



Appeal Decision

Site visit made on 7 January 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal Ref: APP/Z4310/D/19/3237303
217 Waterpark Drive, Liverpool L28 0QU

- 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 Richard Bayley against the decision of Liverpool City Council.
 - The application Ref 19H/1459, dated 21 May 2019, was refused by notice dated 2 September 2019.
 - The development proposed is described as a '2 storey extension to side of property to provide additional lounge, dining, conservatory and bedroom, first floor extension to front of property to extend existing bedroom'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council does not raise any concerns with the proposed two storey side extension, nor the single storey rear extension. My deliberations and decision are therefore confined to the proposed first floor extension to the front of the property.

Main Issue

3. The main issue is the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area.

Reasons

4. The appeal property is the left-hand half of a pair of modern two storey semi-detached houses. While there is some variation in design, the street scene is characterised by semi-detached blocks and short blocks of terraces neatly laid out in an orderly manner and finished in red brickwork with grey tiled roof coverings. The design of the semi-detached blocks includes a wide front facing gable to one half and a hipped roof to the other, with each property having a single storey front porch. This design composition is mirrored in the neighbouring pair and therefore when viewed together they bring a degree of symmetry and pleasant visual balance to this part of the street.
5. The proposed first floor extension over the existing porch would introduce a secondary front facing gable feature that would jut forward beyond the alignment of the existing two storey elevation of the property and its adjoining neighbour. Despite the use of matching materials, this front facing extension

would be a prominent and discordant feature that would be at odds with the appearance of both the appeal property and its neighbours. This would result in the property having a pronounced asymmetrical, and so unbalanced, appearance when viewed alongside its neighbours. Consequently, this would not be a sympathetic addition that would respect the original character and appearance of the host building or its immediate surroundings.

6. The appellant is of the view that the extension would be proportionate to the existing building and I accept that it would offer a degree of subservience. They also consider that it would replicate the design of narrower gables found in nearby properties. However, it would visually compete with the existing wide two storey gable elevation and thereby result in an overly assertive feature that would be visually discordant in the street scene. Furthermore, two storey narrow gable features are not seen in the immediate context of the site.
7. Consequently, I find that the proposal would cause significant harm to the character and appearance of the host dwelling and the surrounding area. This is contrary to saved policies H8 and H18 of the Liverpool Unitary Development Plan 2002 and the advice set out in the House Extensions Supplementary Planning Guidance Note 1. Together these policies and guidance seek to ensure that development is of a high quality design that respects the character of the existing dwelling and adjacent properties. It would, therefore, also be contrary to the National Planning Policy Framework, which seeks to ensure that new development achieves a high standard of design that is sympathetic to local character and adds to the overall quality of the area.

Other Matters

8. I have carefully considered the reasons given for why the appellant has applied for planning permission to extend the property. This includes the provision of additional bedroom space for an autistic child and I accept that additional space would be beneficial in this regard. These are personal circumstances to which I afford weight in favour of the appeal.
9. Accordingly, in my assessment I am mindful of the Public Sector Equality Duty (PSED) arising from section 149 of the Equalities Act 2010 (the Act). This requires me to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Amongst other things, for the purposes of the Act protected characteristics include disabilities such as autism. Consequently, I am satisfied that the child occupying the property has a protected characteristic for the purposes of applying the PSED. I have also had regard to the rights conveyed within the Human Rights Act 1998.
10. In weighing the personal circumstances presented by the appellant, this has to be considered against the significant harm that would be caused to the character and appearance of the dwelling and the surrounding area. In this regard, I am mindful that the proposal would result in permanent additions to the appeal property, the harmful effects of which would endure if the current occupants should choose to move away from the property. It has also not been demonstrated that the proposal would be the only means of increasing the bedroom accommodation and therefore other less harmful schemes could be considered. As such, a refusal of planning permission would be a proportionate and necessary approach to the legitimate aim of protecting the property and

the surrounding area from harm to its character and visual appearance. This is a well-established principle in planning for the public interest and, therefore, cannot be achieved by means that are less interfering of the human rights of the appellant or the other occupants of the appeal property.

11. Consequently, in the overall planning balance, these considerations do not outweigh the significant and permanent harm I have identified. Therefore, this does not lead me away from my conclusion on the main issue in this case.
12. The evidence refers to other developments in the surrounding area which the appellant considers to be harmful to the character of the area. However, I am not aware of the full circumstances of these other cases and in any event each scheme must be considered and determined on its individual merits. In addition, the lack of any objections from neighbours does not outweigh the harm I have found.

Conclusion

13. For the reasons I have set out, the appeal is dismissed.

Jeff Tweddle

INSPECTOR