

Appeal Decision

Site visit made on 25 October 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2024

Appeal Ref: APP/Z4310/W/24/3346133

2 Vanderbilt Avenue, Liverpool L9 0LT

- 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 John Highton against the decision of Liverpool City Council.
 - The application reference is 22F/1111.
 - The development proposed is two, 4-bedroomed semi-detached dwellings with associated hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposal would result in a substantial new structure to the rear of 6 Roosevelt Drive and 2 Vanderbilt Avenue. It would be of a significant height and it would be located close to the edge of the plot, with only the width of a parking space between it and the side boundary. At present views from Roosevelt Drive and Vanderbilt Avenue, above the existing garages, are dominated by the presence of large trees beyond the open areas to the rear of the houses. Although a tree in the neighbouring garden would remain, the plans submitted suggest that the large trees closest to the side boundary with 1 Vanderbilt Avenue, would be removed.
 4. The removal of the trees and the imposition of such a high unrelieved building in the position shown, would, despite the back garden position, result in considerable harm to the appearance of this site and the wider area. This harm would be emphasised as the dwellings would be of little architectural interest. Indeed, the details and proportions of the dwellings would be entirely out of keeping with the surrounding dwellings. The new structure would appear as being overly dominant, cramped within the plot and of a poor design within this context. The benefit of removing the garage would be very limited.
 5. The appellant suggests that the trees to be removed are all mid to poor quality with only the offsite Sycamore being of any significance. The appellant's Arboricultural Impact Assessment suggests that trees T12 – T15 are of
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moderate quality, between 9 and 12 metres high and with an estimated life expectancy of 40+ years. I found that the trees within the site make an important contribution to the character and appearance of the area. They are shown as being retained on the superseded site plan P352_03 but the updated plan, revision A, illustrates that these would be removed. It is evident, that the tree constraints have not been carefully considered in the choice of the layout. There is nothing to suggest that a more modest and better designed layout for two houses, taking account of the tree constraints, could not be achieved without this scale of removal.

6. Although replacement tree planting is proposed, this would not visually compensate, in the short or medium term, for the trees lost, particularly T12-15. Those to be planted along the southern boundary would also represent a significant imposition on the adjacent properties, given their relatively short rear gardens. The trees proposed, would in the long term, grow to be high with a canopy spread that would be considerably greater than the distance that they are proposed to be planted from the southern boundary.
7. Trees T6-9 appear to be healthy with a long life expectancy. It is unclear why they would all need to be lost. Their loss would increase the outlook from adjacent properties but would also expose the new imposing side elevation, which would be overbearing. The new trees would enclose and overhang different areas of the gardens of the adjacent properties and would be positioned far too close to the boundary, reducing outlook or leading to demands for greater management. It appears that the size of the new houses and the outlook from them has been prioritised over the amenities of the residents of the neighbouring existing houses. The proposals for hedge planting are also extremely limited given the scale of the hedgerow loss. These matters add to my concern that the layout would be cramped and would represent poor design.
8. The proposal would detract from the character and appearance of the area and would represent poor design in this context. The scale and position of the houses proposed would fail to adequately have regard for the existing trees or the existing character of the area. The development would conflict with the design expectations of policies H7a, H13(2i&iii) and UD1(a,d&f) of the Liverpool Local Plan 2013-2033 (2022)(LP). As the tree constraints highlighted by the survey have not informed the layout and given my concerns with regard to the new planting, the proposal would also conflict with LP policies GI 8(a) and GI 9(3a). The *National Planning Policy Framework 2023* is clear that development that is not well designed should be refused.
9. Local residents have raised a number of further concerns. The proximity of the side elevations to properties on both sides would result in the development being overbearing. In relation to 1 Vanderbilt Avenue, this would relate only to the rear most part of the garden but it would be unacceptably close, given its height, particularly given the loss of existing vegetation. The impact on the much smaller gardens and rear windows of the Dewey Avenue properties, with regard to outlook, would be greater. With regard to 6 Roosevelt Drive and the host property, without obscure glazed windows in the west facing elevation, they would be overlooked. The second-floor dormer windows in that elevation would be intrusive, even if obscure glazed.

10. The council's policies include requirements to maximise capacity and provide a presumption in favour of new housing in an area such as this. However, as it is likely that two more modest dwellings could be accommodated on this site, without the scale of harm currently proposed; and given the conflict with other elements of these policies, this support gains more limited weight. The dwellings would offer high quality accommodation and would be built to a high standard with regard to living conditions, materials and energy efficiency. The proposal would also result in considerable investment, add to the housing stock and provide further economic and social benefits when occupied.
11. I have had regard to the matters put forward by the appellant and the clear benefits that result from the provision of additional dwellings. However, the constraints of the site have not been properly considered and the scale of the works would be too great, resulting in an overly dominant building that would appear cramped within its plot. The design proposed and the loss of trees would also detract from the character and appearance of the area. The proposal represents poor design in this context. Even if I were to set aside the amenity concerns of neighbours, the matters that weigh in favour of the proposal would not outweigh my concerns with regard to the main issue. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR