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## Appeal Decision

Site visit made on 12 May 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

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**Appeal Ref: APP/Z4310/W/24/3348949**

**13 Lovelace Road, Liverpool, Merseyside, England L19 1QE**

- 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 Paul O'Connor against the decision of Liverpool City Council.
  - The application Ref is 20H/1261.
  - The development proposed was originally described as "To remove roof structure to allow for new second floor extension. This will involve the rear dormer built in line with existing walls both rear and side, front of project will be a small front dormer window. At rear of property remove existing kitchen extension and replace with full width extension to stay extended to the original length."
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. On the application form the appellant has indicated that the proposed development has been completed. However, the proposed front dormer shown on the Proposed Plans & Elevations drawing<sup>1</sup> is smaller than the dormer that has been constructed. My assessment of the proposal is based upon the application plans. I will therefore refer to the proposal as the proposed development as it appears different to what has been constructed.

### Main Issues

3. The main issues of the appeal are:
  - the effect of the proposal on the character and appearance of the area;
  - the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to outlook and privacy; and
  - the occupiers' personal circumstances and the need for the proposed development.

### Reasons

#### *Character and appearance*

4. The appeal property is located on Lovelace Road. There is some consistency in the design of properties along the road with most being semi-detached with simple hipped roofs. Notwithstanding this, some of the properties have been subject to alterations including the construction of porches and side roof extensions.

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<sup>1</sup> Drawing No 90-2C

5. The proposed dormer extension to the front of the property would introduce significant massing and would appear as a dominant addition to the roof. During my site visit I did not observe another front dormer extension within Lovelace Road. Accordingly, the proposed front dormer extension would appear overly dominant and an incongruous feature within the street scene.
6. The appellant has indicated that the idea for the proposed front dormer came from one that has been installed on Aigburth Road. Aigburth Road is a long road and there is a significant difference in the design of buildings along this road. As such, it is materially different to Lovelace Road and the installation of a front dormer on Aigburth Road, does not set a precedent for the appeal proposal.
7. The proposed rear roof extension would extend from the eaves to the ridge of the roof and almost the full width of the property. This would result in the property appearing as a three-storey flat-roofed building when viewed from the rear. Although nearby properties have rear roof extensions, none are of a similar scale to the proposed extension. Therefore, it would appear as an overly dominant feature within the roofscape. Furthermore, the resultant flat roof appearance would harmfully contrast with nearby pitched roofs and the complex roof form would not assimilate with nearby properties.
8. The rear roof extension would also include a full-length window which is not a common feature above the ground floor in this area. Moreover, the large opening would not align with the windows at the first-floor level. The large opening would appear as a discordant feature when viewed alongside neighbouring properties and, due to its size and alignment, would not be in keeping with the design of the appeal property.
9. The proposal also includes a hip to gable extension. This would lead to the dwelling appearing imbalanced when viewed alongside the adjoining dwelling which has a hipped roof. Nonetheless, during my site visit I observed that other properties in the road have either a gabled roof form or side roof extensions. Although they are not common features, as there are other gabled roof forms within the road, the proposed hip to gable extension would be acceptable.
10. I acknowledge that neighbours and local councillors support the proposal and have indicated that it is an attractive project. Moreover, there is no objection from the Council or interested parties with regard to the single storey rear extension. However, this does not alter my overall assessment of the effect of the proposal on the character and appearance of the area.
11. I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would be contrary to policies H8, UD1 and UD7 of the Liverpool Local Plan 2013-2033, January 2022 (LP). These policies indicate that extensions will be approved where they are of a high quality design that matches or complements the style of the dwelling and development proposals should demonstrate that they have taken account of the form, scale and roofscape, amongst other matters.
12. Given the proposed development would significantly alter the appearance of the appeal property and it would have little resemblance to other dwellings in the area, I ascribe substantial weight to the harm that would be caused by the proposal.

### *Living conditions*

13. Due to the length of the rear gardens, there is a good level of separation between properties on this side of Lovelace Road and those behind them on Kintore Road. The properties on Lovelace Road tend to have modest front gardens, and there is a wide footpath either side of the road which means there is also a good level of separation between properties on either side of Lovelace Road.
14. Whilst the proposed extensions to both the front and rear of the roof would appear as dominant features, they would not extend beyond either the front or rear elevations, nor would they increase the ridge height of the appeal property. Furthermore, the proposed roof extensions would not be within direct views of properties either side of the appeal property. Taking the above into account and due to the good level of separation to properties behind and across the road, the proposed development would not appear overbearing on occupants of neighbouring properties.
15. As above, the proposal includes a full-length window within the rear roof extension. This would be close to the boundary with 15 Lovelace Road (No 15). Although the window would be full-length, it would be at the second-floor level and a condition could be attached to any permission which could restrict its opening below a certain level. The ability to overlook No 15's rear garden from this window would be no worse than from the first-floor windows. Whilst additional upper floor windows close to the boundary may increase the perception of overlooking for occupants of No 15, it would not be to a harmful extent, given rear gardens in this area are already overlooked by several upper floor windows.
16. I conclude that the proposal would not have a harmful effect on the living conditions of occupants of neighbouring properties, with particular regard to outlook and privacy. With regard to the effect on living conditions, the proposal would comply with LP policies H8 and UD7. In particular where they indicate that extensions must not result in an overbearing effect on the habitable rooms or outdoor amenity space of neighbouring properties and should ensure that the impact is minimised in terms of overlooking.

### *Personal Circumstances*

17. The appellant has indicated that the need for the additional space is due to their growing family, and an extension is necessary to accommodate the care needs of their child. The appellant worked with the Council to determine how much space would be required and how this could be appropriately accessed. I acknowledge that it would be in the best interest of the appellant's child to adapt and extend the property to enable them to live in the family home and within the wider community.
18. I am sympathetic and attach significant weight to the family's circumstances. However, these circumstances can be expected to change over time, whereas the house would remain in perpetuity and continue to cause harm to the character and appearance of the area. Furthermore, whilst the amount of space and access was agreed with the Council, there is no evidence that another suitable proposal which is not harmful to the character and appearance of the area could not be achieved.
19. I am mindful that Article 3(1) of The United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. The needs of

the appellant's child must be a primary consideration in the determination of this appeal. I also acknowledge Article 19 of the United Nations Convention on the Rights of Persons with Disabilities, which recognises the equal right of all persons with disabilities to live in the community. Moreover, the appellant and their family have rights to the peaceful enjoyment of their possessions, and to a private and family life and home, under Article 1 of the First Protocol and Article 8 of The Human Rights Act 1998.

20. However, these are qualified rights; interference with them in this instance would accord with the law and be in pursuance of a well-established and legitimate aim of preserving the character and appearance of an area. In this instance, the harm caused by the proposal would outweigh the benefits. It is therefore proportionate and necessary to refuse to grant planning permission. There will be no violation of the appellant's or their relatives' human rights. The protection of the public interest cannot be achieved by means that are less interfering with their rights.
21. In reaching my decision, I have also had due regard to the Public Sector Equality Duty set out under Section 149 of the Equality Act 2010. Nevertheless, the harm caused to the character and appearance of the area outweighs the benefits in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

### **Other Matters**

22. Copies of email correspondence between the parties have been submitted as part of the appeal which show the Council advised on how the property may be extended by utilising the appellant's permitted development rights. Within the Delegated Report the Council also acknowledge that the application was withdrawn by the case officer for a period of time. Although I accept the appellant's evidence on face value, there is no substantive evidence before me which indicates that the Council granted planning permission during this period or that the Council informed the appellant that it was minded to grant permission.
23. I acknowledge that the Council provided grant funding for the build and that a building control certificate was shared with both the planning and care teams at the Council. However, this does not alter my assessment on the refusal of the planning application. Moreover, my assessment is based upon the proposal that is before me, whether it could be split into multiple applications is not a factor within my decision.

### **Conclusion**

24. The proposal conflicts with the development plan, when considered as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

*J Hobbs*

INSPECTOR