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# Appeal Decision

Site visit made on 7 February 2023

**by F Rafiq BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 March 2023**

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**Appeal Ref: APP/Z4310/W/22/3307738**

**Land adjacent to 6 Woodland Road, Liverpool L4 8SS**

- 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 Dennis Lyons against the decision of Liverpool City Council.
  - The application Ref 21F/2108, dated 28 June 2021, was refused by notice dated 17 August 2022.
  - The development proposed is the erection of a two-storey, four bedroom House in Multiple Occupation (C4) with associated landscaping.
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## Decision

1. The appeal is allowed and planning permission is granted for a two-storey, four bedroom House in Multiple Occupation (C4) with associated landscaping at Land adjacent to 6 Woodland Road, Liverpool, L4 8SS in accordance with the terms of the application, Ref 21F/2108, dated 28 June 2021, subject to the conditions in the attached schedule.

## Applications for costs

2. An application for costs was made by Mr Dennis Lyons against Liverpool City Council. This application is the subject of a separate decision.

## Preliminary Matters

3. Reference has been made to both Woodland Road and Woodlands Road in the various appeal documents. I have utilised the former which the appellant has confirmed is the correct address, which is also reflected on road signage that I was able to see at the time of my visit.
4. I have utilised the description of development from the application form but amended it for conciseness, including by removing reference to the site address.

## Main Issue

5. The main issue is the effect of the proposed development on the living conditions of neighbouring residents with regard to outlook, sunlight, noise and disturbance.

## Reasons

6. The appeal site comprises of a broadly rectangular piece of land that is situated adjacent to 6 Woodland Road. To the south of the site, beyond a passageway are a row of terrace properties. The surrounding area is predominantly

residential and formed mainly of terraced houses that are closely positioned together giving the area a dense built form.

7. The proposal would introduce built form that is closer to the rear of properties within the terrace to the south than the existing neighbouring building on Woodland Road. The Council has referenced Supplementary Planning Guidance Note 10 – New Residential Development (SPG) and state that the proposal would not meet the minimum separation distances it sets out. The SPG is a dated document, having been produced in 1996, to supplement the Liverpool Unitary Development Plan which has now been superseded by the Liverpool Local Plan 2013-2033 (Local Plan). Despite this, it is still capable of being a material consideration, although given its age, I afford it limited weight.
8. The proposed building would have a separation of between around 11.3m to 13.8m to the rear of the terrace to Cherry Lane. Whilst I recognise that the Council consider this separation to be insufficient, I was able to see the two-storey element of the proposed building would be lower than the neighbouring building on Woodland Road. The rear of the nearby terrace would not directly face the gable of the proposal but have a slightly angled relationship. For these reasons, I consider the separation would ensure that there are no unacceptable impacts on the outlook of neighbouring occupants. As the appeal property is to the north of this neighbouring terrace, and given the aforementioned distance, height and angle factors, there would also be no harmful impacts on sunlight.
9. Although the Council has stated that they will continue to take account of this SPG following the adoption of the Local Plan, the SPG document does state that the minimum standards will in practice vary depending upon the character and spaciousness of the surrounding area. The approach in the SPG is reflected in Local Plan Policy H13 which does not set out a numeric separation or other distance but instead requires an appropriate separation to avoid excessive overshadowing and to prevent a cramped appearance. The proposal would in this regard be consistent with the dense grain of development and the separation between properties in the surrounding area.
10. The Council has raised concerns about the comings and goings associated with the development. The proposal would only have 4 bedrooms and I do not consider the activity generated by the occupancy of a House in Multiple Occupation of this size would give rise to unacceptable noise to neighbouring residential occupiers.
11. I therefore conclude that the proposal would not give rise to unacceptable harm to the living conditions of neighbouring residents with regard to outlook, sunlight, noise and disturbance. As such, it would not be contrary to Local Plan Policies H7 or H13, or the aims of the SPG which require, amongst other matters, for the living conditions of existing residents to be protected.

## **Other Matters**

12. I note concerns relating to an increase in vehicular activity and insufficient parking. The highway authority has considered the proposal and state that given the accessible location and the availability of on-street parking that they raise no objections. I have no reason to disagree and do not consider, given the scale of the proposal that there would be harmful traffic impacts. The rear garden would be below the size set out in the SPG, but it would be comparable to others in the area and would provide an adequate outdoor amenity space.

13. Reference has been made to alternative development proposals, such as semi-detached properties suitable for small families. I am however required to determine the appeal before me on its own merits.

### **Conditions**

14. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
15. I have attached a materials condition in the interests of ensuring the development's acceptable appearance in order to safeguard the area's character and appearance. Although some details have been provided, I consider it necessary for full details, including samples to be submitted and agreed with the local planning authority (LPA).
16. Similarly, I note the provision of details in relation to cycle parking and landscaping, although the referenced drawing providing information on these two areas states that all details are to be agreed with the LPA. As such, I consider conditions on each of these areas to be necessary that require the submission of details to the LPA for approval, although the landscaping condition does not need to be a pre-commencement condition as such external works are typically undertaken following the erection of a building.
17. Details of boundary treatment have been provided but it is not clear from the submitted drawings what type of boundary is proposed to the southern boundary as 'detail B' is not provided on the submitted drawings. I have imposed a condition requiring details of boundary treatment to be submitted and agreed with the LPA in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers, and also details of bin storage facilities and external lighting for the same reasons.
18. The Council has suggested conditions in relation to contamination, but given the history of the site, and the predominantly residential surrounding land uses, I do not consider it necessary for such conditions to protect against pollution or harm to health. I also do not consider the provision of a management plan to be necessary in the interests of living conditions given the scale of the proposal and it is for a residential use in a predominantly residential area.
19. It is also not necessary for a separate condition relating to waste generated and its storage as this can be addressed by the condition relating to that which includes details of a scheme for bin storage.

### **Conclusion**

20. The proposed development would 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. I conclude that the appeal is allowed.

*F Rafiq*

INSPECTOR

### **Schedule of Conditions**

- 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: 20.035 001 and 20.035 002.
- 3) No development above floor slab level shall take place until details and samples of all proposed external facing materials have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details/samples.
- 4) Prior to the first occupation of the development hereby permitted, a scheme for the landscaping of the site shall be submitted to and approved in writing by the LPA. The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.
- 5) The approved landscaping scheme shall be completed in accordance with the following:-
  - a) All hard and soft landscaping works shall be completed in full accordance with the approved scheme, within the first planting season following completion of the development hereby approved, or in accordance with a programme agreed with the LPA.
  - b) All trees, shrubs and hedge plants supplied shall comply with the requirements of British Standard 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428(1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
  - c) All new tree plantings shall be positioned in accordance with the requirements of Table A.1 of BS5837:2012 Trees in Relation to Design, Demolition and Construction (Recommendations).
  - d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within five years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
  - e) An audit trail of the plant stock used for the scheme must be retained for biosecurity reasons and made available to the LPA on request.
- 6) Details of a cycle store for the proposed development shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained thereafter.
- 7) No development above floor slab level shall take place until details of all boundary treatments, bin storage facilities and external lighting shall first have been submitted to and approved in writing by the LPA. Works shall be carried out in accordance with the approved details and shall be retained thereafter.

### **End of Conditions**