



Appeal Decision

Site visit made on 5 April 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/Z4310/D/23/3314627
23 Primrose Road, Liverpool, L18 2HE

- 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 Steven Stanton against the decision of Liverpool City Council.
 - The application Ref 22H/0386, dated 7 February 2022, was refused by notice dated 21 October 2022.
 - The development proposed is described as 'The construction of a powder coated, lightweight aluminium outbuilding Pergola structure, complete with adjustable roof solar shading, laminated and toughened glass sliding door and adjustable privacy blinds, to form a therapeutic break out zone within the garden and dwelling area.'
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the neighbouring occupiers at 25 Primrose Road in terms of outlook. The development plan includes policies H7, H8 and UD2 of the Liverpool Local Plan (2013-2033) (adopted 2022) which together seek to ensure that proposals do not have an overbearing impact on and retain a good outlook from existing development. National policy in the National Planning Policy Framework ('the Framework') aims to encourage high quality design.
3. The appeal site comprises a semi-detached house which has been previously extended and has a large rear garden with an outbuilding on the rear boundary. The proposed pergola, which has already been erected, is attached to an existing single storey extension on the rear elevation and projects along the side boundary with no 25 for some 7.6m, with a width of some 3.8m and a height of approximately 2.6m. It has a contemporary appearance and is formed of dark grey powder coated aluminium material with a retractable louvred roof in white, sliding patio doors at its far end and retractable blinds on the side furthest from no 25.
4. No 25 is sited at the same ground level and has not been extended to the rear. As the existing extension at the appeal site is some 3m according to the officer's report, the total length of projection of the pergola and the extension beyond the rear elevation of no 25 is some 10.6m. The Council has provided photographs which clearly show the relationship between the two properties and I noted at my visit that no 25 has a habitable room window with opening glazed doors very close to the side boundary. There is a fence along the side boundary and the top of the pergola is some 600-700mm above the top of the

fence. No 25 has a planted border alongside with a small tree and shrubs that do not extend significantly above the fence at this point (although the appellant's photograph shows taller trees further along the boundary, those are largely beyond the extent of the pergola). The appeal site has a screen of artificial planting on that boundary.

5. The dark grey colour of the metal structure is not overly conspicuous when seen from no 25 against the greenery of the garden of the appeal site and the backdrop of mature trees in gardens beyond that. However, even when the retractable roof is open it covers approximately one third of the length of the pergola closest to the house. Although the appellant's photographs show that the roof allows 50% of daylight through between the louvres, that is likely to be the case only when seen from the pergola looking directly up at the roof and not when seen from no 25. The light colour of that roof is particularly noticeable when seen from no 25 and when fully closed across the full length of the pergola it will be unduly overbearing.
6. Furthermore, although there are no blinds on the side of the pergola adjacent to the boundary, the dark coloured blinds on the other side and the dark tinted glass of the sliding doors at the end, despite the distance and some intervisibility, will have the effect of enclosing the structure to some degree and will partially limit views through it when seen from no 25. I have also taken into account the evidence provided by the neighbouring occupiers which shows that at night time the illumination reflected from the house in the patio doors causes some visual intrusion when seen from no 25. These matters add further to the impact of the pergola.
7. I have also noted the other concerns of the neighbouring occupiers in regard to loss of light and privacy. The Council considered that the proposal does not have a significant impact in those regards. Given the modest height of the pergola and its orientation to the north west of no 25, I agree that there would be only a minor loss of light to that property during late evening in the summer months. That would not be sufficient in itself to cause significant harm to the living conditions of the occupiers. At my visit I was unable to see into the garden or rear windows of no 25 from the appeal site and am satisfied that there would be no significant loss of privacy either.
8. I conclude then, that by reason of its roof, blinds and patio doors, the pergola has an unduly overbearing impact and is both physically and visually intrusive when seen from the nearest rear habitable room window and from the rear garden of no 25. This causes significant harm to the living conditions of those occupiers and the proposal is therefore contrary to the development policies referred to earlier.

Conclusion

9. For the reasons given, I conclude that the proposed development is contrary to the development plan and the appeal should be dismissed. There are no material considerations that justify determining it otherwise.

Sarah Colebourne

Inspector