



Appeal Decision

Site visit made on 13 January 2025

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/Z4310/W/24/3349148

28 Salcombe Drive, Woolton, Liverpool L25 0LZ

- 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 Graham against the decision of Liverpool City Council.
 - The application Ref is 23F/2581.
 - The development proposed is new bungalow at land to rear of 28 Salcombe Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Amended plans have been submitted which include the addition of an access ramp to the front of the proposed dwelling. In addition, reference has been made in the statement of case to the installation of a ground source heat pump. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme as it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage. Whilst the Council has commented on these matters, I consider that interested parties would be prejudiced should I accept them. Therefore, I have determined the appeal based on the plans submitted with the planning application to the Council and upon which the views of interested parties were sought.

Main Issues

3. The main issues are a) the effect of the proposal on the character and appearance of the area, b) whether the proposal would provide acceptable living conditions for the future occupiers with particular regard to access into and within the proposed dwelling, c) the effect of the proposal on the biodiversity of the site and its surroundings and d) whether the proposal includes suitable measures to generate renewable energy.

Reasons

Character and appearance

4. The appeal site is to the rear of 28 Salcombe Drive, a detached dwelling close to the junction with Waylands Drive. It lies within a predominantly residential area of mainly two-storey semi-detached dwellings. While they are of a mix of designs and styles, they are generally arranged with a frontage to the highway and are set back behind low boundary treatments. This creates a regular form of development that

makes a significantly positive contribution to the character and appearance of the area.

5. The existing dwelling has previously been extended and incorporates a large garden at its rear. It is bounded by tall hedges and fences to the sides, separating the appeal site from the gardens of the surrounding properties. The proposal would be accessed from a new driveway between Nos 26 and 28. It would not have any road frontage and therefore would be at odds with the prevailing character of the area.
6. The proposal includes lowering the ground level to reduce the overall height of the dwelling and reduce the impact on the views from the surrounding dwellings. There would still however be an element of two storey accommodation within the dwelling. Whilst it has been suggested that the design of the roof of the dwelling could be amended, I must consider the appeal based on the application drawings and the overall bulk and massing of the dwelling would be a prominent addition to the area, particularly in the views available from the gardens of neighbouring properties.
7. I acknowledge that a previous permission for an underground dwelling was approved on the site in 2020¹. This is no longer an extant permission due to the passage of time and I have no details of this proposal before me or the policy context under which it was approved. Moreover, the current Liverpool Local Plan (LLP) was adopted in 2022. The previous permission therefore has a very limited bearing on in the determination of the current appeal.
8. I have been provided with examples of single storey dwellings in the vicinity of the appeal site. However, these have a direct street frontage and are visible from the highway. Hence, they are not directly comparable with the appeal proposal, so I have determined the appeal on its own individual merits.
9. Accordingly, I conclude that the proposal would have a significantly detrimental effect on the character and appearance of the area. It would conflict with Policies H7, H13, UD1 and UD5 of the LLP which together and amongst other matters seek to ensure that development protects the residential character and living conditions of existing residents, takes into account the local grain and pattern of development and has active frontages onto the public realm.

Living conditions

10. Building Regulations Part M4 seek to ensure that new housing development meets the needs of occupiers with differing needs and would be suitable for adaptation to meet changing needs over time. Policy H12 of the LLP seeks compliance with this part of the Building Regulations to ensure some older or disabled people can gain access to and use homes and their facilities.
11. In this case the application drawings show that the principal entrance to the proposed dwelling would be accessed via three steps, with additional steps at the rear to access the garden area. There is also no indication on the drawings that there would be a minimum width of 750mm for every door. Therefore, in light of my finding as to the consideration of the amended drawings submitted with the appeal those before me demonstrate that the proposal would not meet these requirements.

¹ Ref 20/F/0654

Moreover, the proposed dwelling would inhibit access to occupants with differing needs, particularly those with mobility impairments.

12. The appellant has suggested that such details could be agreed by planning condition but, to my mind, they go to the heart of whether the proposal would provide accessible housing. It would therefore not be appropriate to address matters in this way that go to the principle of whether or not the proposal would be acceptable.
13. I therefore conclude that the proposal would not provide acceptable living conditions for future occupiers with particular regard to access into and within the proposed dwelling in conflict with LLP Policy H12.

Biodiversity

14. The Biodiversity Net Gain (BNG) report, submitted during the appeal, was returned to the appellant as it was received too late in the appeal process to be considered. Although much of the vegetation on the site would be retained the proposal would occupy an existing garden that is predominantly grassed with boundary hedges. As such it is likely that there would be an overall loss of biodiversity on the site due to the construction of the building and driveway. The provision of a compost area may go some way to support the biodiversity of the site although as there are no details before me, there is insufficient evidence before me to ensure that the proposal would deliver a BNG either on or off site.
15. For the above reasons, I cannot be certain that the proposal would not have a detrimentally harmful effect on the biodiversity of the site and surroundings. It would therefore conflict with Policies STP2 and GL10 of the LLP which together and amongst other matters seek to ensure that development contributes to ensuring a net gain in biodiversity in the City.

Renewable Energy

16. The application submission did not include any measures to secure renewable energy generation at the site. Elements such as a ground source heat pump could, in some circumstances, be covered by permitted development rights. I accept that future occupiers would not be obliged to make such provisions. Nevertheless, in this case, I am satisfied that, the inclusion of measures to secure renewable energy generation at the site could be dealt with by a suitably worded condition, were I minded to allow the appeal. The Council has suggested the use of a condition would circumvent public consultation, however interested parties would have the opportunity to comment on submissions of such details.
17. In such circumstances, I conclude that it would be possible for the proposal to include suitable measures to generate renewable energy. Hence, it would comply with Policy UD5 of the LLP which amongst other matters seeks to ensure that development is resource and energy efficient and includes renewable energy generation.

Planning Balance and Conclusion

18. The appeal scheme would conflict with the development plan in relation to the character and appearance of the area, living conditions of future occupiers and biodiversity. These are all harms to which I attribute significant weight. However, the proposal would accord with the LLP in respect of renewable energy

generation, and it would provide an additional dwelling, that could contribute to the mix and supply of homes in the area. This would support the social and economic objectives of the National Planning Policy Framework. The proposal has also been designed to be energy efficient and sustainable in its construction. However, given the magnitude of the development, these benefits would attract limited weight in favour of the proposal. This leads me to conclude that the proposal would not accord with the development plan when considered as a whole and that the benefits of the proposal would not amount to material considerations that would indicate that the proposal should be determined in accordance with. The appeal should therefore be dismissed.

H Senior

INSPECTOR