



Appeal Decision

Site visit made on 4 November 2019

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 25th November 2019

Appeal Ref: APP/Z4310/D/19/3224320

82 Allerton Road, Woolton, Liverpool, L25 7RQ

- 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 Mrs Sandy Morgan against the decision of Liverpool City Council.
 - The application Ref 18H/2044, dated 7 July 2018, was refused by notice dated 15 February 2019.
 - The development proposed is described as a 'rear single storey extension at basement level to the rear of the existing dwelling'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Although the appeal was submitted on a Listed Building Consent appeal form, the application reference given was for the planning application rather than the listed building application. The appeal has therefore been validated as an appeal under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission and I shall deal with the appeal on this basis.
3. It is clear from the plans that the proposal also includes the demolition of a rear wall and I have taken that into consideration as part of this appeal.

Main Issues

4. The main issues in this case are:-
 - whether the proposed development would preserve the listed building or its setting or any features of its special architectural or historic interest and whether or not it would preserve or enhance the character or appearance of the Conservation Area;
 - the effect of the proposed development on the living conditions of the neighbouring occupiers at 84 Allerton Road in terms of outlook.

Reasons

Listed building/Conservation Area

5. In considering proposals for planning permission, the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended requires that special regard must be had to the desirability

- of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
 7. The Council's development plan policies include HD4 and HD11 of the Liverpool Unitary Development Plan (UDP) (2002). Policy HD4 seeks to ensure that proposals protect listed buildings and policy HD11 seeks to ensure that proposals preserve or enhance Conservation Areas. Their objectives reflect the statutory duties and they accord broadly with the Framework although they fail to acknowledge the need to weigh any less than substantial harm against the public benefits of the proposal as sought in the Framework. The Framework also seeks to ensure that proposals add to the overall quality of the area.
 8. The appeal site lies within the Woolton Conservation Area whose character ranges from the large Italianate merchants' villas in fine grounds to the north to the smaller terraced cottages in the Allerton Road area. A compact street pattern and the use of red sandstone, red brick and dark slate provide some unity to the area and contribute to its significance.
 9. The appeal dwelling is sited at one end of a short terrace and is Grade II listed. Its significance derives from its age which dates from the late Georgian period and from its architectural style and layout which are typical of many small dwellings of that period. It has a two storey front elevation with three storeys to the rear elevation. The rear elevation has had some window alterations with a traditional style window remaining only at first floor level. It also has an arched opening and ginnel access with a former loading bay above indicating an earlier commercial use in part of the property in connection with the neighbouring pubic house premises. Typically for many dwellings of that period, the rear of the property is enclosed by a wall which separates it from the lawned garden beyond that.
 10. The proposed single storey extension would be sited on the rear elevation and would occupy its whole width between the access opening and the boundary with no 84. It would have a shallow pitched lean-to roof with two rooflights and bifold opening doors across its width.
 11. The proposal would necessitate the removal of the sandstone wall, some 2.1m in height and some 3.7m in length, which separates the yard from the rear garden. The Council's evidence includes a copy of a historic plan from 1843 which shows the wall extending across the full extent of the rear yard areas of the terrace. The appellant says that it bounded an access route to cottages to the rear of this terrace that have since been demolished. It is clear that since then part of the wall to the north-east of the property and parts of the remaining wall to other properties in the terrace have been demolished to allow

access into the lawned gardens beyond. However, most of the wall to the appeal site and the neighbouring property remains.

12. Although the wall's original function bounding an access to cottages that no longer exist has been lost and there are gaps in the remaining wall, it nevertheless provides some evidence of the original circulation and access route to the rear of the properties. As such it contributes in a small way towards the significance of the listed building and as there are other similar features elsewhere in the area it also contributes towards the character of the Conservation Area.
13. Although the harm would be less than substantial and at the very lowest end of the spectrum, it still carries considerable weight and I must assess whether or not there are any public benefits that would outweigh that harm. I saw that the proposal would improve the rather dark kitchen in the lower ground floor of the property which the appellant considers has been made worse by the approval of modern dwellings and a stable conversion beyond the rear garden. However, those developments are lawful and the improved lighting would be a private rather than a public benefit. In any case, the Council has not objected to the principle of a rear extension and considers that the site could accommodate a lightweight structure that is largely glazed and that would provide increased lighting benefits even with the retention of the wall.
14. During my visit I noted that although the wall has been damaged and destabilised by ivy growth, its condition could be improved by removal of the ivy and by repair and repointing works and demolition is not necessary for that. As such, there are no public benefits that would outweigh the harm caused by the proposal to the heritage assets.
15. I conclude then that the proposed development would fail to meet the statutory duties to preserve the special architectural and historic interest of the listed building and its setting and to preserve or enhance the character of the Conservation Area. It would also be contrary to development plan policies HD4 and HD11 and to the Framework.

Living conditions

16. The proposal would project forward of the rear elevation by some 4.8m. The Council's emerging policy H8 in the Liverpool Local Plan seeks to ensure that rear extensions have a projection of less than 3m. I have given some weight to this policy as it has been submitted for examination and the Council says that no relevant objections have been received. The Framework also seeks to ensure that proposals do not undermine the quality of life.
17. Although the adjoining property at no 84 has an outrigger which would remain, the proposal would project beyond that by some 3.5m. Given the proximity to no 84, the proposal would be unduly overbearing when seen from the rear lower ground floor window and from the rear yard of no 84. It would restrict their outlook unacceptably as a result of the deep projection and large expanse of brickwork, causing harm to their living conditions. I have noted that no objection was received from the neighbouring occupiers but those could change in the future and the planning system seeks to protect the interests of future as well as existing occupiers. As such it would be contrary to emerging policy H8 and to the Framework.

Conclusion

18. The proposal would fail to preserve the significance of the listed building and the character of the Conservation Area and would harm the living conditions of the neighbouring occupiers at no 84 in terms of outlook. It would be contrary to the development plan and to the Framework as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector