

Appeal Decisions

Site visit made on 30 July 2019

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 14th November 2019

Appeal A Ref: APP/Z4310/W/19/3229595

Constables Lodge, Cathedral Gate, St James Mount, Liverpool L1 7AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Alix Greenaway (Euronet Worldwide) against the decision of Liverpool City Council.
 - The application Ref 19F/0759, dated 27 February 2019, was refused by notice dated 22 May 2019.
 - The development proposed is described as: "Proposed installation of a Euronet NCR Self Serv 26 ATM through brickwork to the right of the glazed windows in black aluminium frames. NCR Self Serv 26 ATM fascia with blue surround and an illuminated blue and white fascia sign with blue lettering "ATM" out of a white background. The existing toilet WC and wash hand basin is to be removed and the door upgraded to ATM security standards making the installation an ATM within an ATM secure room."
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Appeal B Ref: APP/Z4310/H/19/3229598

Constables Lodge, Cathedral Gate, St James Mount, Liverpool L1 7AZ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Ms Alix Greenaway (Euronet Worldwide) against the decision of Liverpool City Council.
 - The application Ref 19A/0756, dated 27 February 2019, was refused by notice dated 22 May 2019.
 - The advertisement proposed is described as: "Proposed installation of a Euronet NCR Self Serv 26 ATM through brickwork to the right of the glazed windows in black aluminium frames. NCR Self Serv 26 ATM fascia with blue surround and an illuminated blue and white fascia sign with blue lettering "ATM" out of a white background. The existing toilet WC and wash hand basin is to be removed and the door upgraded to ATM security standards making the installation an ATM within an ATM secure room."
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matter

2. As set out above, there are two appeals on this site. However, the proposed development and the proposed advertisement are the same. Therefore, to avoid duplication, I have dealt with the two schemes together.
3. The name of the appellant in the appeal form is different to the applicant in the application form. However, the appellant's agent has confirmed that the appellant and the applicant are the same person, and that the change of name is lawful. Notwithstanding, the name of the appellant in the banner heading above is taken from the planning application form.

4. In its decision notice, the Council has cited emerging Policies UD1, UD7 and HD1 of the Liverpool City Council Liverpool Local Plan 2013-2033 Pre-submission draft January 2018 (the emerging LP). The emerging LP has now been submitted for examination. However, in its evidence, the Council refers to unresolved objections to Policies UD1, UD7 and HD1. Therefore, while I have taken account of the emerging policies, they carry limited weight in my determination of this appeal.

Main Issues

5. The main issues in respect of Appeal A are the effects of the proposed development on:
 - i) The character and appearance of Constables Lodge and the area; and
 - ii) The setting of the Grade I listed building, the Anglican Cathedral.
6. The main issue in respect of Appeal B is the effect of the proposed advertisement on amenity.

Appeal A Reasons

Character and appearance

7. Constables Lodge is a modest detached single storey building with a flat roof close to the entrance gates to Liverpool Anglican Cathedral and the Oratory. It is immediately adjacent to Rodney Street Conservation Area which includes the Cathedral and the Oratory. It is also within the Liverpool World Heritage Site (WHS) Buffer Zone.
8. The proposed ATM would be in a short section of wall which is set back from, and between, the adjacent brick pillar and the protruding circular part of the Lodge. It would be conspicuous and incongruous feature in this location as a result of its modern design and materials and internal lighting. It would be out of keeping with the unassuming appearance of its immediate surroundings. Consequently, it would be a discordant feature that would detract from the appearance of the host building and it would not relate to the predominantly non-commercial character and appearance of the surrounding area.
9. Therefore, the proposed ATM would harm the character and appearance of Constables Lodge and the area. It would conflict with Policy HD18 of Liverpool City Council Unitary Development Plan Adopted November 2002 (the UDP) which requires development to include characteristics of local distinctiveness and to relate well to its surroundings. It would also conflict with Policies UD1 and UD7 of the emerging LP. These require development to be appropriate to the local area, with reference to the character of buildings and historic assets, and to retain the overall character of the area.

Setting of the Listed Building

10. The heritage asset is the Anglican Cathedral Grade I listed building. This is a substantial 20th century brick building with red sandstone facings, and a copper and concrete roof, in a Gothic style. It is on a raised plateau and forms a major landmark within the city of Liverpool.
11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

12. The Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of the asset can be harmed or lost as a result of the alteration or destruction of the asset or from development within its setting. Substantial harm to Grade I listed buildings should be wholly exceptional. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
13. The glossary to the Framework defines the setting of a heritage asset as the surroundings in which that asset is experienced. Accordingly, elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate the significance or may be neutral.
14. The proposed development would not directly affect the listed building. However, it would be within its setting. Although modern, Constables Lodge is nevertheless well-related and sympathetic to its surroundings, being both modest in size and constructed from a similar palette of materials to the nearby heritage assets. It is visually unobtrusive and does not detract from views of the Cathedral. It therefore makes a neutral contribution to the significance of the heritage asset.
15. In contrast, the ATM would be an overtly modern and incongruous feature. It would be visually obtrusive and it would not be sympathetic to its surroundings. It would be visible in the context of the Cathedral from locations in and around Upper Duke Street, Cathedral Gate and the public open space to the front of the Cathedral and the Oratory. Notwithstanding its modest size, by virtue of its design, materials and siting, it would be a prominent feature that would detract from the host building and consequently from the views and the setting of the heritage asset.
16. I therefore conclude that the proposal would fail to sustain or enhance the setting, and hence the significance, of the designated heritage asset. It would conflict with policies in the Framework which recognise that heritage assets are an irreplaceable resource and which seek to ensure that they are conserved and enhanced in a manner appropriate to their significance. However, the harm would be less than substantial. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposals.
17. There are public benefits associated with the provision of banking facilities. However, it has not been demonstrated that such facilities could not be provided by an alternate means that would be less harmful to the heritage asset. Moreover, this is a primarily residential area such as would not necessarily be expected to offer banking facilities, which are in any case already available within walking distance of the appeal site in the retail and commercial parts of the City.
18. Therefore, for the reasons above, and taking account of the great weight that is attached to the importance of conserving heritage assets, I find that the harm to the significance of the Grade I listed building would outweigh the benefits of the scheme. It would conflict with Policies HD5 and HD18 of the UDP, which require development to relate well to its surroundings, including characteristics of local distinctiveness, and to preserve the setting and important views of listed buildings. It would also conflict with Policies UD1, UD7 and HD1 of the emerging LP. These require, among other matters, that development is appropriate to the local area and conserves the

significance of designated heritage assets including the dominance and views of the City's Cathedrals.

Other Matters

19. The proposed ATM would be in the Liverpool WHS Buffer Zone. The WHS is a designated heritage asset of the highest significance. Although the designation does not introduce any additional statutory controls, WHS are afforded policy protection through the development plan and the Framework. The Council does not consider that the proposed ATM would result in harm to the WHS Buffer Zone. Given the limited nature of the proposal, I see no reason to disagree.

Appeal B Reasons

20. The Regulations require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. The Framework and the Planning Practice Guidance (PPFG) reiterate this approach. Therefore, while I have taken account of the policies and guidelines that the Council considers to be relevant to this appeal, they have not been decisive in my determination of this appeal.
21. In this case, the proposed advertisement is the same as the proposed development the subject of Appeal A. The effects of the proposed advertisement on visually amenity are therefore the same as the effects of Appeal A on character and appearance.
22. Therefore, for the reasons set out above in relation to the effect of the proposed development on character and appearance, I find that the proposed advertisement would be harmful to visual amenity. In its decision notice the Council has referred to Policies HD5, HD18 and HD25 of the Liverpool UDP and Policies UD1, UD7, UD9 and HD1 of the Emerging LLP. I have taken into account the relevant policies, including the weight that should be afforded to the emerging policies, which are material in this case. Given that I have concluded that the advertisement would harm amenity, it would conflict with the relevant policies.

Conclusions

23. In respect of Appeal A, the proposed development would result in significant harm to the character and appearance of the host building, the area, and the setting of the Anglican Cathedral Grade I listed building. In respect of the statutory designated heritage asset, I must attach great weight to that harm and there are no material considerations to outweigh that harm and the consequent conflict with the development plan.
24. In respect of Appeal B, the proposed advertisement would harm the character and appearance of the area and it would be detrimental to amenity.
25. Therefore, for the reasons set out above, I conclude that Appeal A should be dismissed and Appeal B should be dismissed.

Sarah Manchester

INSPECTOR