



Appeal Decision

Site visit made on 17 January 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2023

Appeal Ref: APP/Z4310/D/22/3307839

158 Adelaide Road, Kensington, Liverpool L7 8SH

- 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 Thomas Mairs against the decision of Liverpool City Council.
 - The application Ref 22H/0836, dated 22 March 2022, was refused by notice dated 19 July 2022.
 - The development proposed is 'To erect first floor extension to rear (Resubmission of application number 21H/3328)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the locality
 - the living conditions of neighbouring occupiers with particular regard to outlook and sense of enclosure.

Reasons

Character and appearance

3. The site consists of a 2-storey end terrace unit set a short distance from the back of the pavement on Adelaide Road, a street of long residential terraces. The building benefits from a small rear yard area enclosed by high walls and fencing. The houses consistently have projecting paired outriggers extending the rear roof slopes at a lower angle than the main roof. The houses are commonly extended at ground floor level to their rear boundary walls.
4. The proposal is for a first-floor extension projecting rearwards over part of an existing single storey flat-roofed rear extension. This would maintain a similar roof slope to the rear projection and be finished in materials to match the existing dwelling. A low mono-pitched roof would complete the residual area above the existing flat roof between the new rear elevation of the extension and the rear boundary. An arched-headed window in the first-floor flank elevation facing Edge Lane would be incorporated in lieu of an existing rear-facing window. The proposal would facilitate a second bathroom at the upper level.
5. Although the extension would have an additive and subordinate form, it would give rise to a considerable cumulative length to the outrigger. It would result in

a low rear eaves line and uncharacteristically squat first-floor rear elevation. Despite various forms of additions to the rear of the terrace, the lower roof height would lie somewhere between the predominant distinct levels of the characteristic single-storey and 2-storey elements within the rows of houses. In conjunction with the long sloping roofline this would appear at odds with the scaling and form of other extensions to the terrace.

6. Although the extension would not be visible in the Adelaide Road frontage, as an end unit lying side-on to the broad Edge Lane/West View road corridor, it would be highly prominent from the wider area to the south. It would also be clearly visible from the back of neighbouring properties.
7. From the south it would be seen in the context of the adjoining terraced units and those fronting on to Empress Road. In conjunction with the neighbouring wall supporting a mono-pitched roof at the common boundary with 156 Adelaide Road, the low eaves line and intermediate connecting roof would provide a poor sense of consolidation and appear visually awkward. The prominence would be increased by the long roof slope and changes in elevational materials.
8. I acknowledge that the proposal has been reduced in scale compared to one previously dismissed at appeal¹. However, compared to other first floor alterations on the back-to-back terraces, it would still extend further rearwards. Moreover, despite its reducing height, it would unduly encroach into the space visible above the existing rear boundary walls. This would reduce the already limited sense of spaciousness between the adjacent terraces. As an end unit, it would appear to partially close off the characteristic separation and visible gap between consecutive terraces.
9. I note the appellant's contention that the adopted guidance in the Council's House Extensions Supplementary Planning Guidance Note 1 (the SPG), referred to in the Council's decision, should not be attributed weight as it was developed in conjunction with a previous development plan and is intended to be replaced. Whilst not part of the development plan, it retains relevant guidance on the detail of design and other matters pertinent to the assessment of residential extensions, despite its age. In the absence of its formal withdrawal, it is therefore capable of being a material consideration in planning decisions.
10. For the above reasons, I find the proposed extension would cause harm to the character and appearance of the building and its locality. It would conflict with Policy H8 of the Liverpool Local Plan 2013-2033 [2022] (the LLP) and the SPG as they require a high quality of design and appropriate scaling that match or compliment the style of the dwelling and the surrounding area.

Living conditions

11. The site backs on to an alleyway beyond which is a similar residential terrace fronting on to Empress Road. The property at 159 Empress Road backs on to the passageway immediately beyond the site. Between the Council's evidence and observations during my site visit, much of its yard area is retained. The adjoining property at 157 Empress Road also has a rear-facing window providing an outlook at the ground floor level.

¹ APP/Z4310/D/22/3295852

12. Although the rear elevation of the extension would be lower than the eaves height of the existing rear projection, it would be clearly visible from within the yard areas of Nos157 and 159. It would also be prominent in the outlook of the window at No157. Despite stopping short of the rear boundary, due to its scale and close position, it would loom large over the rear boundary walls of the neighbouring properties in close proximity to their private amenity spaces.
13. In a locality of high-density traditional terracing where outlook is generally more restricted compared to other types of housing, the effect of the extension would be unduly imposing. Although the proposal would be wholly contained within the built envelope of the existing extended property, it would create an excessive sense of enclosure at the rear of those neighbouring properties.
14. I note the appellant's contention that the proposal would not project as close to the properties on Empress Road as an outrigger at 156 Adelaide Road. However, as an end-on half gable at a lower level, I find its effect would not be comparable to that of the proposed first-floor extension.
15. For the above reasons, I find the extension would cause significant harm to the living conditions of neighbouring occupiers as an overbearing development resulting in poor outlook. It would conflict with Policy H8 of the LLP as it requires development to avoid significant reduction in the living conditions of occupiers of neighbouring properties, including through overbearing effects.

Other Matters

16. I note the appellant's contention that the reasons for refusal do not refer to other policies in the LLP which reference matters including design, local character and distinctiveness, or adverse impacts on adjacent land uses. However, as Policy H8 relates to house extensions, it is the most relevant policy for determining a proposal within that definition. Although relevant, policies relating to the spatial distribution of development, the wider issue of area-based urban design, or the extension of other types of buildings, have more limited application to domestic extensions. It was not therefore necessary for the Council to duplicate its assessments or references on those various bases.
17. The site lies within the Kensington Fields Conservation Area and adjacent to the Edge Hill Conservation Area. It also lies within sight of several listed buildings located on the opposite side of Edge Lane and North View. There is no dispute between the main parties that the proposed development would not have an adverse effect on the character and appearance of the Conservation Areas (the CAs), the Listed Buildings or their settings.
18. Pursuant to the duties under s66(1) and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, having considered the proposal and visited the site, I concur with that view. This is due to the minor scale of the proposals in relation to the respective CAs, the variety of external materials visible in the locality and the intervening distances to the Listed Buildings. Accordingly, it is my view that the development proposed would preserve the significance and setting of the designated heritage assets.

Conclusion

19. The proposal would harm the character and appearance of the building and its immediate locality. It would cause significant harm to the living conditions of

some neighbouring occupiers. It would conflict with the development plan taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR