

Appeal Decision

Site visit made on 12 September 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal ref: APP/M4320/D/23/3324853

**Inglewood, 6 Thirlmere Road, Hightown, Liverpool,
Merseyside L38 3RQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
 - The appeal is made by Marianne Allen against the decision of Sefton Metropolitan Borough Council. The application, ref. DC/2023/00285, dated 17 February 2023, was refused by a notice dated 12 June 2023.
 - The development is: Erection of a two-storey extension to the side with a rear first floor balcony and alterations to the rear of the dwellinghouse following demolition of existing detached garage.
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Decision

1. The appeal is dismissed.

Appeal property and proposal

2. Inglewood, No. 6 Thirlmere Road, is a 2-story semi-detached house in a pleasant tree lined residential road, mostly fronted by large well-spaced detached houses. The Appellant, Dr Marianne Allen, wishes to enlarge her home by adding a 2-story side extension set back from the front elevation of the house, to include a new large family room and an en-suite master bedroom above.

Scheme under consideration

3. Dr Allen said the original plans for her new extension were submitted and validated by 3 March 2023. The Council were concerned that the extension would be too close to the boundary with the next-door house to the south-east, No. 8 Thirlmere Road. The Council had suggested Dr Allen amend the scheme, reducing the width of the extension, thus increasing the gap to the No. 8 boundary. An amended scheme was drawn up and submitted to the Council. Dr Allen was disappointed that the decision, dated 12 June 2023, to refuse the proposed extension was based solely upon the original scheme plans, with no apparent consideration of the amendment scheme.
4. The Council said Dr Allen had been advised that last-minute changes made to the plans without any prior notification or discussion would need to be reassessed. Neighbours would need to be re-notified.

5. In accord with National Planning Guidance, the Local Planning Authority could decide whether to accept changes. In this case, the Council said it was not appropriate to accept the amended plans and carry out any additional neighbour notification. The application refusal was based on the originally submitted plans.
6. Dr Allen referred to the findings of the Court in *Bernard Wheatcroft Ltd v SSE & Harborough DC* [1982] JPL 37. That determined an amendment to the application plans can be accepted on appeal and approved through a conditional planning permission. The Council held that an appeal was not the correct process to negotiate the acceptability of developments, noting that the amended drawings had not been the subject of public notification. In my view that position looked weak, the Council having said there was no substantial difference between the amended scheme and the original layout and that the consultation elicited just one comment about screening the proposed balcony.
7. However, in view of the Council's stance and their disinclination to produce the amendment plans I cannot invoke *Wheatcroft* nor deal with the amended scheme as if the application had been made to the Secretary of State in the first instance, (s.79(1)(b) of the Act). This decision must therefore be based upon the original scheme layout.

Main issue

8. The decision turns on the likely effect of the proposed 2 story side extension at No. 6 Thirlmere Road on the appearance of the street scene.

Policy background

9. Para. 130 of the National Planning Policy Framework, (NPPF) was replaced by para. 134 in the 2021 version. It says development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
10. The Local Plan for Sefton at Policy HC4 says, amongst others, that extensions and alterations to dwelling houses will be approved where they are of a high quality of design that matches or complements the style of the dwelling and the surrounding area and the size, scale and materials of development are in keeping with the original dwelling and the surrounding area.
11. The Council's House Extensions Supplementary Planning Document, (SPD), says extensions to the side should be designed to match to the design of the existing house and respect the character of the surrounding area. That includes preserving gaps between buildings to avoid creating the appearance of linking properties or a "terracing effect".

Considerations

12. The Council were concerned that the scale and massing of the extension would, based upon proposed elevations drawing 21085 05-001 Rev. B, be a disproportionate and overbearing addition to the existing dwelling. I agree that, although the proposed side extension to the house at No. 6 would be set well back from the gable frontage of Dr Allen's semi-detached house, it would be much wider than the original, of a scale out of keeping with the original

dwelling. The existing house has a perhaps unusually narrow elevation to the road. In that situation a relatively wider side extension might be acceptable. But as proposed, the side extension would appear overly dominant, unhappily extending close to the boundary with the neighbouring house at No. 8. At upper floor level, much of the open gap to No. 6 would be lost, adversely affecting the generally open housing layout appearance in Thirlmere Road. The lack of subservience usually sought in side extensions to dwellings would be further exacerbated by the proposed side extension's roof ridge being at the same level as that of the existing house, adding to the undue bulk of the project.

13. My conclusion is that the side extension project before me would be in material conflict with local policies seeking to ensure that the scale of house extensions are in keeping with the original dwelling and the character of the surrounding area.

Conclusion

14. For the reasons outlined above, the appeal is dismissed.

John Whalley

INSPECTOR