The Planning Inspectorate

Appeal Decisions

Site visit made on 22 August 2023

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2023

Appeal A Ref: APP/M4320/C/23/3315775
36 Bailey Drive, Bootle, Liverpool L20 6HA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Zak Murphy against an enforcement notice issued by Sefton Metropolitan Borough Council.
- The notice was issued on 11 January 2023.
- The breach of planning control as alleged in the notice is a single storey extension to the front, a single storey extension to the rear, two storey extension to the side and the installation of a hip to gable conversion following the demolition of the existing rear single story extension and removal of existing chimney stack.
- The requirements of the notice are:
  1. Demolish/remove the two storey side extension to the side of the dwelling house including the hip to gable conversion and reinstate the roof to match existing.
  2. Demolish/remove the single storey extension to the front of the dwelling house.
  3. Demolish/remove the single storey extension to the rear of the dwelling house.

  Remove all resulting debris from the dwelling house and make good as per the original dwelling prior to the above points 1-3 taking place.

  Or

  Implement/construct the development in accordance with approved plans – Drg. No BM – ZM-001-P01-Rev B & Block Plan BM-ZM-001-BP01-Rev P3 attached to planning approval Ref: DC/2021/02397 - Erection of a single storey extension to the front, two storey extension to the side and a single storey extension to the rear, following demolition of the existing rear single storey extension and removal of existing chimney stack, granted planning permission on 21 December 2021.
- The period for compliance with the requirement is: 6 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Appeal B Ref: APP/M4320/W/23/3314388
36 Bailey Drive, Bootle L20 6HA

- 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 Zak Murphy against the decision of Sefton Metropolitan Borough Council.
- The application Ref DC/2022/01670, dated 20 September 2022, was refused by notice dated 7 November 2022.
- The development proposed is the erection of a single storey extension to the front, two storey extension to the side and a single storey extension to the rear.

Appeal A - The ground (a) appeal and the deemed planning application; and Appeal B

Main Issue

1. The main issue is the effect of the development on the character and appearance of the area.

Reason

2. Bailey Drive is a residential road comprising two-storey, semi-detached dwellings. Although there are front gable elements and side dormer extensions on some dwellings, the prevailing roofscape is composed of hipped roofs. In addition, although there are slight differences, such as porch designs, properties generally read as mirrored pairs of semi-detached dwellings. The general uniformity of the roofscape and symmetry of the pairs of dwellings makes a positive contribution to the character and appearance of the area.

3. The appeal property is a corner plot location on the junction of Bailey Drive and Rafter Avenue. As a result of its corner plot location, the property is prominent within the streetscene.

4. Planning permission[1] has been granted for a similar development to that constructed, the only difference being the approved development includes a hipped roof on the two-storey extension instead of the full pitched roof that has been constructed.

5. The erection of the full pitched roof has resulted in the extension overly dominating No 38, creating an undue imbalance between the two properties. In addition, the extended ridge line and gable end fails to reflect the prevailing hipped roofscape along the road and therefore appears as an incongruous addition. This harm is exacerbated by the corner plot location, resulting in the incongruity and dominance of the extension being clearly prominent when travelling along Bailey Drive in a Northerly direction.

6. I note 91 Bailey Drive has a full pitched roof. Notwithstanding the lack of planning history before me regarding this property, it is tightly set between two other pairs of semi-detached properties. Therefore, its prominence within the streetscene is significantly less than the appeal property. Moreover, the property has not been extended to the side, thus retains its original width and therefore does not disrupt the symmetry with its adjoining property to the extent the appeal development does.

7. I acknowledge the size of the plot and that the development does not appear as a cramped form of development. However, that has no bearing on the harm the development does have with regard to its incongruous design and undue dominance on the adjoining dwelling and the streetscene. Moreover, the lack of objections from neighbouring residents does not equate with a lack of harm.

8. I find therefore, the development significantly harms the character and appearance of the area, contrary to Policy HC4 of the Sefton Council Local Plan 2017, which, amongst other things, seeks to ensure house extensions are of a high quality that match or complement the style of the dwelling and the surrounding area. In addition, it would fail to accord with the Sefton Council House Extensions Supplementary Planning Document 2018, which states that on corner plots, extensions should not appear more dominant in the streetscene than the existing property and should be consistent with the character of the area.

Conclusion on the Appeal A ground (a) appeal and the deemed planning application; and Appeal B

[1] Council ref: DC/2021/02397

9. For the reasons given above, having considered the development plan as a whole and all material considerations, I conclude that planning permission should not be granted in response to either the ground (a) appeal against the enforcement notice and deemed application, or to the Section 78 appeal against the refusal of permission. Therefore, Appeal A on ground (a) fails, as does Appeal B.

Appeal A - The ground (g) appeal

10. This ground of appeal is that the period for compliance is unreasonably short.

11. The appellant contends the requirements of the notice should not have to be complied with until Appeal B has been determined and suggests that a compliance period of 6 months would be reasonable.

12. Both Appeals A and B have been determined at the same time and the period of compliance in the notice, which is already 6 months, starts from the date of this decision. Therefore, no variations to the notice are necessary to meet the appellant's requests under the ground (g) appeal.

13. The ground (g) appeal must therefore fail.

Formal Decision

Appeal A

14. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

15. The appeal is dismissed.

Alexander Walker

INSPECTOR