



Appeal Decision

Site visit made on 3 October 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2023

Appeal Ref: APP/Z4310/D/23/3320050

43 Beauclair Drive, Liverpool L15 6XQ

- 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 Chetan Thakkar against the decision of Liverpool City Council.
 - The application Ref 22H/2929, dated 21 October 2022, was refused by notice dated 9 February 2023.
 - The development proposed is to erect two-storey side extension, first-floor rear extension at rear, loft conversion incorporating rear dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) the effect of the proposed development on the living conditions of the occupiers of 45 Beauclair Drive, with particular reference to outlook and light; and
 - b) the effect of the proposed development on the character and appearance of the host dwelling; and
 - c) whether the proposal makes adequate provision for parking and the effect of any lack of provision on highway safety.

Reasons

Living conditions for occupiers of 45 Beauclair Drive

3. 43 Beauclair Drive is a two-storey semi-detached property in a pleasant suburban street. The dwelling next door, but not directly attached to the appeal property, is No. 45. No. 45 has a two-storey rear extension, and also has a single storey side extension which lies adjacent to the party boundary. This is used as a habitable dining room and has a rear window overlooking the back garden, along with a door into the garden.
4. The proposed extension would project 3m beyond the rear elevation of this dining room, and would be close to the boundary with No. 45. The dining room is part of a larger kitchen area, which forms an L shape. The exterior kitchen wall partly encloses the view from the dining room window. Were the proposed extension to be built, this would lead to the dining room being enclosed on both sides. This would have an overbearing effect. Due to the closeness of the proposed extension to the boundary, the overall impact would be oppressive and would enclose the dining room to an unacceptable level. The view from the

dining area is limited to one window overlooking the rear garden, and the layout of the proposed extension would impair the outlook from this window.

5. Although the dining room of No. 45 is part of a larger kitchen area, the design of the room is such that the other windows within the room are not visible from the dining area and do not provide it with much natural light. The proposed extension projecting alongside the room would cause overshadowing of the dining room, limiting the amount of light which the room currently receives.
6. I acknowledge that No. 45 has a two storey-rear extension. However, this extension does not come up to the boundary and as such does not have an overshadowing or overbearing impact on neighbouring properties. The appellant has suggested that the dining room is an unauthorised garage conversion. However, I have not been given any firm evidence as to the planning status of the room, but have assessed the appeal on its own merits and on the facts presented to me. From my site visit I saw that the room was habitable and well-used.
7. On the issue of the effect of the proposed development on the living conditions of the occupiers of 45 Beauclair Drive, with particular reference to outlook and light, I conclude that the proposed development would be in conflict with Policy H8 of the Liverpool Local Plan 2013-2033 (LLP), which states, amongst other criteria, that extensions must not result in a significant loss of light/overshadowing for neighbours, nor an over-bearing or over-dominant effect on the habitable rooms of neighbouring properties.

Character and appearance

8. There is some dispute as to the setback distance of the proposed dormer from the main rear wall of the dwelling. The Council's reason for refusal stated that it would be set back 0.13m, whereas the appellants have stated that it would be set back 0.3m. Either way, guidance contained within the House Extensions Supplementary Planning Guidance Note 1 (SPG1) indicates that rear dormers should be set in a minimum of 1m from the main wall. The proposed dormer extension is therefore at odds with this guidance.
9. The width of the proposed rear dormer extension would be greater than the width of the host dwelling and thus would appear disproportionate and out of scale. Guidance contained within SPG1 highlights that dormer extensions should not be over-dominant, and that extensions should be subordinate in scale to the building which is to be extended. As currently designed, the proposed dormer extension would dominate the host dwelling and would not be subordinate to it. This would have a negative impact on the host dwelling's character and appearance.
10. My attention has been drawn to a similar extension and loft conversion nearby at 11 Banstead Grove, which was granted approval. I observed this extension when on my site visit, and saw that it was of a similar design to that proposed and fitted well in the street scene. However, the side extension at Banstead Grove is set back from the original front elevation. This allows for a better relationship in terms of scale and subordination to the host dwelling than that of the proposed side extension, which would be in line with the host dwelling's porch at ground floor level.

11. Due to the scale and shortfall in setback from the main dwelling, I consider that the proposed dormer extension would be over dominant and have a negative effect on the host dwelling's character and appearance. This would conflict with Policy H8 of the LLP which states that extensions will be approved where the size and scale of development are in keeping with the original dwelling.

Parking and highway safety

12. The proposed extension would see the property increase in size from a three-bedroomed dwelling to a seven-bedroomed dwelling. The proposal would also lead to the loss of the property's existing garage. The Highways Authority stated that for a dwelling of the size proposed, a double driveway 5.5m wide and 5.0m deep would be expected.
13. The proposed development does not include provision for further off-street parking. The Council's officer's report stated that guidance contained within the Ensuring a Choice of Travel SPD highlights that there should be 1.5 car spaces per dwelling house. Policy TP8 'Car Parking and Servicing' of the LLP, does not give specific requirements for parking in relation to the number of bedrooms a dwelling has. The proposed development would have parking for one car on its drive, and one off-street space in front of the property, which I noticed was usual in the street. This exceeds the number indicated in the SPD for a domestic dwelling and matches the number that Highways would expect to be provided in a double driveway. Additionally, there are on-street parking spaces along Beauclair Drive.
14. Interested parties have raised concerns that the proposed development would lead to parking and highway issues, and that the property could become a house in multiple occupation (HMO) which would exacerbate parking issues. However, I have no evidence that the proposal is for a future HMO, which in any case would necessitate a separate planning application whereby any potential parking and residential amenity issues would be considered. As the proposed development is for an extension to a residential dwelling, I consider that adequate parking is provided in line with requirements in the SPD.
15. I therefore consider that the proposed development would provide adequate parking and would not impact upon the safety of the surrounding highway network. The proposed development would not be contrary to Policy T8 of the LLP which seeks to ensure car parking provision is at an appropriate level taking into account the potential impact on the surrounding area, in both amenity and safety terms.

Conclusion

16. The proposal would provide sufficient parking and not have a negative impact on highway safety. However, this is a neutral consideration in the overall balance. The proposal would cause harm to the character and appearance of the host building and on the living conditions of the occupiers of No. 45 Beauclair Drive. Accordingly, I find that the proposal would conflict with the development plan taken as a whole and there are no reasons to indicate a decision other than in accordance with the development plan.
17. For the reasons given, the appeal is dismissed.

L Hughes

INSPECTOR