



Appeal Decision

Site Visit made on 6 July 2021

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2021

Appeal Ref: APP/Z4310/W/21/3271986

187 Smithdown Road/143 Salisbury Road, Liverpool L15 2HD

- 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 F Campbell against the decision of Liverpool City Council.
 - The application Ref 19F/3027, dated 12 November 2019, was refused by notice dated 17 February 2021.
 - The development proposed is described as a 'second floor extension to form a three bed flat, alternative to 18F/1294'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework was published in July 2021 (the Framework). Whilst the paragraph numbers have changed in regard to those relevant to the main issues of this case, the substance thereof remains the same as the 2019 iteration. I have sought comments from the main parties and taken any comments made into consideration.
3. The application form and Council's decision notice state that the site address is 187 Smithdown Road/143 Salisbury Road. However, the appellant's appeal form indicates that it is 187-193 Smithdown Road. In the absence of any conclusive information, I have used the address provided in the application form and decision notice in the banner heading above.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the host building and the area; and
 - the living conditions of the occupiers of Flat 4 of the host building, with regard to light and outlook.

Reasons

Character and Appearance

5. The appeal property is a part three storey and part two storey building on the corner of Smithdown Road and Salisbury Road. On the former, the properties are three storeys, with mainly retail/commercial uses at ground floor level in the vicinity of the site. Salisbury Road contains residential properties that have a generally consistent two storey form. There is some variation in the appearance of the semi-detached buildings, but the regular building lines and

features such as bay windows, contribute positively to the cohesive character of the area.

6. The second floor extension proposed would be sited on part of the roof terrace of the two storey element of the appeal property and the appellant has set out that the design seeks to address previous refusal reasons. Although along the Smithdown Road elevation properties are three storeys, the additional scale and bulk that would be added to the property would appear incongruous and out of place along Salisbury Road, where properties generally have a consistent two storey form.
7. I note that the roof of the proposed extension would sit beneath the soffit level of the existing roofline and that the overall height of the extension would not exceed that of the adjacent property at No 141 Salisbury Road. The development would also utilise matching materials and ensure that space would be maintained with this neighbouring property at No. 141 which is physically and functionally separate. Nevertheless, it is evident that the scale of properties that face Smithdown Road reduces to two storeys or single storey at the rear as can be seen on both the appeal property and the other corner property on Smithdown Road and Salisbury Road. Furthermore, whilst the proposal may not be visible from the Smithdown Road frontage, its design, with its rectangular box form would jar with the predominant pitched roofs of houses along Salisbury Road where it would be clearly seen. It would thereby appear as a visually obtrusive and an overdominant addition.
8. The development would therefore have a harmful effect on the character and appearance of the host building and the area. As such, it would conflict with Policy HD18 of The City of Liverpool Unitary Development Plan (2002) (UDP), which requires, amongst other matters, high quality design where the scale and massing relate well to the locality. It would also be contrary to Paragraph 130 of the Framework, which seeks, amongst other matters, development that would add to the overall quality of the area.
9. The proposal would also conflict with emerging Policies UD1, UD7 and H7 of the Liverpool Local Plan 2013-2033 (January 2018) (Local Plan), which require, amongst other matters, alterations and extensions to existing buildings to consider the scale, proportion, form and character of the existing building and retain the overall character of the area. The Council have advised that the Local Plan is at an advanced stage and the referenced policies have limited representations. The emerging policies in the Local Plan will however be subject to consultation as acknowledged by the Council and as such, due to its stage of preparation, I afford them limited weight.

Living Conditions

10. At second floor level where the development is proposed, Flat 4 in the existing building has a bedroom window on the main rear elevation. The proposal, despite its projection and size which would occupy most of the roof terrace, would be set away from the bedroom window of Flat 4 by around 1.9m. This separation would ensure the window to Flat 4 would continue to have a reasonable outlook more directly to the rear, behind the terrace on Salisbury Road and also for this reason, to continue be provided with a good opportunity for light to enter. As such, the proposal would not have an unacceptable harmful effect on the living conditions of the occupants of Flat 4 of the host building, with regard to light and outlook.

11. Accordingly, it would not conflict with Policy HD18 of the UDP, which seeks, amongst other matters, to ensure that there is no severe loss of amenity to adjacent residents. It would also not be contrary to emerging Policies UD7 and H7 of the Local Plan, which as previously set out, currently carry limited weight due to its stage of preparation. Emerging Policy UD1 of the Local Plan which is also referenced in the decision notice, is not relevant to living condition matters.

Other Matters

12. Concerns have been raised on whether the proposed development would provide for a satisfactory standard of accommodation for its future occupiers, and more specifically the outlook from and light to two bedroom windows. One of the bedrooms would have a dual aspect and I do not consider there would be an unacceptable loss of light or enclosure to this room for that reason. The other bedroom, whilst being closer to the main three storey rear elevation would, due to its position at second floor level, benefit from views out over existing buildings and roof tops and receive more than sufficient light. I do not therefore consider that there would be unacceptable harm arising in regard to the living conditions of future occupiers.
13. The development would exceed nationally prescribed space standards, providing satisfactory living conditions for future occupiers. The appellant also states that there are no issues relating to the principle of residential development, highway safety matters, refuse/recycling storage, drainage and flood risk or ecology and biodiversity. In addition, there are no concerns from environmental health, matters relating to anti-social behaviour and crime, or on heritage assets. However, the absence of harm in respect of these issues is a neutral matter.
14. The appellant has referenced a lapsed planning permission where the Council did not raise concerns to three storeys on the return frontage. The policy context being the same has also been stated. Apart from this however, I have been provided with limited details of this referenced development and can confirm that I have dealt with this appeal on its own merits.
15. The proposal would provide an additional flat in an accessible location where it seeks to make efficient use of land, in this case Brownfield land. In this respect it gains support from national policy. However, these positive aspects of the appeal scheme would not be sufficient to outweigh the harm that I have identified in relation to the character and appearance of the host building and the area.

Conclusion

16. I have found in the appellants' favour in relation to the effect on living conditions. However, I conclude that the proposal would be unacceptable as it would harm the character and appearance of the host building and the area.
17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR