
Appeal Decision

Site visit made on 23 March 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/Z4310/D/23/3333574

14 Elmswood Road, Aigburth, Liverpool L17 0DJ

- 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 Ms Gemma Kelly against the decision of Liverpool City Council.
 - The application Ref 22H/2702, dated 30 September 2022, was refused by notice dated 31 August 2023.
 - The development proposed is described as 'retention of existing attic dormer'.
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Preliminary Matter

1. The Council describes the proposal as a hip to gable loft conversion, dormer extension at rear with Juliette Balcony and rooflights to front elevation. As this more comprehensively describes the appeal proposal than the description on the planning application form, I have used the Council's description in the decision that follows.

Decision

2. The appeal is allowed and planning permission is granted for a hip to gable loft conversion, dormer extension at rear with Juliette Balcony and rooflights to front elevation at 14 Elmswood Road, Aigburth, Liverpool L17 0DJ in accordance with the terms of the application, Ref 22H/2702, dated 30 September 2022, subject to the following condition:
 - 1) The following drawings are approved: Drawings 01, 02, 03, 04a, 05a, 06, 07 and 08.

Main Issues

3. The development has already been constructed. The main issues in this appeal are the effect of the works on the character and appearance of the surrounding area and the effect of the Juliette balcony on the living conditions of neighbouring occupiers.

Reasons

4. The appeal evidence includes a Certificate of Proposed Lawfulness, reference 22LP/0101, which was granted for a hip-to-gable roof alteration and rear dormer extension. The Certificate of Lawfulness is a material consideration in this appeal and the confirmed lawful development constitutes a 'fallback position' of considerable weight. The Council indicated that some of the works that have been carried out do not conform to the previously approved details. The appeal planning application sought to regularise this.

5. The difference between the works confirmed as lawful and the current proposal are the installation of a Juliette balcony and the dormer's rendered flank walls. The appellant claims that these matters in dispute constitute 'permitted development'. However, this appeal relates only to the planning application. Whether they constitute 'permitted development' is not a matter before me.
6. The construction of the hip to gable roof extension unbalances the pair of semi-detached dwellings. However, this element of the appeal proposal has been confirmed as lawful development and it is unclear whether this factor was considered in the Council's decision. Furthermore, the design of properties in Elmswood Road is varied and includes a row of houses with gable roofs directly opposite the appeal site. Notwithstanding that dwellings on the southern side of the road are generally characterised by hipped roofs, the character of the area can be described as having design variety. Within this context the roof addition does not appear as an incongruous feature in the street scene.
7. In terms of the dormer's materials, the cheeks are rendered to match the gable. This presents an acceptable appearance in the limited street views of the dormer from the front and rear. The use of tiles in this location would cause a jarring contrast in materials that would appear incongruous. Furthermore, the use of render in this way is commonly found in the surrounding area and does not appear out of place. I conclude that the materials used for the dormer do not harm visual amenity or local character.
8. Turning to the Juliette balcony, it would not be possible to step out onto it, as if onto a conventional balcony. This limits the extent of potential overlooking and would be little different to overlooking from the window alone. I am satisfied that the Juliette balcony and the lower part of the window opening do not allow for prolonged levels of real or perceived overlooking onto neighbouring properties to a harmful extent, or otherwise adversely affect the amenity of neighbouring occupiers.
9. For the reasons set out above and having regard to all other matters raised, including the objections of neighbouring occupiers, I conclude that the appeal proposal does not conflict with and is not contrary to Policies H7, H8 and UD7 of the Liverpool Local Plan which, in summary and of relevance to this appeal, require high quality development that is in keeping with the character of the host dwelling, respects its surroundings and protects the living conditions, including privacy, of neighbouring occupiers. Accordingly, the appeal is allowed.
10. As the development has already been carried out, no conditions are necessary other than one which identifies the approved drawings for the avoidance of doubt and in the interests of proper planning. The Council suggested a condition relating to the finishing materials of the rear dormer extension. As set out in the reasoning above, its appearance is acceptable and the imposition of the suggested condition would be unreasonable.

Elaine Benson

INSPECTOR