
Appeal Decision

Site Visit made on 12 July 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/Z4310/D/21/3273938

8 Westward View, Aigburth, Liverpool, L17 7EE

- 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 Peter Blackburn against the decision of Liverpool City Council.
 - The application Ref 20H/1103, dated 9 April 2020, was refused by notice dated 11 March 2021.
 - The development proposed is first floor front and single storey front extension and two storey extension to the side.
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Decision

1. The appeal is dismissed insofar as it related to first floor front and single storey front extension. The appeal is allowed insofar as it relates to two storey extension to the side and planning permission is granted for two storey extension to the side at 8 Westward View, Aigburth, Liverpool, L17 7EE in accordance with the terms of the application, Ref 20H/1103, dated 9 April 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed floor plans and elevations Revision A Sept 20 so far as relevant to that part of the development hereby permitted.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek

further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

4. My attention has been drawn to the existence of two officer reports with different recommendations. The decision notice issued by the Council refused the application and it is on that basis I have assessed this appeal.
5. The Council's decision notice refers to policy H8 of the Emerging Liverpool Local Plan. This policy was not before the appeal and the proposal has not been assessed against it.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the area and the living conditions of nearby occupiers in terms of outlook and light.

Reasons for the Recommendation

Character and Appearance

7. The host dwelling lies within a residential area with an open plan layout with predominantly individually designed detached dwellings. The set back of the dwellings and the open spaces in front of them, with no, or limited boundary treatments, contributes to the open character of the area.
8. The proposed front extension would take the built form of the dwelling closer to the highway and would erode the amount of open space to the front of the dwelling. This extension would therefore result in the extended dwelling being unduly prominent in the street scene, sitting closer to the highway than nearby dwellings and appearing incongruous in the streetscene as a result.
9. The proposed extension to the side of the dwelling would be set back from the existing front elevation and the ridge would be at a lower level than the host dwelling. It would therefore appear as a subordinate extension to the dwelling. Whilst it would be close to the boundary with 9 Westward View, I am satisfied that it would reflect the character and appearance of the area.
10. I therefore conclude that the first floor front and single storey front extension would harm the character and appearance of the area and would therefore conflict with Policy H8 of the Liverpool Unitary Development Plan which seeks to ensure that the scale, design and orientation of extensions respects the character of the existing dwelling and adjacent properties.
11. Given my findings in respect of the side extension I conclude that it would respect the character of the existing dwelling and the area in accordance with the aims of Policy H8 of the Liverpool Unitary Development Plan.

Living Conditions

12. No 7 Westward View is set back from the highway, with its front elevation set behind that of the appeal property. Whilst the front extension would extend further forward of this property I find that the separation distance between the dwellings would ensure that it would not be overbearing on the outlook from the front of No 7. Moreover, given the orientation of the proposal to No 7 and the evidence before me, it is unlikely that the extension would affect light to No 7 to the degree that would be harmful to its occupiers' living conditions.

13. I therefore conclude that the first floor front and single storey front extension would not harm the living conditions of the neighbouring occupiers at No 7 and would therefore comply with Policy H8 of the Liverpool Unitary Development Plan which, amongst other things, seeks to ensure that extensions preserve levels of amenity for neighbours.
14. The proposed extension to the side of the dwelling would be set back from the boundary with No 9 Westward View, which is heavily landscaped, and due to the relative positions of the dwellings in the street scene and the orientation of the proposed extension, it would not be overbearing on the outlook from this property. Moreover, given the design of the extension, it is unlikely that it would result in a loss of light or sunlight to the side and rear of No 9 to a degree that would be noticeable, given the existing situation.
15. Although not raised as a concern in the Council's decision notice concern has been raised that the proposal would affect the privacy of nearby occupiers. Whilst first floor windows would be taken closer to the party boundary with No 9, they would serve a toilet and landing area and would face the rear garden of the host property. Given the orientation of the extension to No 9 and its rear garden, there would be no loss of privacy to this area.
16. I am therefore satisfied that the proposed extension to the side of the dwelling would not harm the living conditions of neighbouring occupiers and in this respect this aspect of the proposal complies with Policy H8 of the Liverpool Unitary Development Plan.

Other Matters

17. In reaching this recommendation I have had full regard to the personal circumstances that have given rise to the need for the proposal. Whilst I am sympathetic to this need, it is likely that there are other options available to the appellant to accommodate this need and accordingly this matter does not outweigh the harm I have identified.

Conclusion

18. I have found that the two storey side extension accords with the development plan and as this aspect of the proposal is severable from the front extension I recommend that a split decision is issued allowing this extension and dismissing the front extension.

Conditions

19. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the approved plans so far as relevant to the two storey extension to the side. A condition requiring the use of materials matching that of the existing building is also necessary to protect the character and appearance of the area.

Recommendation

20. For the reasons given above, and having had regard to all other matters raised, I recommend that in relation to the first floor front and single storey front extension, the appeal is dismissed, but that in relation to the two storey extension to the side, the appeal is allowed subject to the conditions above.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal in respect of the first floor front and single storey front extension is dismissed. In respect of the two storey extension to the side, the appeal is allowed subject to the conditions set out above.

RC Kirby

INSPECTOR