



Appeal Decision

Site Visit made on 4 November 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2021

Appeal Ref: APP/Z4310/D/21/3277856

10 Rothbury Road, Liverpool L14 4AD

- 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 Edmond Plepci against the decision of Liverpool City Council.
 - The application Ref 20H/2676, 10 September 2020, was refused by notice dated 28 April 2021.
 - The development proposed is to erect a two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has confirmed that it made its decision on the plans it provided with the appeal which show a gable roof to the proposed extension and no rear dormer windows. Whilst the appellant has provided different plans which show a hipped roof, the Council advises that these plans were not accepted as formal amendments and no further consultations were carried out.
3. To proceed on the basis of the plans that the appellant has provided would be contrary to the 'Wheatcroft Principles'¹ in that it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. Therefore, I must determine this appeal on the basis of the plans on which the Council made its decision and on which consultation was carried out.
4. I have used the description of development given on the appeal form in the banner header above, as it more accurately describes the proposed development and does not include reference to a loft conversion.

Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 1 Berryford Road.

Reasons

Character and appearance

6. The appeal dwelling sits at the end of a row of terraced properties, immediately adjacent to the junction between Rothbury Road and Berryford Road. By virtue

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

of this corner location, the dwelling occupies a prominent position in the street scene, but the positioning also affords the property a sizeable area of land to its side elevation in comparison to other dwellings. Whilst there is some variation in the design and scale of dwellings in the locality, along Rothbury Road there are generally two storey properties with hipped roofs.

7. The proposal would exceed half the width of the existing dwelling, which fails to comply with the guidance set out in Supplementary Planning Guidance Note 1 2001 (SPG). Notwithstanding this, as the dwelling forms part of a row of terraced properties and because there is a relatively large area of land to the side to ensure separation from the public highway, the width proposed could be accommodated without causing visual harm.
8. However, the proposal would incorporate a gable roof and not a hipped roof. This would not be in keeping with the prevailing roof types on other two storey properties in the area, and it would be at odds with the hipped roof to the end of the terrace of which the appeal property is part. It would, as a result, form a visually incongruous feature in relation to its surroundings, and it would cause significant harm to the character and appearance of the area.
9. For this reason, I conclude that whilst there would be no harm relating to the width of the proposed extension, the use of a gable roof would result in significant harm to the character and appearance of the area. Consequently, the proposal would fail to accord with Saved Policies HD18 and H8 of the Unitary Development Plan 2002 (UDP) where they seek to protect character and appearance. There would also be a conflict with emerging Policies H8 and UD1 of the Liverpool Local Plan 2013-2033 (eLP) and with the SPG in the same respect.

Living conditions

10. The common boundary shared with 1 Berryford Road is tapered, but an adequate distance would be maintained to it to ensure that the proposed development would not have a harmful impact due to its massing and positioning. Whilst there are windows on the rear elevation of No 1, due to their orientation and position in relation to the proposed extension, an unacceptable loss of daylight and sunlight would not result. There would therefore be no conflict with Saved Policy H8 of the UDP, Policy H8 of the eLP or the SPG in this regard, where they seek to protect living conditions.

Other Matters

11. I acknowledge the reasons the appellant has set out for wishing to extend the dwelling, but these do not justify the harm that I have found would arise.

Conclusion

12. Although I find no harm to living conditions, I do find significant harm to the character and appearance of the area and subsequent conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR