated 30 July 2018, was refused by notice dated 22 November 2018.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - (a) the effect of the proposal on the character and appearance of the area, and
 - (b) whether the proposal would protect acceptable living conditions for the occupiers of the host and neighbouring properties.

Reasons

Character and appearance

3. The appeal site is located in a suburban part of Liverpool that is characterised by two-storey semi-detached dwellings, circa mid-20th century, of largely uniform appearance, set along strong building lines, and predominantly within generous gardens. The appeal property occupies a corner plot with associated triangular rear garden. The site has a narrow road frontage onto an area of public open space and the wide, landscaped Kings Drive beyond. To the rear, the site backs onto a large school playing field.
4. The proposal is to erect a two-storey detached dwelling within the rear garden and behind the corner building line. Whilst the garden of the appeal site is larger than many others in the locality, the central location of the proposed dwelling within the triangular plot would set the proposal significantly further back from the corner building line. The proposal would appear out of keeping behind the existing properties, exacerbated by the lack of street frontage. In terms of design and orientation the appellant indicates that the proposal responds to the site's constraints, with reduced ground levels and siting of windows to meet separation standards. The appellant further notes that design

is subjective. However, I find that the design takes few architectural cues from the neighbouring properties and the wider context, thereby emphasising that the proposal is out of keeping with the character and appearance of the area.

5. The Liverpool Local Plan has been submitted for examination. Whilst no evidence has been provided on whether Policy H7 is subject to representations or not, the wording of the emerging policy does not significantly change the approach from saved Policies H5 and HD18. Together, these policies aim to ensure new development is well designed and in keeping with the area, and to protect living conditions. As such, the status of Policy H7 does not have a significant bearing on my decision.
6. I therefore conclude that, for the above reasons, the proposed development would have a significant adverse effect on the character and appearance of the area. The proposal therefore conflicts with saved Policies H5 and HD18 of the Liverpool Unitary Development Plan.

Living conditions

7. Notwithstanding that a previous application was refused for different reasons, or that there may or may not have been differences in professional opinion, I must determine the current appeal proposal on its own merits. The appellant considers that the proposal has been designed to meet the standards set out in Supplementary Planning Guidance Note 10. Whilst this is only guidance, my observations indicated that the outlook from the garden of the host property at No 4 The Heyes would be dominated by the proposal, due to the proximity of the two-storey blank gable.
8. Furthermore, the privacy of No 3 The Heyes, which has south facing habitable accommodation and windows at ground level, would also be affected. On my site visit, it was apparent to me that, notwithstanding compliance with window standards or otherwise, the proposed first floor bedroom window would overlook the ground floor windows at No 3 to a significant degree. As such, there would be an unacceptable loss of privacy that would not be adequately protected by the existing fence or garage. The appellant refers to similar overlooking occurring at the corner of The Heyes and Kings Drive but the difference in layouts is such that this does not outweigh my above findings.
9. In conclusion, the proposal would fail to protect acceptable living conditions for the occupiers of the host and neighbouring properties. The proposal therefore conflicts with saved Policies H5 and HD18 of the Liverpool Unitary Development Plan.

Conclusion

10. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR