



Appeal Decision

Site visit made on 13 April 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2021

Appeal Ref: APP/Z4310/D/21/3268612

28 Adelaide Road, Liverpool L7 8SG

- 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 Emperor Property against the decision of Liverpool City Council.
 - The application Ref 20H/0948, dated 30 March 2020, was refused by notice dated 29 January 2021.
 - The development proposed is to install new windows and doors to the front and rear, two roof lights to front elevation and to construct a dormer to rear elevation and carry out associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the amended description of proposed development, as agreed by the parties, which includes alterations to front and rear windows.
3. 'Development' is defined in s55 of the Town and Country Planning Act 1990; s55(2)(a) states that, for the purposes of the Act, the following operations shall not be taken to involve development of land:

"the carrying out for the maintenance, improvement or other alteration of any building of works which –

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building..."

4. One of the Council's reasons for refusal relates to the effect of the internal alterations to floor/ceiling levels on the primary elevation of the property. In my opinion, contrary to the Council's view, as the altered ceilings would be set back from the windows, they would barely be perceptible from outside of the property. I therefore consider that the alterations would only affect the interior of the building and would not materially affect its external appearance. Consequently, I conclude that such works are not development and therefore do not require planning permission. I have therefore made my decision on the basis that the proposed alterations to floor/ceiling levels do not form part of the appeal scheme before me.
5. The appellant suggests that the proposed fenestration alterations at the rear of the property do not require planning permission. I note that the Article 4(2)

direction applied to the CA prevents certain elements of development that would usually constitute permitted development being undertaken without planning permission. Most of the restrictions in the Article 4(2) relate to works that would "*front a relevant location*". "*Relevant location*" is defined in The Town and Country Planning (General Permitted Development) Order 1995, (GPD0), as referring to a "*highway, waterway or open space*".

6. I do not have sufficient information before me to be able to conclude whether the alley between the rear of the site and the terrace opposite would constitute a "*highway*" for the purposes of the GPD0. The appellant has not provided any details as to why they consider the proposed alterations to fenestration at the rear of the property do not require planning permission. Within the context outlined above, I have made my decision on the basis that the proposed fenestration alterations at the rear of the property form part of the appeal.
7. I note that, after submission deadlines had passed, the appellant suggested development may have occurred within the vicinity of the site which was material to the appeal. The Council investigated this concluding that the suggested development had not occurred. The appellant did not challenge the Council's conclusion. This matter has therefore not had any bearing on my decision.
8. I note that a revised National Planning Policy Framework (the Framework) was published on 20 July 2021. As the requirements of policies relating to design and heritage essentially remain the same as those in the July 2019 version, I consider it was not necessary to reconsult parties.

Application for costs

9. An application for costs was made by Emperor Property against Liverpool City Council. This application will be the subject of a separate Decision.

Main Issues

10. The main issues are the effect of the proposal on the character or appearance of the host property and whether it protects or enhances the character or appearance of the Kensington Fields Conservation Area (CA).

Reasons

11. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Additionally, paragraph 189 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance; and paragraph 199 advises that great weight should be given to the conservation of such assets when considering the impact of development on the significance of a designated heritage asset.
12. The CA derives its significance primarily from being a typical example of by-law terraced housing constructed during the late 19th Century. The terraced properties are laid out in a strong, parallel grid pattern, fronting roads with alleys running between the terraces at the rear. The pattern of development is of high density, close knit composition. The terraced dwellings have been constructed with a uniformity of scale, design, and architectural detail.

13. The dwellings are mainly two-storey terraced properties set behind dwarf walls with stone capping and black metal railings. The buildings have dual-pitched roofs running the length of each terrace, chimneys, double-height canted bay windows at the front (except for a small number of terraced rows located in the north-western corner of the CA) and 2-storey outriggers to the rear. The materials used externally are pressed brick for the front elevations, common brick at the rear and stone sills and headers. Originally, roofs are likely to have been covered in slate, window frames are likely to have been timber sliding sash and doors are likely to have been timber.
14. Properties in the CA have been subject to alterations over the years. Many of the dwellings have been extended and/or altered at the rear, including alterations to fenestration openings, which are widespread. Several have had dormers inserted in the rear roof slopes. Many have had roof lights inserted in the front and/or rear roof slopes. Most of the timber sash window frames and timber doors have been replaced with upvc or aluminium frames and upvc or composite doors. A lot of the slate roof tiles have been replaced with concrete roof tiles, and a few of the properties have lost their iron railings.
15. The appeal property is a typical example of a two-storey, mid-terrace by-law dwelling, as described above, located on one of the central streets within the CA. The original timber sash windows and timber doors have been replaced with mainly upvc goods, concrete roof tiles have replaced the original slates and some detailing to the chimney has been lost. Nevertheless, the building as it stands contributes to the significance of the CA as a whole.
16. The development would include the insertion of a dormer in the rear roof slope, sited above the 2-storey outrigger. It would be the width of the outrigger and have a flat roof set below the existing main roof ridge. I consider the siting, size and design of the dormer would significantly interrupt the original uniform roof slope of the property and that of the terrace within which it is positioned. The dormer would be visible from several surrounding properties and by users of the alley (although I acknowledge that access to the alley appears to be restricted). Moreover, the dormer would be visible from Kensington Road. It would be an incongruous, obtrusive feature within the roofscape. As such, I conclude that the dormer would have a detrimental impact on the host property, and it would neither preserve nor enhance the character or appearance of the CA.
17. Although I do not know the full details of other cases the appellant has drawn my attention to, I acknowledge that there are dormers within the vicinity of the site, some of which, according to the appellant, have been granted planning permission during the current plan period. However, there are currently none in the terrace the appeal property is located within and only one in the terrace to the rear of the site, on Empress Road. Furthermore, the dormers that I was able to see also, in my opinion, had a detrimental effect on the character and appearance of the CA. I consider such examples should therefore not be sited as justification for further harmful development. I disagree with the appellant's assertion that dormers are now an established part of the character and appearance of the area.
18. With regard to the alterations to fenestration at the rear of the property and insertion of 2 roof lights at the front, I acknowledge the Council's view that the fenestration as altered would not be in keeping with the original uniformity of

the size of openings. However, given the restricted view of the proposed fenestration changes, due to the presence of rear outriggers, and the widespread presence of alterations to the rear of the terrace and the rear of the terrace opposite, I consider such alterations would have a neutral effect on the character and appearance of the host property and the terrace. I consider that the conservation style roof lights that would be inserted in the front roof slope, which would barely project above the existing roof pitch, would not significantly alter the roofscape of the property or the terrace. Bearing these factors in mind, I therefore conclude that the alterations to the rear fenestration and insertion of 2 sky lights at the front would have a neutral effect on the character and appearance of the CA.

19. The proposed development would also include replacing the existing window frames on the front of the property with sliding sash, timber frames and replacing the existing door with a 4-panelled, Victorian style timber composite door. I consider these aspects would, to a minor degree, enhance the appearance of the property, which would therefore enhance the appearance of the CA.
20. With reference to paragraph 202 of the Framework, I consider the degree of harm to the character and appearance of the CA resulting from the dormer to be less than substantial. The Framework advises that such harm should be weighed against any public benefits resulting from the proposal.

Other Considerations/Planning Balance

21. I have found that the replacement windows at the front and replacement front door would enhance the appearance of the property and the CA to a limited degree; as such, I attach limited weight to this matter. The development would also provide minor economic benefits, mainly during the construction phase; again, to which I attach limited weight given their small scale. The up grading of the property would be of minor social benefit to future occupiers of the property, to which I therefore also attach limited weight.
22. Notwithstanding my conclusions regarding alterations to fenestration, the insertion of sky lights, the enhancements resulting from replacement front windows and door, and the minor social benefits, I consider the significant harm to the character and appearance of the CA resulting from the dormer would not be outweighed by the other considerations outlined.
23. Consequently, the development as a whole does not accord with saved policies HD10 and HD18 of the Liverpool City Council Unitary Development Plan (2002), which I consider to be consistent with design and heritage policies in the Framework in respect of their overall aim to preserve or enhance heritage assets. Nor does the proposal accord with policies HD1, UD1 and UD7 of the Emerging Liverpool Local Plan 2013-2033, to which I attach moderate weight overall, given the outstanding requirement for the Council to consult on main modifications. Collectively, and among other things, these policies require development to respect the character of existing buildings, retain/conserve distinctive historic features/aspects that contribute to the significance of heritage assets, ensure development does not adversely affect the character or appearance of a CA and ensure, in terms of design, that the scale and massing of development relate to the locality and characteristics of local distinctiveness.

Other Matters

24. The appellant has expressed dissatisfaction with the Council's processing of the planning application. Although I appreciate the concerns expressed, they are matters that are not relevant to the appeal decision.

Conclusion

25. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR