



Appeal Decision

Site visit made on 13 January 2025

by A Hartley LLB (Hons) Solicitor MBA

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/Z4310/D/24/3353835
31 Chiltern Close, Liverpool L12 0NT

- 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 James Riley against the decision of Liverpool City Council.
 - The application Ref is 24H/2202.
 - The proposed development is for a first-floor side extension.
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Decision

1. The appeal is dismissed.

Preliminary Issues

2. I have taken the description of development from the Notice of Decision as it more properly describes the proposal.
3. The National Planning Policy Framework (the Framework) has been updated since the appeal representations were made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph references) it was not considered necessary to seek further comment.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the host dwelling and the surrounding area and (ii) the living conditions of the occupiers at 21 Oaksmeade Close (No. 21) with particular regard to outlook and natural light.

Reasons

Character and Appearance

5. The appeal property is a substantial modern detached dwelling of brick with tiled roof within a housing estate of similar properties. It has been previously extended. The rear of the property adjoins an historic park, Croxteth Hall and Country Park. A key aspect of the existing character of the area includes housing being seen against the backdrop of mature trees within the Country Park that are protected by a Tree Preservation Order¹. Gaps are evident between properties on the estate so

¹ City Council of Liverpool (Croxteth Park Liverpool 12) Tree Preservation Order 1977 (No.165)

that the backdrop of trees can be seen. The appeal property is adjacent to No. 21. The existing dormers above the garage are of a height and scale that maintain a gap between the properties at first floor level and permit views of the trees through the gap from Chiltern Close and Fir Tree Drive South.

6. The appeal proposal would remove the existing dormers above the garage and replace with a storey above the garage to increase the size of the existing two storey extension very close to the boundary with No. 21.
7. The existing two storey extension has a limited reduction in ridge height from the original dwelling. I find that due to the ridge height and volume of the proposed first floor side extension, when viewed cumulatively with the existing two storey extension, it would result in an increased scale and mass that would not be seen as a subordinate addition to the host dwelling. It would fail to respect the dimensions of the dwelling and create an overtly large property that would appear visually jarring when viewed from Chiltern Close or Fir Tree Drive South. The proposed use of materials and replacement of windows, guttering etc., would not change this. Therefore, the proposal would detract from the well-proportioned design of the host dwelling.
8. It would also close the gap that is evident between the appeal property and No. 21 at first floor level, so that when viewed from Chiltern Close or Fir Tree Drive South, the backdrop of the parkland trees would no longer be seen between the properties. The proposal would therefore fail to respect or reflect the pattern of surrounding built form and reduce the visibility of the backdrop of mature trees through gaps between dwellings. This would harm the identified character and appearance of the area.
9. Consequently, the appeal proposal would conflict with Policies UD1 and H8 of the Liverpool Local Plan (2022) (LP), the Supplementary Planning Guidance – House Extensions (2002) (SPG) and the Framework, all of which seek high quality design appropriate to its context.

Living Conditions

10. The appeal proposal would introduce a blank two storey elevation close to the side elevation of No. 21. Whilst the first-floor window within the adjacent elevation at No. 21 is unlikely to be to a main habitable room, the proposal is likely to restrict its opening. The outlook from ground floor windows on the side elevation of No. 21 is already limited as they face the boundary. However, due to the height and proximity to No. 21, I find that the proposal would give rise to an undue sense of overbearing that would further affect the outlook from ground floor habitable room windows for the occupiers of No. 21 to the extent that it would have an unacceptable effect on their living conditions. In addition, the resulting reduction in natural light to the ground floor habitable rooms at No. 21 would also unacceptably affect their living conditions.
11. Overall, I find the proposal would conflict with Policy H8 of the LP, the SPG and the Framework all of which seek a high standard of amenity for existing and future users.

Other Matters

12. The absence of any objection from the neighbours does not justify the identified harm caused by the proposal.
13. The appeal site adjoins the Croxteth Country Park², which is listed Grade II in its own right and is the setting to the Grade II* listed Croxteth Hall. The park is extensive, and the appeal proposal is outside the parkland boundary. The scale and position of the appeal proposal does not affect the significance of the park for the purposes of Section 66 the Planning (Listed Buildings and Conservation Areas) Act 1990. The presence of the parkland trees that are subject to a Tree Preservation Order have been taken into consideration in assessing the character and appearance of the area.

Conclusion

14. In conclusion, having regard to all representations made, I find that the appeal development conflicts with the development plan as a whole and with the provisions of the Framework. There are no material considerations that would justify a decision other than one in accordance with the development plan. Therefore, the appeal should be dismissed.

A Hartley

INSPECTOR

² Grade II Listed Entry Number 1001304