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## Appeal Decision

Site visit made on 4 November 2025

by **C Evans MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16<sup>th</sup> December 2025

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**Appeal Ref: APP/Z4310/D/25/3373578**

**8 Apsley Road, West Derby, Liverpool, Merseyside L12 8QZ**

- 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 Margaret Kearns against the decision of Liverpool City Council.
  - The application Ref is 25H/1203.
  - The development proposed is to construct pitched roof “granny” flat to rear garden.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Decision Notice states that the proposal would result in the creation of an independent dwelling. I am mindful that the provision of independent day to day living facilities does not necessarily mean that the unit is separate from the main dwelling. It is a matter of fact and degree. This proposal is for a self-contained unit that would be occupied by a relative sharing living activities with the main dwelling. On this basis, I am satisfied that this is a proposal for an annexe linked to the main dwelling and not a separate dwelling. I am also satisfied that a condition could be imposed to limit the occupation solely as an annexe to the host property.

### Main issues

3. The main issues are the effect of the proposed development on:
  - the character and appearance of the area; and
  - the living conditions of the occupiers of 8 Apsley Road and future occupiers of the proposed annexe, with particular regard to overlooking and appropriate amenity space.

### Reasons

#### *Character and appearance*

4. The appeal site lies in the rear garden of No 8 Apsley Road, a semi-detached dwelling situated on the corner plot of Apsley Road and Aldwych Road. The local area is predominantly residential. Most properties are semi-detached, with a small number of detached dwellings. A bungalow is located opposite the appeal site on Aldwych Road.
5. The proposed annexe would have independent access from Aldwych Road, utilising that previously used by the garage of No 8. The proposed property would

be located separately from the host dwelling and would share the rear garden. The two units would be linked by a path through the garden.

6. The proposed development would introduce a single storey property to the area, which is predominantly characterised by 2-storey dwellings. During my site visit, I observed single storey garages and a bungalow in close proximity on Aldwych Road. Single storey properties are, therefore, not unusual for the area. However, the neighbouring bungalow is unique in architectural style and other single storey structures serve a clear subordinate role to their host dwelling.
7. The proposed annexe would be a detached property, located separately to the main dwelling. It would have its own access point, adding to the appearance of separation. The scale and form proposed would be greater than is usual for ancillary buildings in the area and therefore, it would not appear as subordinate, or as an ancillary use to the host dwelling. On this basis, the proposal would be incongruous with the established pattern of development and negatively impact the character and appearance of the area.
8. The appellant contends that the proposal would break up the existing boundary frontages and consequently improve the appearance of the area. However, this would not overcome the harm caused by the inconsistent and unambiguous appearance of the proposed annexe.
9. Overall, I conclude that the proposal would be detrimental to the character and appearance of the area. The proposal would be in conflict with Liverpool Local Plan 2013-33 policies H8, H13, UD1, UD2 and UD7, which seek to ensure high quality of design that retains or enhances the overall character of the area.

#### *Living conditions*

10. The Council contends that the habitable rooms of the proposed annexe would overlook the private rear garden space of No 8. It is proposed that the rear garden would be a shared space for the household as a whole. Consequently, loss of privacy resulting from the overlooking would not be an issue.
11. The Council has drawn my attention to standards for garden provision in Supplementary Planning Guidance Note 10 New Residential Development. I find no conflict with the recommended size of the garden space.
12. For the reasons given above, I conclude that the proposed development would not harm the living conditions of the occupiers of No 8 Apsley Road or future occupiers of the proposed annexe. I find no conflict with Liverpool Local Plan 2013-33 policies H13, H8 and UD1, which require appropriate living conditions for residential schemes.

#### **Other matters**

13. The appellant has raised that the proposed annexe would be occupied by a disabled relative, whose needs cannot be met in their current home. Evidence justifying the size, appearance and siting of the proposed annexe has not been provided and therefore, I am not satisfied that this is the only way to meet their objective.
14. I have had due regard to the Public Sector Equality Duty set out under the Equality Act 2010. The harm caused by the appeal development outweighs its benefits in

terms of eliminating discrimination against persons with the protected characteristic of disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

15. I am satisfied that a refusal of planning permission would not unacceptably interfere with the right to a private and family life and home for the future occupier of the annexe. It is proportionate in the circumstances to dismiss the appeal.

### **Conclusion**

16. For the reasons given above the appeal should be dismissed.

*C Evans*

INSPECTOR