



Appeal Decision

Site Visit made on 3 March 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2021

Appeal Ref: APP/Z4310/W/20/3260634

10 Garth Drive, LIVERPOOL, L18 6HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Marcus Tierney against Liverpool City Council.
- The application Ref 20H/0809, is dated 16 March 2020.
- The development proposed is the demolition of existing garage and outbuildings; construction of new single storey rear extension; replacement of existing dormers, new porch, rendering of existing property and replacement slate roof.

Decision

1. The appeal is dismissed.

Main Issues

2. Although it did not determine the application within the required period, the Council has provided a detailed assessment of the proposal and has indicated the grounds on which it would have refused the application. Based on the information provided, the main issues are the effect of the proposal on:
 - i) the character and appearance of the area;
 - ii) the living conditions of the occupiers of 12 Garth Drive, with particular regard to outlook and light; and
 - iii) the effect on protected trees.

Reasons

Character and appearance

3. The appeal property is a semi-detached house set in a large plot, which backs onto Calderstones School. Mature trees along Garth Drive, in surrounding gardens and within the boundaries of the school, give this suburban area a green and pleasant character.
4. Whilst the side garden at the appeal property is large, the rear garden is not particularly long and the proposed single storey extension would occupy the majority of this space. By projecting almost as far as the rear boundary, for most of the width of the house, the extension would add significantly to the overall floorspace of the building, despite the proposed demolitions.
5. The proposed extension would almost double the footprint of the existing house and would appear overly large in relation to both the appeal property and the adjoining semi, 12 Garth Drive (No. 12), which is significantly narrower than its

neighbour. The large expanse of flat roof would be clearly visible from No. 12 and would have a harmful effect on the character of the area when viewed from that property.

6. The proposed extension would be out of scale with the existing pair of houses, but this would only be fully apparent from the properties themselves. The rear extension would not be readily visible from the street, and the presence of mature trees and vegetation would provide screening from the school to the rear. The existing side garden, which contributes positively to the streetscene by providing a gap in built form, through which the mature trees beyond are visible, would be retained.
7. The appeal property has mock stone cladding on the main elevations, and there is no disagreement that its proposed replacement with white render, together with proposed alterations to the front dormer, would improve the appearance of the property. Similarly, the proposed front porch and rear dormer extension would also be appropriate additions.
8. I conclude that the proposed front and rear dormers and other alterations to the front elevation would be acceptable. However, the rear extension would cause a small amount of harm to the character and appearance of the area. There would be a minor conflict with Saved Policies H8 and HD18 of the Liverpool Unitary Development Plan 2002 (UDP), which require that the scale of developments relate well to its locality and respect the character of the existing dwelling and adjacent properties. There would be further minor conflict with the guidance in the House Extensions Supplementary Planning Guidance 2001 (SPG) which requires extensions to be subordinate in scale to the building to be extended, to ensure that they harmonise visually.

Living conditions

9. Whilst much of the garden area of No. 10 is located to the side, this is not replicated at No. 12, and the rear garden forms the main private amenity space for that property. When viewed from the garden of No. 12, the shared boundary with No. 10 is formed of a brick wall, with the side walls of outbuildings at either end. The presence of the two outbuildings hard against the boundary enclose the garden space at No. 12 to some extent, particularly the area closest to the house. However, the lower wall between the outbuildings provides a sense of openness to the garden, and allows views through to mature trees some distance away.
10. The removal of the two outbuildings immediately adjacent to the boundary may be beneficial for the occupiers of No. 12. However, they would be replaced with a much larger building, which would extend for the full length of the rear garden. The proposed extension would be higher than both of the existing outbuildings, so even though it would be set slightly further away, it would appear overbearing and oppressive from the garden of No. 12. The proposal would erode the feeling of openness, and increase the sense of enclosure for the whole of the space, to a harmful degree.
11. The rear elevations of the appeal property and its neighbour face in an easterly direction, with No. 12 being positioned on the north side of the two semis. Owing to the relative orientation of the buildings, with the existing outbuilding close to the rear elevation of the houses, there will already be a reasonable amount of overshadowing to the rear patio doors of No. 12, which are the sole

windows serving one of the main habitable rooms. The proposed extension would be slightly further away, so although a larger building, it would not cause further loss of light to the rear patio doors of No. 12, compared to the existing situation.

12. Due to its orientation, the area of garden at No. 12 closest to the house will already be in shade during the afternoon, and the existing outbuildings at No. 10 will cause some overshadowing during the morning. The proposed extension would result in some additional overshadowing in the afternoon to the lower half of the garden, and to the area nearer to the house in the morning. However, given the existing situation, the additional impact would not cause unacceptable harm, and I note the appellant's assertion that the sunlight and daylight requirements contained in the Building Research Establishment guidance would be met.
13. The proposed rear dormer would be longer than the existing dormer, and would extend further towards the neighbour's roof. However, it would not be any larger in profile than the existing rear dormer, and given its position on the roof, any additional overshadowing to the rooflights on the rear roof of No. 12 would be minimal.
14. I conclude that the proposal would not result in undue loss of light to the house or garden of No. 12. However, it would result in unacceptable harm to the living conditions of the occupiers of 12 Garth Drive with regard to outlook. Consequently, the proposal would conflict with Saved UDP Policies H8 and HD18, which require that development does not result in a severe loss of amenity for neighbours. There is also conflict with the SPG, which advises that extensions should not have an overbearing effect on neighbouring properties

Protected trees

15. The extension would be sited close to three mature trees which form part of a larger group in the grounds of Calderstones School. The trees, which contribute significantly to the visual amenity of the area, are subject to a tree preservation order.
16. The proposed extension would be sited slightly further from the trees than the existing brick built garage, which would be demolished. However, the tall trees have large canopies which overhang the garage, and may have roots underneath it which could be affected by the extension. Given its proximity to the protected trees, the extension could cause harm to the tree roots, but in the absence of an appropriate tree survey, the potential impact of the proposal on the protected trees is unknown.
17. I note the appellant's suggestion that a condition could be imposed requiring root protection measures to be agreed prior to construction works. However, without survey information to demonstrate how any harm could be adequately mitigated, the effectiveness of such a condition is unknown and cannot be relied on.
18. I conclude that insufficient information has been provided to demonstrate that the proposal would not cause harm to protected trees. The proposal therefore fails to comply with Saved UDP Policy HD22, which seeks to protect existing trees within new developments and requires the submission of an independent tree survey to enable the effect of a proposal on the trees to be fully assessed.

Conclusion

19. I have found that the proposal would result a small amount of harm to the character and appearance of the area. Whilst this alone would not be sufficient to dismiss the appeal, it would add to the significant harm which the rear extension would cause to the living conditions of the occupiers of No. 12. In addition, a lack of harm to protected trees has not been demonstrated.
20. The proposal would conflict with the development plan and there are no other considerations that outweigh this finding. For the reasons given above, the appeal is therefore dismissed.

R Morgan

INSPECTOR