

Appeal Decision

Site visit made on 20 June 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH July 2022

Appeal Ref: APP/Z4310/D/21/3285682

1 Berkley Avenue, Liverpool L12 4YS

- 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 Kearns against the decision of Liverpool City Council.
 - The application Ref 21H/0764, dated 20 March 2021, was refused by notice dated 19 July 2021.
 - The development proposed is a first floor extension over existing single storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over existing single storey side extension at 1 Berkley Avenue, Liverpool in accordance with the terms of the application, 21H/0764, dated 20 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings A100 and A102.
 - 3) The materials of the first floor extension hereby permitted shall match those of the first floor of the existing house.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposal would result in a first floor addition to the side of the property. This would increase the prominence of development within this corner plot. It would however reflect the form of the existing house design. It would be set marginally back from the frontage which would provide some relief within the front elevation. The side garden extends significantly beyond the ground floor side addition and as a result, the new combined addition, to the side of this house, would be set well in from the boundary wall of the property and the adjacent pavement.
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4. Subject to appropriate materials, although the extension would be located forward of the front building line of the property behind, it would not be overly dominant within the street scene given that it would continue to be set back from the side boundary. Once built, it would reflect the form of the main house and would not be out of keeping within the wider area. It would not be overly prominent and would not detract from the appearance of neighbouring dwellings.
5. The application form states that the materials would match the render of the existing. The existing plans correctly show the house as currently being brick built with render extensions. The proposed plans show the extensions and the main house as being rendered. The existing render of the ground floor additions contrast with the existing brickwork and results in them being more prominent in the street scene. Utilising this colour scheme at first floor level would significantly increase the perceived prominence of the new extension unless the remaining brickwork was also rendered. Whilst this appears to be proposed, it cannot be controlled by this decision. Contrasting materials at first floor would detract from the character and appearance of the area. Having materials that matched at first floor level would ensure that the proposal would not be unacceptably prominent, whether the main house was rendered or remained brick built.
6. The decision notice refers to the now superseded local plan and the policies within the emerging local plan. The Liverpool Local Plan was adopted early this year. I have had regard to the newly adopted wording of policies UD1 and H8. The retention of a significant gap to the side boundary indicates that the building line of Springfield Way has been taken into account as required by policy UD1. Policy H8 requires that designs match the style of the dwelling and surrounding area; and that the size, scale and materials are in keeping. I find no conflict with these requirements subject to the use of matching materials at first floor level. As these policies accord with the design requirements of the *National Planning Policy Framework*, I afford them full weight.
7. The proposal generally accords with the design guidance contained in the Supplementary Planning Guidance Note 1 although this does suggest that two storey extensions on corners should not extend beyond the prevailing building line. Whilst there would be some conflict with this specific requirement, I am satisfied that the retained distance to the boundary would ensure that the new addition would not be overly prominent. I am unaware of the status of this guidance and can therefore afford it little weight but in any event, I do not find the limited conflict to weigh significantly against the proposal.
8. In conclusion, the form and scale of the proposal would sit relatively comfortably within the street scene and would be of a design and scale that would be in keeping with the host dwelling and those in the vicinity. Although the council is concerned with regard to the extension extending beyond the building line of the neighbouring houses on Springfield Way, the proposed set back from the side boundary would be sufficient to ensure that this relationship would be acceptable, subject to the use of appropriate materials. As there are no other matters that weigh significantly against the proposal, I allow the appeal.

9. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. I have imposed a condition that requires that the walls and roof of the proposed extension match those of the upper level of the main dwelling to ensure that the development would have a satisfactory appearance. This provides the opportunity for the appellant to build the first floor extension in brick to match the existing first floor of the house; or if the main house is to be rendered, to match the revised render. It would not however allow the extension to be finished in differing materials to the first floor of the main house as this would increase its prominence and detract from the character of the area.

Peter Eggleton

INSPECTOR