



Appeal Decision

Site visit made on 19 February 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/Z4310/W/23/3327357

73-75 Garmoye Road, Liverpool L15 3JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Tenveer Ahmed on behalf of Point Properties Ltd against the decision of Liverpool City Council.
 - The application Ref 23F/0192, dated 01 March 2023, was refused by notice dated 20 July 2023.
 - The development proposed is alterations undertaken to roof, involving dormer extension, associated removal of hip and construction of new gable wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the words “retrospective application in respect of” from the description of development in the above banner heading as this does not constitute an act of development.
3. The description of development in the above banner heading is taken from the application form. However, the development is described on the decision notice and appeal form as “to retain gable extension and second floor extension to rear”. I consider this to be a more accurate description of the appeal proposal and I have determined the appeal on that basis.
4. I observed on my site visit that the appeal proposal has already been implemented, I shall thus consider it on a retrospective basis.
5. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

6. The main issues are the effect of the proposal on:
 - the character and appearance of the host properties and surrounding area;
 - and

- the living conditions of the occupiers of number 77 Garmoyle Road (No. 77) and number 64 Ferndale Road (No. 64) with regard to daylight, sunlight and outlook.

Reasons

Character and appearance

7. The appeal relates to two properties at 73 and 75 Garmoyle Road (Nos. 73 and 75), which together occupy a corner plot at the junction with Ferndale Road. Garmoyle Road, and the surrounding area in general, is characterised by residential terrace properties with two-storey outriggers to the rear. These outriggers consist of a mix of both hipped and pitched roof styles and positively contribute to the character and appearance of the area, particularly when viewed on corner plots.
8. The second-floor extension to the rear of both Nos. 73 and 75 has resulted in the loss of the hipped roof design to the original outriggers. Furthermore, as a result of its scale, bulk and flat roof section, the development represents an incongruous, excessive and disproportionate feature that dominates the rear elevation of the host properties and does not appear as a subordinate addition.
9. The appeal scheme therefore results in a development that is out of keeping with the design and appearance of neighbouring properties and has a detrimental visual impact upon both the host properties and street scene in general.
10. The harmful visual impact and prominence of the development in the street scene is only exacerbated by the appeal site being situated on a corner plot. This results in the extension being visible from the rear elevations, and rear yard areas, of several neighbouring properties, as well as from parts of Ferndale Road which runs directly to the side of the appeal site.
11. Whilst I acknowledge that the extension has been constructed in materials that match those used on the host properties, this does not override the visual harm that I have identified which arises from the scale, bulk and overall design of the development.
12. In view of the above, the appeal scheme will have a harmful impact upon the character and appearance of the host properties and surrounding area. The appeal scheme is therefore contrary to the objectives of Policies UD1 and UD7 of the Liverpool Local Plan 2013 – 2033 (2022) (Local Plan), which seek to ensure, amongst other things, that development proposals take account of the scale, form and character of existing buildings and that the overall character of the area is retained. The proposal is also contrary to paragraph 139 of the Framework, which states that development that is not well designed should be refused.

Living conditions of neighbouring occupiers

13. The adjoining terrace property at number 77 Garmoyle Road (No. 77) has windows in its main rear elevation at both ground and first floor level, which are situated close to the shared boundary with the appeal site.
14. I acknowledge that the outlook from these windows was likely to be previously impacted by the outriggers at both the appeal site and No. 77 itself. Nevertheless, the extension, as a result of its height, scale, bulk and flat-roof section has increased the built form of development, and created an expanse of solid wall at second floor level, sitting above these neighbouring windows.

15. The extension will result in a significantly greater sense of enclosure, when viewed from these neighbouring windows, as well as the rear yard area at No. 77, giving rise to an oppressive and overbearing impact, which results in a loss of outlook for the occupiers of No. 77, at the rear of their property.
16. With regard to sunlight, as the extension is located to the north of No. 77 it will not result in any loss of direct sunlight for the occupiers of this neighbouring dwelling.
17. In terms of daylight, although it has not been demonstrated through technical evidence, it is reasonable to conclude that before the extension was constructed, the rear yard area and windows in the rear of No. 77 previously experienced relatively low levels of daylight and were overshadowed as a result of the existing outriggers and the built-up character of the surrounding area.
18. As such, whilst the extension may result in some further loss of daylight in the rooms served by the windows in the rear of No. 77, I conclude that the additional loss of daylight will not be unduly harmful to the occupiers of this property.
19. With regard to number 64 Ferndale Road (No. 64), this neighbouring property is located to the rear of the appeal site, on the opposite side of an alleyway, and its blank gable side elevation faces towards the extension. No. 64 does however have a ground floor window in the side elevation of its two-storey rear outrigger, facing towards the appeal site. Nevertheless, this window is set almost directly in line with the end of the extension and thus I consider that the living conditions of the occupiers of No. 64 are not unduly impacted by the appeal scheme.
20. In view of the above, the appeal scheme does not have an adverse impact upon the living conditions of the neighbouring occupiers at No. 64 Ferndale Road. However, I conclude that the development results in harm to the living conditions of the occupiers of the adjoining property at No. 77 Garmoyle Road by way of overbearing impact, both when viewed from the windows in the rear elevation of this dwelling and the rear yard area. For these reasons the development is in conflict with Policies H7 and UD7 of the Local Plan, insofar as they together seek to ensure proposals protect the living conditions of existing residents.
21. Furthermore, the appeal scheme is also contrary to paragraph 135(f) of the Framework which seeks to ensure developments provide a high standard of amenity for existing users.

Conclusion

22. The appeal scheme has an adverse impact upon the character and appearance of the host properties and surrounding area, and is harmful to the living conditions of the occupiers of No. 77 Garmoyle Road. The scheme is therefore contrary to the development plan and there are no material considerations that outweigh this finding, or the conflict with the development plan when taken as a whole. As such, the appeal is dismissed.

R Major

INSPECTOR