



Appeal Decision

Site visit made on 28 June 2022

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/Z4310/W/22/3291047

14 Heath Hey, Liverpool, L25 4TJ

- 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 Matthew Bird against the decision of Liverpool City Council.
 - The application Ref 21F/1580, dated 17 May 2021, was refused by notice dated 12 November 2021.
 - The development proposed is to demolish existing bungalow and creation of 1no. two storey replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council refused the planning application, it has adopted The Liverpool Local Plan 2013 - 2033 (LLP) on 26 January 2022. The policies in the LLP replace the saved policies in the Unitary Development Plan that the Council referred to in each of the reasons for refusing planning permission. Both parties have had the opportunity to make submissions in respect of the LLP and I have determined the appeal having regard to the policies in the LLP which is now the development plan for Liverpool.
3. The proposed dwelling includes provision for level access across its ground floor, but a single step over the threshold to the front door. To ensure the house is accessible to all, a planning condition could be imposed to ensure level access to and from the dwelling. On this basis the proposal would accord with LLP Policies UD4 and H12 and the third reason for refusing planning permission would be satisfactorily addressed.

Main Issues

4. Consequently, the main issues in this case are the effect of the proposed development on: the character and appearance of the area; the living conditions of the occupants of neighbouring occupants but in particular those at 12 Heath Hey, with regards to outlook, privacy and overshadowing; and highway safety, having regard to the proposed car parking arrangement.

Reasons

Character and appearance

5. The appeal site relates to a two-bedroomed gable fronted bungalow on a residential cul-de-sac with a single storey flat roof garage to the side. The appeal property has a front and rear garden with a driveway to the front. The cul-de-sac is characterised by bungalows, many of which have been extended, though they have retained a front gable design and a position set back from the road. This ensures a pleasing sense of space and a development of a lower

density. Quickwood Drive and Rockbourne Avenue are lined by a variety of two, one and half and single storey dwellings which also display a range of designs and finishes. However, the character and appearance of Heath Hey and conversely the nearby streets are only experienced from within those streets due to the layout of roads and the presence of built form or trees/landscaping.

6. The proposed dwelling would be of a far greater scale and massing than the existing bungalow and it would occupy much of the site's width. Even considering the extended properties in Heath Hey which have increased their scale, massing and height, the proposed dwelling would introduce a form of development that would be uncharacteristic in Heath Hey and out of keeping in its context. This is due to the proposed scale, massing and architectural design. Whilst front gables would form part of the proposal's front elevation the new dwelling would be read as a two-storey dwelling and not a bungalow or an extended bungalow. Unlike neighbouring properties, the proposed dwelling's eaves would sit higher even at their lowest point.
7. The width of the new dwelling may make efficient use of the site and be similar to other dwellings in Heath Hey, but it would, due to its scale, massing and design, harmfully erode the sense of space that exists between properties in Heath Hey. It would not be a direct comparison when considering these factors.
8. Despite the variation in scale, massing and design of properties on Quickwood Drive and Rockbourne Avenue, they do not justify the proposal's harmful effect in Heath Hey. As such I conclude that the proposed development would significantly harm the character and appearance of the area. Conflict would arise with LLP Policies UD1, UD2, UD4 and UD5, guidance in Supplementary Planning Guidance Note 10 'New Residential Development' (SPG 10) and paragraphs 124 and 130 of the National Planning Policy Framework (the Framework). Jointly these seek new development to be of a high-quality design with a form, height, scale and massing that are appropriate to the function of the building and its context. There should be a clear rationale for continuity or contrast, and how the building fits with the architectural structure of the area, including the ratio of built form to space.
9. The Council's reason for refusal in relation to this main issue refers to LLP Policies UD3 and H12 but as the policies relate to public realm and accessible housing, they are not relevant to my consideration of this main issue.

Living conditions

10. The flank elevation of No 12 contains a porch and a window serving a bedroom/study that would be directly opposite the proposed dwelling's flank elevation and set some way back from its front elevation.
11. SPG 10 states that each development will be assessed on its merits, using minimum standards as a benchmark. It goes on to say that these standards in practice will vary depending upon the character and spaciousness of the surrounding area. To avoid excessive overshadowing of main windows elevations, SPG 10 confirms that, for bungalows, the separation distance should be a minimum distance of 12 metres away. I have no reason to dispute the Council's estimated interface distance of around 7 metres which would be well short of the minimum detailed in SPG 10 for this relationship. Due to the siting and layout of the proposed dwelling, I consider that it would cause excessive overshadowing for the bedroom/study. I see no reason to accept a lower separation distance here given the additional scale and massing proposed

compared to the existing dwelling. The appellant's point about SPG 10's minimum spacing to the side does not change my view about the proposal's impact even if the appeal scheme accords with this aspect of SPG 10.

12. Equally at this distance, the outlook from the bedroom/study in No 12 onto the proposed flank elevation would be limited and mostly of a brick façade and roof plane. Whilst the latter would angle away from No 12, the effect of the proposal's overall scale and massing, which would extend either side of the window in No 12, would mean that they would not have a good outlook. Hence their living conditions would not be protected.
13. A glazed door serving a garage and two upper floor bathroom windows are proposed in the flank elevation facing No 12. Without obscure glazing they could result in a loss of privacy to the occupants of No 12, but a planning condition could be imposed to overcome this harm.
14. The terrace proposed in the centre of the rear elevation would be forward of the recessed windows in this elevation, but not beyond the rear building line and the two Juliet balconies proposed either side of it. The terrace could be used by the occupants as an external amenity space and it could provide persons with a view into adjoining gardens, which is not supported by SPG 10. However, some degree of overlooking into neighbouring gardens exists in the area even with landscaping. In this context and noting some of the relationships would be at an oblique angle, the proposal would ensure adequate privacy for neighbouring occupants so that they can enjoy their gardens.
15. I note the living condition related concerns of other neighbouring residents but having regard to the site and its surroundings along with SPG 10, the proposed dwelling would protect the living conditions of those residents. However, this nor my finding about the privacy of No 12, alters or outweighs my conclusion on this issue that the proposed development would result in significant harm to the living conditions of the occupants of No 12, with regards to outlook and overshadowing. The proposal would not therefore accord with LLP Policies H7 and UD2 and SPG 10 which collectively seek new housing development to protect the living conditions of existing residents by ensuring they have a good outlook and are not subject to excessive overshadowing.

Highway safety

16. It is unclear why the proposed second driveway is not supported by the Council, but the number of trips generated by the proposed replacement dwelling would be similar to that which the existing dwelling creates. Given the secluded nature of the road, the limited number of dwellings that use it and the sightlines either side, I do not consider that the second driveway would lead to an unacceptable highway safety issue. Although the appellant is willing to accept a condition to overcome the Council's concerns this is not necessary as I conclude, on this issue, that the proposed car parking is usable, safe and secure in accordance with LLP Policy TP8 and the Ensuring a Choice of Travel Supplementary Planning Document. Jointly these seek development to make provision to meet car parking demand on site, appropriate to the scale and nature of the development, having regard to road safety considerations.

Conclusion

17. I have found that the proposed development would result in harm to the character and appearance of the area and to the living conditions of No 12.

18. Balanced against this, I have found no harm would be caused to highway safety and the appeal scheme seeks to make efficient use of a previously developed site in an accessible location. Moreover, the new dwelling would be suited to modern day living arrangements ensuring a good quality of life for future occupants. However, whilst the appellant has amended their original proposal following feedback with a view to finding a solution, I conclude, given the importance of securing well-designed, attractive and healthy places, that the harms identified outweigh the modest benefits of the proposal. As such, the proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
19. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR