



Appeal Decision

Site visit made on 23 February 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2022

Appeal Ref: APP/Z4310/W/21/3283321

Land adjacent to 3 Tawd St, Liverpool, L4 4PD

- 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 Taylor (Urban Lets Ltd) against the decision of Liverpool City Council.
 - The application Ref 21F/1135, dated 18 December 2020, was refused by notice dated 15 July 2021.
 - The development proposed is to erect 1no. detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The *Liverpool Local Plan 2013-2033* (LLP) was adopted in January 2022, after the determination of the planning application. As a result, I sought the views of both parties regarding this. Given that the LLP was at an advance stage the reasons for refusal makes reference to policies both in the LLP and the *City of Liverpool Unitary Development Plan (adopted November 2002)* (UDP). The LLP replaces the policies in the UDP, and I have determined the appeal on the basis of the policies as adopted at the present time.

Main Issues

3. The main issues in the appeal are the effect of the proposed development on:
 - The living conditions of nearby residents with particular regard to outlook, light and outdoor space; and
 - The character and appearance of the area.

Reasons

Living conditions

4. The appeal site is a corner plot that currently forms part of the garden area associated with No 3 Tawd Street and No 4 Leven Street. The proposed house would be located to the side of No 4 Leven Street. It would be positioned to the rear of the plot with its garden area largely being to the side.
5. The rear elevation of the proposed dwelling would be located approximately 0.7m to the boundary with the rear garden of No 3 Tawd Street, and around 6.8m to the rear elevation of this house. This contains a number of habitable room windows at both ground and first floor level. Although the proposed

house would not directly face the rear elevation of No 3, these distances fall significantly below the separation distances set out in *Supplementary Planning Guidance Note 10: New Residential Development (adopted April 1996)*. I consider that the scale and mass of the proposed house so close to the shared boundary and the rear elevation of this adjacent property, would have an overbearing impact on, and adversely affect the outlook from, both the garden and the windows on the rear elevation of No 3.

6. Moreover, the side elevation of No 3 also contains what appears to be a habitable room window on the ground floor. The boundary fence for the garden for the proposed dwelling would be around 1m from this window. To ensure privacy this fence would need to be at least 1.8m high. However, a fence of this height so close to this window would unacceptably harm the light received by it as well as the outlook from it.
7. The proposal would significantly reduce the garden space associated with both No 3 Tawd Street and No 4 Leven Street. However, the size of the resulting rear gardens of both houses would still be similar to others in the area, including No 1 Tawd Street. Furthermore, the size and shape of the resulting gardens would still mean both houses would have modest but useable garden areas.
8. Notwithstanding this, the proposed development would unacceptably harm the living conditions of the occupiers of No 3 Tawd Street, with particular regard to outlook and light. It would therefore be contrary to Policies H13 and UD2 of the LLP which, amongst other things, requires new housing to provide adequate separation distances between houses and maintain levels of amenity for existing and future occupiers.

Character and appearance

9. The surrounding area contains a mix of residential and commercial uses. Dwellings comprise a mix of mainly terraced and semi-detached properties that vary in age and design. The design and materials of the proposed house would be similar to those of Nos 1 & 3 Tawd Street and Nos 2 and 4 Leven Street. In addition, the house would have a small front garden and a parking area to the side of the house which would reflect the adjacent houses on Leven Street.
10. Although the main garden area would be at the side rather than the rear of the house, the ratio of house to plot would be similar to others in the area. As a result, the development would not appear unduly cramped or the site over developed. The position of the garden area would also ensure the corner remains relatively open as it is now.
11. Consequently, I am satisfied that the proposal would not have an adverse impact on the character and appearance of the area. Thus, there would be no conflict in this respect with Policies H13 and UD2 of the LLP which, amongst other things, require developments maintain or enhance the character and appearance of the surrounding area.

Conclusion

12. It is not disputed that the proposed house would meet the national space standards. In addition, I have found that the appeal scheme would not harm the character and appearance of the area. However, an absence of harm in

these matters is a neutral factor and so would not outweigh the harm it would cause to the living conditions of nearby residents.

13. For the reasons set out above, I conclude the appeal should be dismissed

Alison Partington

INSPECTOR