
Appeal Decision

Site visit made on 6 April 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11.04.2024

Appeal Ref: APP/Z4310/D/24/3337235

39 Speke Road, Woolton, Liverpool L25 8SA

- 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 Graham Hall against the decision of Liverpool City Council.
 - The application Ref 23H/2188, dated 4 September 2023, was refused by notice dated 16 November 2023.
 - The development proposed is described as 'to retain as built extension alternative to 19H/2437'.
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Procedural Matters

1. The works for which planning permission is sought have already been constructed. I am therefore considering this appeal retrospectively.
2. The description of development was changed by the Council from that set out in the heading above to state: 'to retain first floor extension to side, conversion of garage into living accommodation with alteration to fenestration, raised patio, new steps and French door to rear (alternative to approved scheme 19H/2437)'. However, in the appeal submissions the Appellant suggests that an amended description would be more accurate, stating: 'first floor extension to side with internal and external alterations in accordance with the terms of application ref 23H/2188 dated 15 September 2023'.
3. In the light of the planning history provided in evidence and for the avoidance of doubt, I consider that it is appropriate to describe all the works for which planning permission was initially sought. The description of development is therefore as set out by the Council. It is, however, unnecessary to refer to the previously approved scheme in that description.
4. At the Cabinet meeting on 4th March 2022, Liverpool City Council resolved that all Supplementary Planning Guidance (SPG) associated with the Council's previous Unitary Development Plan would continue to be taken into account in the interpretation of the relevant policies in the replacement Liverpool Local Plan (LLP) until such time that they are replaced. The relevant SPG in this appeal is SPG1 – Household Extensions and it therefore continues to inform and support LLP Policy H8 (House Extensions).

Decision

5. The appeal is allowed and planning permission is granted for first floor extension to side, conversion of garage into living accommodation with alteration to fenestration, raised patio, new steps and French door to rear at 39 Speke Road, Woolton, Liverpool L25 8SA in accordance with the terms of the

application, Ref 23H/2188, dated 4 September 2023, subject to the following condition:

- 1) The following drawings are the approved plans: 1 of 2 Rev. A – Aug 23 and 2 of 2 Rev. A – Aug 23.

Main Issue

6. The main issue in this appeal is the effect of the appeal proposal on the character and appearance of the host property and the surrounding area.

Reasons

7. Planning permission was granted for a similar development at the appeal site, reference 19H/2437. The Council raises no objection to the elements of the proposal relating to the raised patio and steps and French door to the rear elevation of the property. As they are the same as those details previously approved there are no reasons to disagree.
8. The appeal extension was built prior to the previous grant of planning permission. As constructed, it does not reflect the development shown in the approved drawings for planning application 19H/2437. The first floor has not been set back from the frontage and there is no corresponding dropped roof ridge line. The appeal planning application was submitted to regularise the situation.
9. One of the requirements of the guidance in SPG1 is the use of a first floor set back to the frontage of a two-storey or first floor side extension, with a corresponding dropped roof ridge line. This is an effective method of ensuring that extensions are subordinate in scale to the main dwelling. The appeal extension does not satisfy this criterion of the guidance.
10. A set back from the front elevation and a dropped roof line would have provided a degree of subordination. However, the side extension does not exceed half the width of the original dwelling and its hipped roof respects the original house design. The house is set back well behind a front garden and is viewed from the street as one property within a frontage of similar, but altered, houses. As a result, the house, as extended, does not appear particularly prominent in this street scene which can be characterised as having design variety.
11. Furthermore, there is space between the side of the extension and the boundary with No 41 Speke Road. This retains a degree of visual separation between the two adjoining houses. In addition, these properties are set at a slightly oblique angle to each other due to the curvature of the road and their roof heights are marginally different. Consequently, even if the neighbouring property were to construct a similar side extension, this would not create a terracing effect which SPG1 also seeks to prevent. Taking all of the foregoing factors together, I conclude that the harm to the character and appearance of the area resulting from the absence of a first floor set back is limited.
12. In the circumstances of this appeal, I further conclude that this limited harm to character and appearance is insufficient to justify the disruption to the appellants' family life that would ensue from carrying out the works necessary to alter the property to achieve a set-back at first floor level. In this regard my decision is consistent with the conclusion of the Inspector in the submitted

appeal decision APP/Z4310/D/3253419. This related to an appeal for a similar form of development that had already been constructed.

13. The construction of the side extension, even with the set back at first floor level, would have resulted in a loss of symmetry between the appeal property and the adjoining semi-detached house, No 37 Speke Road. Side extensions are common and the resulting loss of symmetry does not appear overly prominent in areas that contain detached or semi-detached properties with space at the side. I am not convinced that the absence of symmetry in itself is harmful to character in this location.
14. As each planning application should be determined on its individual merits, allowing the appeal proposal would not set an undesirable precedent for future development within the area.
15. I conclude that the appeal proposal does not unduly harm the character and appearance of the surrounding area. It is therefore consistent with the requirements of LLP Policies H8 and UD1 (Local Character and Distinctiveness). Although the proposal does not meet all the criteria in SPG1 relating to subordination, it complies with several. But in any event, the other material considerations referred to attract greater weight. Therefore, the proposal should be determined in accordance with the development plan.
16. For the reasons set out above and having regard to all other matters raised, the appeal is allowed. I have included a condition identifying the approved drawings for the avoidance of doubt and in the interests of proper planning. External materials are indicated on the approved drawing.

Elaine Benson

INSPECTOR