
Appeal Decision

Site visit made on 18 November 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2019

Appeal Ref: APP/Z4310/D/19/3238679

17 Acton Way, Liverpool L7 6PX

- 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 Anthony Byrne against the decision of Liverpool City Council.
 - The application Ref 19H/0876, dated 18 February 2019, was refused by notice dated 26 September 2019.
 - The development proposed is described as retrospective planning permission for retention and completion of single storey side, flat-roofed extension (resubmission of application ref: 18H/1733).
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Decision

1. The appeal is dismissed.

Procedural matters

2. Retention is not an act of development under the above Planning Act. I have assessed the proposal as one that seeks planning permission for the erection of a single storey rear extension.
3. The proposed development is partly constructed. That part of the new extension that is in place appears to be broadly in accordance with the plans.
4. Reference is made to the pre-submission draft Liverpool Local Plan (LP). As the LP is in preparation its policies may change prior to adoption. As such, I attach limited weight to the policies of the LP.

Main issues

5. The main issues are the effect of the proposed development firstly, on the character and appearance of the local area; and secondly, on the living conditions of the occupiers of 16 Acton Way and 12 Rokesmith Avenue with particular regard to visual impact and light.

Reasons

Character and appearance

6. The appeal property is a mainly 2-storey semi-detached house that occupies a good-sized corner plot within an estate style residential area. In the vicinity of the site, properties are broadly similar in age and style, with some variety in detailed design and general appearance. Consequently, there is some variety in the existing built form within the area to which No 17 belongs. The site is not within a conservation area and the appeal property is not a listed building.

7. A single storey rear extension is proposed that would project outwards from the main rear wall by about 6-metres. It would also extend almost the entire width of the main house. Although notably lower in height than the conservatory that has been demolished and removed to make way for the proposal, the new extension would be longer and wider than the previous structure. Its solid form of construction would also markedly contrast with the more 'lightweight' appearance of the former conservatory.
8. Once finished, the appeal scheme would significantly elongate the built form of No 17, enlarge its footprint and noticeably add to its scale and mass. That the proposal would have a flat roof would visually accentuate its scale and bulk by appearing as an overly large 'box-like' addition. The main outcome would be significant harm to the appeal dwelling because its rear elevation would be visually overwhelmed by the proposal. As a result, the intrinsic character of the host building would be spoilt with the new built form in place.
9. Views of the rear extension from public vantage points would be limited given its position at the back of the main house. Nevertheless, it would be visible from a short section of Rokesmith Avenue, to the southeast of the site. From this direction, the appeal scheme would be seen among the varied built form at the side and rear of nearby properties. Even so, it would still draw the eye, projecting well above the boundary fence of No 17, as an uncharacteristically large and discordant element, to the detriment of the area's visual character.
10. I saw some examples of rear extensions and flat roof buildings within the local area, which vary in size, design and materials including those to which the appellant has referred. To my mind, these cases have blended into the character and appearance of their local area and respected the style of the host building with varying degrees of success. Few background details have been provided of these examples and none that I observed were directly comparable with the appeal scheme in terms of size and in their relationship with the host building. Therefore, I am unable to reach any meaningful conclusions on this particular matter as few direct parallels can be drawn between existing developments and the proposal.
11. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such, it conflicts with saved Policies H8 and HD18 of the City of Liverpool Unitary Development Plan (UDP). These policies aim to ensure that development relates well to its locality and note that house extensions should respect the character of the existing dwelling and adjacent properties.

Living conditions

12. The side elevation of the new rear extension would be close to and run parallel with the shared rear boundary with the attached property, which is 16 Acton Way. The new flank wall, which is largely in place, would partly enclose the back garden of No 16 and project noticeably above the boundary fence and so the proposal would be evident from both here and through the rear windows. Due its considerable length, height and position, the new extension would overbear on the occupiers of No 16, which would be most pronounced in views from their ground floor rear window closest to the shared boundary with the site and their back garden.

13. There would also be some loss of sunlight to the rear of No 16 during a major part of the day caused by the overshadowing effect of the new development, situated just to the south and southeast. The loss of sunlight would exacerbate the visual impact of the new extension causing it to feel oppressive when seen from the ground floor windows and back garden of No 16. As the proposal would be noticeably taller than the existing boundary fence and longer than the previous conservatory and a rear extension built in accordance with the Council's guidelines, which would be about 3-metres in depth, its visual impact would be much greater than would be caused by either of these features.
14. The effect of the proposal on the living conditions of the occupants of 12 Rokesmith Avenue, which stands just beyond the rear boundary of the site, would be less marked than in relation to No 16. This is primarily because the gable wall of No 12, which faces and is closest to the site, has no ground floor windows. The triangular shaped side garden of No 12 adjacent to the site is also modest in size and likely to be used mainly as a route around the property. Notwithstanding the elevated position of the new extension relative to No 12 due to the difference in ground levels, the visual impact of the proposal would not in itself be so great as to warrant withholding planning permission. Furthermore, any loss of natural light to the side of No 12 would be limited in extent and duration given the position of the new extension to the west and northwest of No 17 and set back from the common boundary between these neighbouring properties. Consequently, the living conditions of No 12 would not be materially reduced by the proposal.
15. The appellant states that the occupiers of No 16 support the proposal and note that the new flank wall alongside their property has been in place for some time. No other local residents have raised an objection. However, my assessment takes into account the living conditions of future occupiers as well as those that currently occupy nearby properties.
16. On the second main issue, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 16. As such, it conflicts with UDP Policies H8 and HD18, and Supplementary Planning Guidance Note 1 (SPG1) insofar as they aim to safeguard residential amenity.

Other matters

17. Once complete, the proposal would provide additional living and dining space for the appellant's family. It would avoid the need to relocate from the area within which the family has grown up with its attendant costs and disruption. The finished dwelling would also better meet the particular needs of the appellant's spouse, which is supported by a letter from the Consultant Spinal Surgeon at the Royal Liverpool and Broadgreen University Hospitals. I am sympathetic to this desire and have very carefully considered the appellant's personal statement, which outlines these circumstances in more detail.
18. At the national level, policy acknowledges the importance of providing suitable housing for those with disabilities to help them live safe and independent lives. Similarly, at the local level, UDP Policy H8 allows the Council's standards in relation to house extensions to be relaxed where the occupation of an extension is for a disabled or chronically sick person. However, few specific details have been provided to clearly demonstrate that the needs of the appellant's spouse and family could only be met by extending and altering the

property in the manner proposed. Consequently, these circumstances do not outweigh the significant harm that I have identified.

19. The appellant states that the proposal would normally qualify as permitted development (PD) and, on that basis, it would not require planning permission. Furthermore, the appellant considers that a PD compliant scheme with a pitched roof would be taller than the appeal scheme. However, the Council states that PD rights were withdrawn across the wider estate when it was originally constructed, which is not contested. While the estate has evolved in the interim, with various changes made to individual properties, there is nothing before me to indicate that PD rights are to be reinstated as a consequence. Whether or not the withdrawal of PD rights is out of step with current national policy and guidance, the fact remains that planning permission is required for the development sought. I note that the appellant feels aggrieved that the flexibility open to others residing beyond the estate to enlarge their homes without recourse to the Council is not available to him. Even so, I am unable to attach more than limited weight to this consideration in support of the appeal.
20. The appellant considers that both the UDP and SPG1 are somewhat dated and that their policies and guidance do not fully reflect the recent changes made to planning legislation and national policy that aim to give greater freedom for households to adapt and enlarge their home without the need for planning permission. However, the UDP policies cited remain part of the development plan and the guidance within the SPG1 is relevant to this appeal. Furthermore, the National Planning Policy Framework (the Framework), which sets out current national planning policy, clearly states that development should add to the overall qualities of the area and create places with a high standard of amenity for existing and future users. As the proposal would not do so, it is clearly at odds with national planning policy.
21. The proposal would make an efficient use of land. There would also be some economic benefits mainly from the sale of materials during the construction phase. These considerations do not outweigh the harm that I have identified.
22. The Council states that the proposal, if allowed, would set an undesirable precedent for similar forms of development elsewhere. However, I disagree. Each case should be assessed on its individual merits. Having done so, I conclude that, for the reasons set out above, the appeal should be dismissed.

Gary Deane

INSPECTOR