



Appeal Decision

Site Visit made on 28 September 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2021

Appeal Ref: APP/Z4310/D/21/3274561

2 Tichbourne Way, Liverpool L6 1NS

- 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 Miss Kate Ellison against the decision of Liverpool City Council.
- The application Ref 20H/2957, dated 12 November 2020, was refused by notice dated 4 May 2021.
- The development proposed is a single storey pitched roof extension to rear and side.

Decision

1. The appeal is allowed, and planning permission is granted for a single storey pitch roof extension to rear and side at 2 Tichbourne Way, Liverpool L6 1NS in accordance with the terms of application Ref 20H/2957, dated 12 November 2020, 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 plans: Streetwise site location plan and Drawing 01 - Single storey pitched roof extension to rear and side.
 - 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.
 - 4) The windows within the side of the extension hereby approved shall be obscurely glazed and non-opening, or shall only open above a height of 1.7m from the internal floor level.

Preliminary Matters

2. The Council's Decision Notice refers to a policy contained within the emerging Liverpool Local Plan (LLP) which is yet to be adopted. The plan has been considered at examination and found to be consistent with the National Planning Policy Framework (the Framework) but remains subject to modifications.
3. Proposed Policy H8 of the LLP relating to House Extensions provides a more detailed approach to the consideration of extensions than saved Policy H8 of the Liverpool City Council Unitary Development Plan (UDP). However, I find both policies are broadly consistent with the Framework's aims to achieve well-designed places and promote health and wellbeing with a high standard of amenity for existing and future users. Accordingly, pursuant to Paragraph 48 of the Framework, in addition to Policy H8 of the UDP, emerging Policy H8 is entitled to significant weight in the determination of this appeal.

Main Issues

4. The main issues are the effect of the development on:
- the character and appearance of the building and its locality
 - the living conditions of neighbouring occupiers with particular regard to outlook.

Reasons

Character and appearance

5. Tichbourne Way is a short street of similarly styled and finished pairs of semi-detached dwellings. The buildings are set behind walled front gardens with side driveways and enclosed private amenity spaces to the rear.
6. The scheme seeks a single storey side and rear extension in matching materials. Except for the formation of a low gable to the rear side of the extension, the extensions would be set under mono-pitched roofs sloping up to the side and rear elevations of the house.
7. The width of the side extension would be about three-quarters that of the existing dwelling. Although this would be significant and greater than the Council's guideline of up to half the width of the main building applicable to corner plots (which the site is not), the limited height and low roof profile would ensure that it would appear of a subordinate scale in comparison to the principal elevation. Given that views of the side and rear of the extension would be very limited on account of nearby wall and fence enclosures and screened by the buildings fronting on to College Street South, the extension would not appear disproportionate to the original building.
8. The front face of the extension would be sited flush with the principal elevation of the house. This is angled to the curvature of the road. As such, the extension would be set further from the front boundary than the majority of the main elevation. The roof would initially pitch towards the rear of the site at an angle corresponding to the main roof. This would limit the observable scale of the side addition within the streetscene. Taken with the proposed use of matching materials, corresponding front window proportions and typical form, the side extension would not appear as an incongruous form of development in the streetscene.
9. There would be a minor conflict with emerging Policy H8 of the LLP which requires house extensions to be set back by at least one course of brickwork. The Council's Supplementary Planning Guidance Note 1, relating to House Extensions, explains that this is to avoid problems of bonding old and new brickwork on prominent elevations. However, given the limited extent of the join and the proposed siting of a downpipe in front of it, I do not consider any significant adverse effects on the appearance of the development would arise.
10. For the above reasons, I find that the proposal would consolidate with the appearance of the existing building and preserve the quality of the streetscene. It would thereby be in general compliance with saved Policy H8 of the UDP and emerging Policy H8 of the LLP as they require development to respect the character and appearance of the existing building and development in the area.

Living conditions

11. The side boundary of the site close to the proposed location of the extension forms the rear boundaries of a pair of semi-detached bungalows at 9 and 11 College Street South. A neighbouring semi-detached 2-storey dwelling at 7 College Street South also backs on to the site. The boundary consists of a high close board timber panel fence.
12. The front part of the side extension would be over a metre from the common boundary with 11 College Street South. Its side elevation would increase in distance away from the angled boundary as it extends deeper into the site. A small part of the upper sections of the elevations and roof would be visible over the height of the boundary fence from the rear outlook of the adjacent properties.
13. Notwithstanding the fact that the nearest neighbouring properties are bungalows set slightly lower than the appeal site, the limited eaves height of the extension, the distance from the boundary and the low roof profile pitching away, would limit any effect on the outlook from those properties. The side extension would be seen against the backdrop of the existing building such that the limited scale and proximity would not appear overbearing.
14. The divergent site boundary would mean that the rear side gable to the roof towards the back of the extension would be some distance from the common boundary with No9. Here, although the upper parts of the extension would be visible, it would be at sufficient distance from the rear of the neighbouring bungalow to ensure it was not unduly dominant in the outlook for occupiers of that dwelling. Furthermore, the limited scale of the development would not appear overbearing from within the house or garden area.
15. The side extension includes non-habitable room windows facing on to the rear boundaries of No9 and No11. Taking account of the proposed internal floor height and intervening fence height, some views over the boundary could arise to enable overlooking of the neighbouring properties through those openings.
16. A large deciduous tree close to the boundary is present in the rear garden area of No11. When in leaf this would filter views to the rear garden areas and houses beyond. However, as the tree lies outside of the appeal site and beyond the control of the appellant, it would be necessary to restrict the level of overlooking in order to protect the neighbours' living conditions. As the windows serve non-habitable rooms, this concern could be addressed through planning condition to require obscure glazing and to limit the opening of the windows.
17. Subject to that requirement, I find that the proposal would maintain a high standard of living conditions for neighbouring residents. It would thereby comply with saved Policy H8 of the UDP and emerging Policy H8 of the LLP as they require development to preserve levels of amenity for neighbours and other local residents, including the avoidance of overlooking and overbearing effects on neighbouring properties.

Other Matters

18. I note the frustrations expressed by the appellant in relation to the time taken for the Council to reach its decision. However, this is not a matter for this appeal which I have determined on its own merits.

Conditions

19. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
20. In the interests of visual amenity, a condition requiring the use of matching external materials is reasonable. To prevent overlooking of neighbouring properties, a condition requiring obscure glazing and limited opening of the side windows is necessary and reasonable in the circumstances of the case.

Conclusion

21. For the above reasons, the appeal should be allowed.

R Hitchcock

INSPECTOR