
Appeal Decision

Site visit made on 7 September 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2021

Appeal Ref: APP/Z4310/D/21/3275380
26 Gateacre Vale Road, Liverpool L25 5NP

- 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 Ms Arslanian against the decision of Liverpool City Council.
 - The application Ref: 20H/2117, dated 4 August 2020, was refused by notice dated 2 March 2021.
 - The development was originally described as a single storey rear extension – loft conversion incorporating front dormer.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear and dormer extensions to front and rear at 26 Gateacre Vale Road, Liverpool L25 5NP in accordance with the terms of the application, Ref: 20H/2117, dated 4 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 20P2 date July 20, Drawing No. Floor Plans & Elevations 1 of 2 (A) date July 20
 - 2) 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.
 - 3) The roof area of the single storey extension to rear hereby permitted shall not be used as a balcony, roof garden or similar amenity area.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. The appeal development also includes a rear dormer extension that forms the matter of dispute between the main parties and is reflected in the Council's description on the decision notice. The description in my decision paragraph is based on that of the Council. Whether or not the rear dormer is 'permitted development' is not for my consideration. It is not the role of an Inspector dealing solely with an application for planning permission to conduct an exercise as to lawful use or operation.
3. It is apparent from the appeal submissions and my site visit that the appeal property had already been extended by way of the single storey extension to the rear, and dormer extensions to the front and rear. The Council made its decision on the basis of the submitted plans and, accordingly, so have I. In the

event that the plans do not entirely reflect what has been built on site, that is a matter for the main parties.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the building and the area; and (ii) the living conditions of the occupiers of 24 and 28 Gateacre Vale Road (Nos 24 and 28) by way of privacy and visual impact.

Reasons

Character and Appearance

5. The appeal property comprises a semi-detached dormer bungalow that has been significantly extended and renovated. The other semi, No 24, also has rear and side dormer roof extensions, and a rear extension. There are also a number of other rear dormer extensions that are found in close proximity. More broadly, the site lies within a residential area and contains dwellings of various sizes and designs, reflecting the mix of bungalows, semi-detached and detached properties, as well as flats.
6. That the size, bulk and massing of the rear dormer covers much of the rear roof plane does not result in it appearing overly dominant in these surroundings because of the other rear dormers that are found in its vicinity. In particular, the rear dormers found on nearby 20 and 22 Gateacre Vale Road, which are clearly visible from the site, are themselves of a substantial size.
7. Nor does the rear dormer result in a dramatic unbalancing of these semis because No 24 has itself already been significantly extended to the rear. Both these properties are much altered. The greater size of the appeal property's rear dormer is not decisive in this regard.
8. The Council's Supplementary Planning Guidance Note 1 (SPG) provides guidelines for dormer extensions. The rear dormer complies with the SPG as it does not exceed the height of the existing roof, is confined to the rear, and is set in a minimum of one metre from the main wall of the dwelling, which is on its front elevation.
9. The box-like design and appearance of the rear dormer is also not incongruous because the other rear dormers in the area are also of this type. In addition, the walls are tiled to be in keeping with the appeal property, which is also a feature of the other dormers in the immediate area.
10. There is a pair of external openings on the rear dormer consisting of glazed doors and side pane areas. There is also a smaller window in between. That they do not strictly align with the ground floor windows is reflective of the different arrangements of windows at both levels. This does not appear unacceptable in visual terms, in particular as the ground floor windows themselves are of a different design. Achieving a vertical line is not thus critical.
11. Where the SPG refers to the existing windows as regards design matters specifically for dormers, this does not strictly concern those on the rear of a property. Matters in relation to the scale and proportion of the windows need

to be considered in the context of the development as a whole and so do not count against it.

12. I conclude that the development does not have an unacceptable effect on the character and appearance of the building and the area. Consequently, it complies with saved Policy H8 of the Council's Liverpool Unitary Development Plan (2002) (UDP) where it concerns the scale, design, orientation and materials of the extension, and respecting the character of the existing dwelling and adjacent properties.
13. The development also complies with the SPG because it does not detract from the character of this residential area. The same applies in relation to Policy H8 of the Liverpool Local Plan 2013-2033 Pre-submission draft (2018) (Draft Local Plan).

Living Conditions

14. The door openings on the rear dormer contain Juliette balconies. As is typical for such features, they are decorative rather than allowing the occupants to step out from the doors. The openings on the rear dormer face over the appeal property's own garden.
15. Views over the rear gardens of Nos 24 and 28 from the elevated positioning of the rear dormer are at an angle. Direct overlooking does not occur and so the amount of time the occupiers may look out of these windows has a limited bearing and the same applies in relation to a perceived loss of privacy. Whether or not the rear dormer can be considered to be prominent does not substantively affect privacy because this results from the direction which the openings look over. A planning condition would also ably prevent the use of the adjacent flat roof area of the rear extension so that direct overlooking would not occur in this respect.
16. No 24 has a single storey rear extension on the side nearest the boundary with the appeal property. There is also a close boarded fence on the boundary and some vegetation adjacent. The shared boundary with No 28 is less enclosed, but there is more separation between the properties and the rear dormer is set off this boundary to a greater degree. As such, the effect on the beneficial use of the gardens of these neighbouring properties is not overbearing or oppressive. That the rear dormer is visible from neighbouring gardens does not in itself equate to an untoward impact.
17. I conclude that the development does not have an unacceptable effect on the living conditions of the occupiers of Nos 24 and 28 by way of privacy and visual impact. Hence, it complies with saved Policy H8 of the UDP where it concerns preserving levels of privacy and amenity for neighbours, the SPG where it protects the amenity of adjacent occupiers and similarly with regard to Policy H8 of the Draft Local Plan.

Other Matters

18. The Council do not consider that the development is unacceptable by way of parking and highway safety, and I see no reason to disagree given that it is householder development and from what I observed of local road conditions, including on-street parking and the usage of the road. The development is not sought as a House in Multiple Occupation and so this is not for my

consideration. The same applies in relation to matters relating to the front boundary wall.

19. In other living conditions respects, the development is also not unacceptable. The distance to the properties on the opposite side of the road maintains an adequate separation, especially as there is a public highway in between. The relationship is not unusual for properties that are opposite one another. The proportions also do not result in a loss of light. It is also not evident how trees have been impacted, given that the nearest are not in proximity. Noise from construction would have simply related to the householder nature of the development. These matters do not change my overall conclusion.

Conditions

20. A condition related to the statutory timescale for implementation is not necessary. I have imposed a condition concerning the approved plans in the interests of certainty. I have also imposed a condition concerning matching materials in the interests of protecting the character and appearance of the area, as my decision is based on the submitted plans. I have also imposed a condition that prevents the use of the flat roof of the rear extension, in the interests of protecting the privacy of the occupiers of the neighbouring properties.

Conclusion

21. For the reasons set out above and having regard to all matters that have been raised, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR