
Appeal Decision

Site visit made on 3 March 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st March 2022

Appeal Ref: APP/Z4310/D/21/3289329

18 Langham Avenue, Liverpool L17 4LA

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Ingardia against the decision of Liverpool City Council.
 - The application Ref 21H/1815, dated 18 May 2021, was refused by notice dated 20 October 2021.
 - The development undertaken is 'dormer window in rear elevation in connection with conversion of roofspace to master bedroom'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The dormer was partly complete at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.
3. Since the application was determined, the Liverpool Local Plan has been formally adopted and supersedes the Liverpool Unitary Development Plan. My decision takes this into account.

Main Issue

4. The main issue in this case is the effect of the dormer on the character and appearance of the host dwelling and the Lark Lane Conservation Area (CA) within which it sits.

Reasons

5. The appeal relates to a traditional end of terrace dwelling. It is located at the end of the row in an area dominated by similar rows of traditional terraced dwellings. From what I could see at my visit, there were very few roof dormers within the immediate vicinity and the largely unaltered roofscapes make a positive contribution to the overall character and appearance of the CA.
 6. Planning permission was granted for a box dormer to the rear roof profile of the appeal dwelling in April 2021 (Ref. 20H/2637). However, the approved plans show a dormer of a more modest scale, sitting well above the eaves and well below the ridge of the host dwelling.
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7. The box dormer which has been built and which is before me is much larger. It sits just below the ridge and just above the eaves and spans almost the full width of the dwelling. Even with side cheeks finished in slate, the development would still appear as a bulky and overly dominant addition to the dwelling and the roofscape of this terraced row.
8. The dormer is partially screened from the southwest due to the presence of the end property and two storey store in Wendover Avenue. Nevertheless, it is readily visible when viewed from the open car parking area immediately to the side of the appeal dwelling. From here, the dormer appears as an overly dominant and ungainly addition to the dwelling and it detracts from the traditional form of the properties within the row.
9. For these reasons, I find that the dormer harms the character and appearance of the host dwelling and that of the CA within which it sits. In such terms, it conflicts with policy HD1 of the adopted Liverpool Local Plan which seeks to conserve, or where appropriate, enhance the city's heritage assets.
10. The harm to the heritage asset would be 'less than substantial' as directed by the Planning Practice Guidance, but I attach considerable importance and weight to the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
11. The National Planning Policy Framework (NPPF) explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Other considerations

12. The Appellant has suggested that the development offers the public benefit of enlarged accommodation and it would also facilitate home working. To my mind, these would be very much private benefits and in any case, the approved dormer would facilitate extra accommodation within the roof without such a harmful visual impact.
13. The Appellant asserts that the dormer was constructed following a genuine misunderstanding that it did not require planning permission and changing it to accord with the approved scheme would be very expensive. However, neither factor justifies a visually harmful form of development. I also note the Appellant's offer not to install the rooflight which has approval to be introduced to the front roof profile, but this has been judged to have an acceptable visual impact and therefore the offer does not amount to a material planning benefit.
14. The Appellant refers generally to other alterations to dwellings which have taken place within the CA, such as dormers, rooflights and the installation of UPVC windows. I have no reason to dispute the suggestion that at least some of these alterations have impacted negatively on the CA since it was designated in 1976. Nevertheless, I do not know the precise planning circumstances behind such developments and furthermore, I saw no dormers as large as the

one before me within the immediate vicinity. In any event, for the reasons outlined, the development before me causes further harm to the CA.

15. Finally, the Appellant asserts that the dormer amounts to sustainable development. The NPPF states that good design is a key aspect of sustainable development and I have explained why the dormer does not exhibit good design. On this basis, it does not amount to sustainable development in the widest sense of the definition.

Overall Conclusion

16. I conclude that the dormer harms the character and appearance of the host dwelling and fails to preserve or enhance the character and appearance of the CA within which it sits.
17. The arguments advanced by the Appellant do not outweigh this harm and the associated policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR