
Appeal Decision

Site visit made on 21 July 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2020

Appeal Ref: APP/Z4310/D/20/3252398

211 Menlove Avenue, Mossley Hill, Liverpool, L18 3EF

- 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 Paul Melvin against the decision of Liverpool City Council.
 - The application Ref 19H/1168, dated 25 April 2019, was refused by notice dated 9 March 2020.
 - The development proposed is described as "*erect single/two storey extensions at side and rear, loft conversion/extensions and front porch extension*".
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal building consists of a detached property in a generous plot on the north eastern side of Menlove Avenue. It has a traditional, symmetrical appearance and is flanked on either side by tall garden walls.
4. The development would introduce large extensions on either side of the dwelling of a significant height and scale. In combination, these would significantly alter the property's appearance and would roughly double its width above ground floor level. The size of these extensions would be considerable, and they would not be subordinate to the host property in my view. Instead, they would be unduly dominant additions that would result in an awkward and disjointed appearance. In this regard, the side extensions would have different roof profiles and ridge heights, and would be of an excessive width, which would unbalance the appearance of the property. The pleasant symmetry of the existing dwelling would also be lost. Moreover, these extensions would be clearly visible from along Menlove Avenue and Druidsville Road and would be prominent features within the street. Whilst they would use matching materials, and would be setback from the main front elevation, that does not alter my other concerns regarding their design.
5. The surrounding area has a varied character and a number of properties appear to have been significantly remodelled. However, that does not provide a justification for a development with these shortcomings.

6. It is asserted that the proposed extensions are required in order to adapt the property to meet the needs of a family member with a disability. In this regard, the appellant states that they have been advised that a bespoke bedroom and a sensory room are required. I have sympathy with the appellant's situation, and this is clearly a matter of some importance. However, there is no evidence before me that extensions of this size and scale are necessary in order to accommodate these specific care needs. It is also unclear whether other, less harmful, designs have been explored that could also accommodate these requirements. These uncertainties limit the weight I can attach to the appellant's personal circumstances in this case.
7. My attention has been drawn to 3 recently approved extensions in the surrounding area. However, the full details of those cases, including the relevant plans and Officer Reports, are not before me. In any case, I have come to my own view on this case rather than relying on the approach the Council may have taken elsewhere.
8. For the above reasons, I conclude that the development would significantly harm the character and appearance of both the host property and the surrounding area. It would therefore be contrary to saved Policies H8 and HD18 of the Liverpool Unitary Development Plan ('UDP') (2002), and guidance contained in Supplementary Planning Guidance Note 1: House Extensions. These policies and guidance seek to ensure, amongst other things, that domestic extensions respect the character of the host dwelling and that the proposed scale, density and massing relate well to the locality.
9. Separately, it is asserted that Policy GEN 4 of the UDP is supportive of the development. This policy is strategic in nature and seeks to promote a good quality living environment by considering carefully the design and layout of housing proposals, in particular for those with special needs. However, as this policy simply requires a careful consideration of design and layout, it is not clear that it lends support to the current proposal. In any case, even if I had come to a different view on this matter, overall, the development would still be contrary to the development plan for the reasons set out above.

Other Matters

10. The proposed rear extensions have been significantly reduced in size from the original proposal. Given the distance to No 91 Druidsville Road, and the lack of habitable room windows in its side elevation, there would not be any significant loss of outlook to that property.
11. My attention has been drawn to an email sent by the Case Officer that appears to be supportive of the proposal. However, the Council is not bound by this email, and it clearly came to the subsequent view that the proposal could not be supported. For the reasons set out above, I concur with that assessment.

Conclusion

12. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. Since the appellant states that the extensions are necessary to accommodate the needs of a family member with a disability, this is a person who shares a protected characteristic for the purposes of the PSED.

13. It does not follow from the PSED that the appeal should succeed. In this case the development would significantly harm the character and appearance of both the host property and the surrounding area. In addition, and based on the evidence before me, I am unable to conclude that the scale of the proposed extensions is necessary to accommodate the appellant's requirements.
14. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR