



Appeal Decision

Site visit made on 14 July 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/Z4310/W/20/3244616

Land adjacent to 28 South Road, Cressington, Liverpool L19 0LT

- 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 Julia Mackintosh against the decision of Liverpool City Council.
 - The application Ref 18F/2033, dated 19 July 2018, was refused by notice dated 30 July 2019.
 - The development proposed is the erection of 1.5 storey detached dwelling on historic plot 66.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1.5 storey detached dwelling on historic plot 66 at land adjacent to 28 South Road, Cressington, Liverpool L19 0LT in accordance with the terms of the application, Ref 18F/2033, dated 19 July 2018, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Grassendale and Cressington Park Conservation Area (GCPA).

Reasons

3. The appeal site comprises of part of the garden serving the large Victorian two storey detached villa at 28 South Road known as 'The Coombs'. The property is set within mature spacious grounds which contribute to the leafy character evident on South Road, and elsewhere within the GCPA. The site is located within Grassendale Park, a private residential estate laid out in the mid nineteenth century in plots of 1000 square yards. Grassendale Park and the adjacent Cressington Park form the GCPA. Plots in the GCPA were sold for individual dwellings. Merchants could purchase one or more of these plots and commission the construction of their own private residence. Hence, the site and the area surrounding it are characterised by large properties in generous verdant plots. Across the GCPA there is a wide variety of designs, but also differences in terms of scale, massing and external finishes. Moreover, as the area has been developed over time, dwellings also vary in their age.
4. The Coombs like many other dwellings across the GCPA is set back from the road and within grounds that provide a sense of spaciousness. This, and the high-quality residential character of the area, contributes to the significance,

- and special character, of the GCPCA. A group of mature trees that form part of area A1 within Tree Preservation Order No 123 populate the site.
5. Currently, The Coombs occupies two of the original plots of land (plots 65 and 66). The appeal scheme would occupy plot 66 with The Coombs and its coach house to the rear of the property occupying plot 65. It is unclear why no dwelling has to date been built on plot 66. There are various opinions expressed by the main parties but there is no definitive evidence. However, the original intentions for the area are well documented and continue to the administrated by Park Trustees to this day. Notably, there are some instances of neighbouring plots being developed for single dwellings.
 6. The spacious context offered by the existing property and its associated garden is not readily perceptible on approach to the site from either direction on South Road due to the presence of landscaping next to the road and as a result of dwellings being generally set back into each plot. As such, the spacious context associated with The Coombs is appreciated in the immediate vicinity of the site, though, it along with the landscaping and form of development does contribute in overall terms to the special character of the GCPCA. The existing property and its grounds are read as a single entity, but equally the plot is noticeably wider than many others that line South Road.
 7. Paragraph 193 of the National Planning Policy Framework (the Framework) sets out 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...irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
 8. The proposed dwelling would conform to the historic layout of Grassendale Park in that it would be a single dwelling on a single plot set within spacious landscaped grounds to the front and rear. The proposal would respond to the spacious character of the area and allow The Coombs to continue to reflect the special character of the GCPCA. The submitted plans show that the dwelling would be set back behind The Coombs, and subordinate to it. In doing so, the proposed dwelling would not conform to the typical building line of properties fronting the north-west side of South Road. Nonetheless, the siting and layout of the appeal scheme would enable several mature trees to be retained and a spacious character to be kept next to the road, and The Coombs. It is also not unusual to see subservient former coach houses to the side of properties. The design of the proposal in this regard would take architectural cues from these and appropriately respond to the site's context.
 9. I understand that there is a covenant requiring dwellings to be of a certain distance from the road and the Park Trustees about this. However, the scope of this appeal is to consider the planning merits of the proposed development.
 10. The existing vehicular access from South Road is proposed to be retained in the same location as originally created. The access spans both plots, though it is closer to the western boundary of the site. Historically it would have facilitated access to the coach house at the rear as it sweeps around the side and rear of the dwelling. That said, the landscape setting and broad alignment of the access would remain intact when viewed from South Road. The addition of a new hedge to divide the plots would add to the verdant character of the area, ensuring the proposal is in harmony.

11. My attention has been drawn by the main parties to several other schemes within the area¹. During my site visit I took the opportunity to view these. However, I have considered the appeal scheme on its own planning merits. This leads me to conclude that the proposal would preserve the character and appearance of the GCPA. As a result, the proposal would accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, saved Policy HD11 of the City of Liverpool Unitary Development Plan and Framework paragraphs 194 and 196. Jointly, these seek, among other things, development in a conservation area to be of a high standard of design, appropriate to its setting and context so as to preserve or enhance its character and appearance. Particular attention should be paid to conserving the essential elements that combine to give the area its special character and to not introduce changes which would detract from the character or appearance of the area.
12. The Council's submissions refer to several policies which form part of the emerging Liverpool Local Plan. However, none are relied upon insofar as the Council's case and there are objections to the soundness of the emerging Local Plan and to policies within it. As such, these policies carry very little weight.

Conclusion and conditions

13. I have had regard to the planning conditions suggested by the Council in the event that I were minded to allow the appeal. Were appropriate I have altered, amended or amalgamated the suggested conditions to ensure that they satisfy the tests for imposing them.
14. I have imposed a plans conditions in the interests of certainty. Added to this, I have imposed pre-commencement conditions in the interests of the character and appearance of the GCPA in respect of materials, the disposal of foul and surface waters and tree protection measures. Conditions concerning landscaping and window and door details are necessary so that the development harmonises and reflects the special character of the GCPA.
15. For the reasons set out above, I conclude that the appeal is allowed.

Andrew McGlone

INSPECTOR

¹ 34 and 38 Knowsley Road, 22 Eaton Road, 8 Grosvenor Road and land at Eaton Road

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1390-P001 A; 1390-P002; 1390-P003 F; and 1390-P004 C.

Pre-commencement

- 3) Prior to the commencement of development, samples or specifications of all materials to be used in the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.
- 4) Prior to the commencement of development, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first occupied.
- 5) An Arboricultural Clerk of Works must be appointed to report to the Local Planning Authority on a monthly basis starting immediately prior to the commencement of any works on site and include the following information:
 - (i) Tree protection fencing integrity and location;
 - (ii) Compliance with the construction exclusion zone (CEZ) - i.e. no materials / spoil/ equipment etc.;
 - (iii) Monitor any works within the CEZ such as services installation;
 - (iv) Ground protection measures; and
 - (v) Any damage to retained trees.

The approved tree protection measures, as detailed in the Arboricultural Method Statement, dated March 2019 shall be in place prior to the commencement of any works on site and shall be retained in place throughout the duration of construction works and must only be removed with the written agreement from the Local Planning Authority.

Before first occupation

- 6) No part of the development shall be occupied or brought into use until a plan detailing the number, size, species, and location of planting proposed has been submitted to and approved in writing by the Local Planning Authority. Any plan must be to a recognised scale, and the symbols used, and the plant schedule provided must comply with BS EN ISO 11091:1999 Construction Drawings Landscape drawing practice. The approved landscaping scheme shall be completed either:
 - (i) not later than the first planting season following first occupation of the development; or
 - (ii) during the appropriate planting season progressively as the development proceeds, in accordance with a programme to be agreed in writing with the Local Planning Authority.

All works must be carried out to BS 8545:2014 Trees: from nursery to independence in the landscape and BS 4428:1989e of Practice for General

Landscape Operations. Any trees/plants which die, become diseased, damaged or are removed within 5 years of planting shall be replaced with trees/plants of similar sizes and species or as may otherwise be agreed with the Local Planning Authority in the first available planting season thereafter. An audit trail of the plant stock used for the scheme must be submitted to the Local Planning Authority on completion of the planting.

- 7) Notwithstanding the indicative detail shown on the approved drawings, no windows or doors shall be installed until a schedule, including drawings at 1:20 scale with cross sections at 1:2 (or similar), has been submitted to approved by the Local Planning Authority. This schedule shall include all sill, lintel, and jamb / reveal details and final paint colour. Thereafter, the works shall be carried out in accordance with the approved details.

END OF SCHEDULE