



Appeal Decision

Site visit made on 14 February 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2023

Appeal Ref: APP/Z4310/W/22/3304177

11 Betjeman Grove, Liverpool L16 3GG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Daniel Hetherington against Liverpool City Council.
 - The application Ref 21H/2008, is dated 12 August 2021.
 - The development proposed is to demolish existing conservatory and to erect a two storey gable extension at side and rear, as well as provision of a Juliet Balcony to the rear.
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Decision

1. The appeal is allowed, and planning permission is granted to demolish existing conservatory and to erect two storey extensions at side and rear, single storey extension at rear and layout hard stand in front at 11 Betjeman Grove, Liverpool, L16 3GG in accordance with the terms of application Ref 21H/2008, dated 6 August 2021, subject to the conditions set out in a schedule attached to this Decision.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application for planning permission. I have had regard to this statement for the residential extension of the existing dwelling in framing the main issues.
3. During the Council's consideration of the planning application, revised plans were provided by the appellant. These showed a reduced amount of extension and deletion of a Juliette balcony. It is unclear whether those who would normally have been consulted were notified of the proposed revisions. However, as they were minor amendments, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans, I do not consider that their interests would be prejudiced if I take the revised plans into account. For the avoidance of doubt, I have determined the appeal on the basis of the development shown on Site Plan A1374.01A, Proposed Plans and Elevations A1374.02C, and Site Plan A1374.P01B.
4. The description in the banner heading above is taken from the planning application form. For the purpose of the appeal, the Council have used the description 'To demolish existing conservatory and erect two storey extensions at side and rear, single storey extension at rear and layout hard stand in front'.

I have used the revised description in my decision as an updated and more accurate portrayal of the proposed amended development.

Main Issues

5. The main issues are the effect of the development on:

- the character and appearance of the locality as a result of a loss of front garden landscaping, and
- the living conditions of neighbouring occupiers at 9 and 15 Betjeman Grove with particular regard to outlook and sense of enclosure arising from the proposed 2-storey side extension and site accessibility.

Reasons

Character and appearance

6. The dwelling lies close to the head of a cul-de-sac within a residential estate of modern detached houses and bungalows. The buildings are predominantly set behind open front gardens with private amenity spaces to the rear. Within the estate are various house types but with a degree of homogeneity arising from consistent proportioning and common design elements. Canopies, brick banding, bays, hipped roofing and a limited palette of materials provide a strong identity and consistent character to the locality.
7. The proposal includes 2-storey extensions to the side and rear of the dwelling. This would involve the formation of a new lateral ridge above the height of the existing hipped main roof. A single-storey element to the rear would connect the larger extensions and a garage which straddles the boundary with the neighbour at 9 Betjeman Grove. An extension of the frontage canopy and formation of a new glazed porch with a gabled roof is also proposed.
8. The building over of the side driveway would preclude vehicular access to the garage and parking alongside the house. To compensate for the loss, the appellant has shown a parking arrangement for 3 cars utilising the remainder of the driveway and permeable paving in lieu of much of the landscaped area of the front garden.
9. The substantial removal of the existing greenery would be a retrograde step to the visual quality of the Betjeman Grove streetscape. Although there are other examples of frontages being hard surfaced to accommodate displaced or additional off-street parking, the majority of those retain areas of greenery and soft landscaping elements.
10. However, the Council's highways advisor suggests that the driveway should be limited to a double driveway. This would provide an opportunity to secure the alternative surfacing which contrasts to the road and pavement surface and provide a meaningful element of mitigation landscaping commensurate with other frontages. In accordance with Paragraph 55 of the National Planning Policy Framework, those are matters which could be secured by planning condition.
11. Subject to the above requirement, I find any harm to the streetscene could be mitigated and the proposal would thus preserve the character and appearance of the locality. It would thereby align with Policies UD1, UD2 and TP8 of The Liverpool Local Plan 2013-2033 [2022] as they require development to

integrate car parking and landscaping, avoid car parking dominating the street-scene and have regard to characteristic frontages in the locality.

Living conditions

12. The 2-storey side extension would be built to the common boundary with 9 Betjeman Grove. It would extend rearwards to align with the existing rear elevation of No11. According to the Council, this would extend some 3.1m behind the line of the rear elevation of No9, which is set further forward in its plot.
13. The extension would reduce the gap between the neighbouring properties. It would give rise to a blank brick wall to the height of the existing eaves line alongside the neighbouring driveway. From within the neighbouring dwelling, the effect on outlook would be marginal. There are no clear-glazed windows in the side elevation of No9 and the closest rear-facing first-floor windows are frosted. There would be sufficient offset in the rear views from the ground floor openings at No9 to ensure the side extension would not dominate the outlook or appear to overbear on the occupants.
14. In the rear amenity space of the neighbouring property, there would be a greater sense of enclosure. However, the retained gap would not be dissimilar to offset buildings elsewhere on the grove and about the wider estate. Even when accounting for the overlapping position of 7 Betjeman Grove, the effect would be limited. It would not cause significant harm to the living conditions of the neighbouring occupiers.
15. Although a greater effect would be experienced when using the side driveway of No9, this has limited amenity value. Furthermore, the effects would be comparable to those elsewhere on the estate where only a single driveway width separates neighbouring houses.
16. The use of the frontage for parking vehicles would allow vehicles to be parked clear of the highway and the access into the driveway of 15 Betjeman Grove. Pursuant to my finding above, there is little reason to anticipate that the use of part of the frontage for parking would cause harm to the living conditions of occupiers at No15 through the obstruction of their driveway.
17. For the above reasons, I find that the proposal would be consistent with the requirements of Policies H8, UD2 and TP8 of the LLP as they seek house extensions to avoid a significant reduction in the living conditions of neighbouring occupiers and ensure an appropriate level of off-street parking.

Other Matters

18. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for the appeal, which I have determined on its own merits.

Conditions

19. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.

20. To preserve the character and appearance of the locality, matching external materials and landscaping are necessary. In the interests of local amenity, the provision of a permeable off-street parking area is also reasonable and necessary.

Conclusion

21. For the reasons given I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Planning Permission Ref. 21H/2008

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan A1374.01A, Proposed Plans and Elevations A1374.02C, and Site Plan A1374.P01B except in respect of the off-street parking details shown on plan A1374.P01B.
- 3) The external finishes of the development hereby permitted shall match in materials, colour, style, bonding and texture those of the existing building.
- 4) Prior to the construction of any part of the side extensions hereby approved, the details of a scheme and timetable for off-street parking provision and frontage landscaping shall be submitted to and approved in writing by the local planning authority. The parking and landscaping works shall be implemented in accordance with the approved details and timetable.
- 5) Any trees or plants incorporated within the agreed landscaping plan required under Condition 4 which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

END.