



Appeal Decision

Site visit made on 21 July 2020

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/Z4310/W/20/3248244 54-56 Kensington, Liverpool L7 8XB

- 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 Ronaldo Garcia (Ron Sullivans Limited) against the decision of Liverpool City Council.
 - The application Ref 19F/2547, dated 19 September 2019, was refused by notice dated 20 February 2020.
 - The development proposed is described as: 'Alterations and upgrading of 2no. existing terraced HMO properties. Total number of bedrooms to be increased from 6no. to 8no. bedrooms in each terrace. Proposed loft conversion with new dormer to rear of both properties. Provision for bicycle stands'.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ronaldo Garcia (Ron Sullivans Limited) against Liverpool City Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The address on the application form refers only to 54 Kensington. However, it is clear from the submissions that the proposal relates to 54 and 56 Kensington and was considered by the Council on that basis. Accordingly, I have used the address from the appeal form, which accurately describes the site.
4. The Council's decision was based on revised drawings submitted during the application, which included slight changes to the size of the rear dormer and the position of the front rooflights. For the avoidance of doubt, I have considered the appeal on the basis of the amended drawings, which are those listed on the Council's decision notice.
5. At the time of my visit works had been carried out and were ongoing at the properties, including to install a rear dormer. Notwithstanding any works that have taken place at the site, I have considered the appeal on the basis of the proposal as shown on the drawings before me.
6. The appeal relates to a building in a conservation area. I have also been referred to the site's proximity to two Grade II listed buildings. I am mindful of my statutory duties under sections 16(2), 66(1) and 72(1) of the Planning

(Listed Buildings and Conservation Areas) Act 1990 (the Act) and have considered the appeals accordingly.

7. On the application form and in a note on drawing AG(00)07 revision B some reference is made to new/replacement double glazed UPVC windows. However, there is no reference to replacement windows in the actual description of the proposal on the application form or that used in the Council's publicity of the development or on its decision notice. Furthermore, the appellant's submissions specifically state that none of the windows on the front elevation have been proposed to be replaced as part of this application. On that basis, for the avoidance of doubt, I have not considered any works to replace existing windows as part of this appeal.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings, including the Kensington Fields Conservation Area (KFCA) and nearby listed buildings.

Reasons

9. The appeal relates to two properties within a long three-storey terraced building on Kensington, within the KFCA. The front elevation of the terrace has been altered over the years, most notably to the ground floor where numerous shop fronts have been replaced as part of residential conversions. However, despite the replacement of many of its historic windows and roofing materials, other aspects of its historic detailing have been retained, including the relatively regular pattern of fenestration to its upper floors and its unaltered pitched roof slopes. Consequently, the terrace's frontage retains some of its historic interest and some sense of the regularity and rhythm which is characteristic of the rows of terraced buildings elsewhere in the KFCA, and which contribute to its significance.
10. Furthermore, whilst only the front of the building is covered by an Article 4 direction restricting alterations, that does not imply that the rear elevation is unimportant to the area's character. Indeed, the terrace's rear roofscape is visible from public vantage points on Albany Road as well as in numerous private views from the rear of properties on Guelph Street and from the alley at the western end of the terrace. Despite some changes to materials, none of the buildings in the appeal terrace have had extensions to their rear roof slopes. The long, uninterrupted rear roof slope of the appeal terrace, together with its buildings' regularly-spaced, subordinate rear projections whose roof slopes match that of the rear roof, provide a sense of consistency and rhythm to the form of its rear elevation and contribute to its character and appearance, and those of the KFCA in the vicinity of the site.
11. The proposed dormer would extend across the full width of both of the appeal properties' roofs and would have a very shallow, almost flat roof. It would therefore have a significant bulk and massing and would not be sympathetic in form or scale to the pitched roof forms of the main building or its subordinate rear projections. The dormer would be set down from the ridge and up from the eaves but only to a very limited degree, thus leaving very little of the properties' original sloping roof forms evident. Consequently, it would appear as a highly incongruous feature which would unduly dominate the rear roof of

the appeal properties and the wider terrace, and which would be clearly evident in that wider context in both public and private views.

12. The dormer would therefore detract from the character and appearance of the appeal terrace and the KFCA in the vicinity of the site. As that harm would arise from the size and massing of the dormer, it would not be overcome by the proposed use of matching materials.
13. Dormers of various forms have been added to the rear of other terraces within the KFCA, including some close to the site. However, whilst I am advised that some of those features received planning permission after the KFCA was designated, from the limited evidence before me I cannot be certain of the circumstances in which they were built or permitted, or that they were directly comparable in all respects to those in the current appeal. In any event, I have considered this appeal on its own planning merits based on the particular proposal and circumstances before me, and the presence of those existing dormers on other terraces does not alter my conclusion regarding the harm that would arise as a result of the substantial dormer proposed to the otherwise unaltered rear roof slope of the appeal terrace in this case.
14. The proposed rooflights would be of two different sizes. However, they would nonetheless broadly align with the windows on the floor below. On that basis and provided that they were of a suitable design with a thin profile and frame, a matter which could be dealt with by condition, they would not unduly disrupt the smooth profile of the front roof slope of the appeal properties or the wider terrace. Consequently, the rooflights would have a neutral effect on the character and appearance of the building and the KFCA. However, the absence of harm arising from those features would not alter or outweigh the harm that I have identified as a result of the rear dormer.
15. My attention has been drawn to two Grade II listed buildings in the vicinity of the appeal site, Church of the Sacred Heart and Bridewell Studios. Although the development would harm its immediate surroundings including the KFCA, it is separated from those listed buildings by some distance, and by a further terraced block and a wide, multi-lane road. Therefore, I conclude that the development would not cause harm to the setting of those nearby listed buildings.
16. However, the development would cause harm to the character and appearance of the KFCA. As the effects of the proposal would be relatively localised the harm to the KFCA as a whole would be less than substantial. Nevertheless, I must have regard to the significance of the conservation area and the National Planning Policy Framework (the Framework) requires any such harm to be weighed against the public benefits of the proposal.
17. The proposal includes works to remedy defects in the building's brickwork and repair other elements of the building, the refurbishment of the properties and works to address issues with damp. Those works would improve the appearance of the building including parts of its frontage, which faces a main route into the city centre. They would therefore provide some benefit to the character and appearance of the KFCA. However, they would not outweigh the significant harm to that character and appearance that would arise as a result of the substantial rear dormer proposed. Nor, in any event, am I satisfied that the large rear dormer is necessary to allow those other improvement works to be carried out or those public benefits to be thus realised. Accordingly, I afford

limited weight to those other works proposed as a public benefit in favour of the appeal proposal.

18. The development would provide refurbished living accommodation in an accessible location close to the universities and the nearby hospital, and I acknowledge the appellant's intention to provide good quality accommodation. However, the public benefits arising in that regard from the small scale development proposed would be very modest and I afford them limited weight.
19. Drawing those threads together, the public benefits of the development in this case would not outweigh the harm I have identified to the character and appearance of the conservation area, to which I attach considerable weight.
20. I conclude that the proposed development would cause harm to the character and appearance of the appeal site and its surroundings, including the KFCa. That harm would not be outweighed by the public benefits of the scheme. It would therefore not accord with Policy HD10 of the City of Liverpool Unitary Development Plan which, amongst other things, states that consent will not be granted for extensions which adversely affect the overall character and appearance of conservation areas.

Other Issues

21. Matters relating to the processing of the application and the time taken to determine it do not alter my conclusions above, which are based on the planning merits of the proposal.
22. The amended drawings which the Council based its decision on were not subject to publicity. However, as I have found the development to be unacceptable despite the amendments made, I consider no party would be prejudiced by my having based my decision on those amended drawings.
23. I have had regard to other concerns raised by interested parties, including with regard to the effect of the development on their living conditions, parking and waste storage. However, as I find the proposal unacceptable for other reasons I have not needed to consider those matters further in this instance.

Conclusion

24. For the reasons given, the appeal is dismissed.

Jillian Rann
INSPECTOR