



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: 10 February 2025

Appeal Ref: APP/Z4310/D/24/3355859

37 Town Row, West Derby, Liverpool, Merseyside L12 5HG

- 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 Mrs Chantelle Nolan against the decision of Liverpool City Council.
 - The application Ref is 24H/2155.
 - The proposed development is the erection of a part double and part single storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a part double and part single storey side extension at 37 Town Row, West Derby, Liverpool, Merseyside L12 5HG in accordance with the terms of the application reference 24H/2155 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg. No. 0832/24 Existing Plans and Elevations; Dwg. No. 0833/24 Proposed Part Double Storey Side and Part Single Storey Side Extension; Block Plan/Site Plan.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Issues

2. 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.
3. For the avoidance of doubt, I have considered Dwg. No. 0833/24 Proposed Part Double Storey Side and Part Single Storey Side Extension.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

5. The appeal property is a substantial detached dwelling set back from the road frontage. It has a pitched roof and features two prominent symmetrical gables to the front elevation. It is of cream render with light grey fenestration detail. It has a single storey garage attached to the side, set back from the front elevation, in red brick with flat roof and timber doors painted black. To the front is a large area of hardstanding enclosed by a wall and automatic opaque grey gates.
6. There are varied house styles in the surrounding area and street scene, including a mixture of bungalows, terraced dwellings and semi-detached properties. The majority have pitched roofs. In the immediate street scene, the appeal property differs from other dwellings in that it is the only two storey detached property with a double fronted gable feature. It is also more modern in appearance due to its colour scheme and the style of boundary gates. Despite its distinct style, it is an established part of the street scene. To the rear of the dwellings on this side of the street is Croxteth Country Park¹. At the site visit I noted the backdrop of large mature parkland trees behind the dwellings. The trees can be seen through existing gaps between dwellings at first floor level and this makes a positive contribution to the character of the area.
7. The appeal proposal would introduce a part double, part single storey side extension. The materials would match the host dwelling, and it would be set back from the front elevation, with a reduction in roof ridge height from that of the host dwelling. It would feature two small opaque glazed windows at ground floor level and a dormer within the pitched roof to the front elevation of the extension.
8. The proposed extension would substantially accord with the Supplementary Planning Guidance – House Extensions (2002) (SPG), being set back from the front elevation, with a lower ridge height and being subordinate in scale.
9. My attention has been drawn to a planning application for a similar, but larger proposal (in terms of height and mass) relating to the appeal site that was refused (the 2023 decision). The Council determined that proposed two storey extension to be acceptable in terms of its impact on the character and appearance of the host dwelling and the surrounding area. The Council found only that the proposal would cause harm to the living conditions of the occupiers of 35 Town Row. I attach moderate weight to this previous decision.
10. The appeal proposal would be smaller in proportion than the proposal in the 2023 decision. The differences in design are limited and include changes to the front fenestration details, with a front dormer window.
11. Although the symmetry of the appeal property is already unbalanced to some extent by the existing single storey garage, the proposal would increase this by introducing a first floor. Due to the significantly lower ridge height, its stepped back position and the reduced scale of the extension, with a small dormer and small windows at ground floor level, the extension would clearly be seen as a subservient addition. This smaller scale of the extension would mitigate the extent to which it would unbalance the existing level of symmetry.

¹ Grade II Listed Entry Number 1001304

12. I therefore find that there would be some residual harm caused to the character of the host dwelling due to the two-storey extension unbalancing its existing symmetry.
13. The appeal proposal would introduce two small opaque windows and dormer window that are smaller and differ in design to those in the host dwelling. I note the Council's concern that the proposal could result in a less active frontage as the windows would be opaque glazed to serve bathrooms. Also, as they do not match the scale and design of windows in the host dwelling there would be a negative effect on its character.
14. However, I find that due to the substantial distance from the road, the existing more prominent frontage windows of the host dwelling, the smaller scale of the extension and the extent of the boundary wall and gates minimising views of the ground floor, the potentially negative impacts would not cause undue harm to the character of the host dwelling or the street scene.
15. The appeal proposal would result in a reduction of the gap at first floor level through which the parkland trees can be seen. However, the backdrop of the trees would still be appreciated through the remaining gap. In addition, due to the variety of dwellings, including small bungalows in large plots, the backdrop of trees would remain a strong feature within the street scene.
16. Overall, notwithstanding the residual harm to the symmetry of the host dwelling, having regard to the context within the character of the surrounding area; the 2023 decision; the benefits of additional living accommodation and the presumption in favour of sustainable development, I find that the proposal would not cause unacceptable harm to the character and appearance of the host dwelling or the surrounding area.
17. I find therefore, the proposal would accord with Policies UD1, UD7, H7 and H8 of the Liverpool Local Plan (2022), the SPG and the Framework, all of which seek high quality design appropriate to its context.

Other Matters

18. The appeal site adjoins the Croxteth Country Park, 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 has been taken into consideration in assessing the character and appearance of the area.
19. The appellant indicates some dissatisfaction with the Council's handling of the various planning applications concerning the site. These matters are outside the scope of this planning appeal.

Conditions and Conclusion

20. I have had regard to the conditions proposed by the Council. I have imposed a condition specifying the approved plans as this provides certainty and a condition requiring matching materials in the interests of the visual amenity of the area.

21. In conclusion, having regard to all representations made, I find that the appeal proposal complies with the development plan as a whole and with the provisions of the Framework. Therefore, the appeal should be allowed.

A Hartley

INSPECTOR