

Appeal Decision

Site Visit made on 12 July 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021

Appeal Ref: APP/Z4310/D/21/3272461

16 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 Mr Sanjay Tulsidas against the decision of Liverpool City Council.
 - The application Ref 20H/2827, dated 29 October 2020, was refused by notice dated 3 March 2021.
 - The development proposed is rebuild and widen existing dormer to rear roof extension in same position.
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Decision

1. The appeal is allowed and planning permission is granted for rebuild and widen existing dormer to rear roof extension in same position at 16 Kensington, Liverpool, L7 8XB in accordance with the terms of the application, Ref 20H/2827, dated 29 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, A3W01 Existing Plans-ISO A3, A3W02 Existing Elevations-ISO A3, A3W03 Proposed Plan & Elevations ISO A3.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issue

4. The main issue is the effect of the proposal on the host property, the local area and whether it would preserve or enhance the character or appearance of the Kensington Fields Conservation Area (CA).

Reasons for the Recommendation

5. The appeal property is a mid-terrace dwelling with a ground floor bay window and front dormer, set back from the footpath edge with a low wall and railings. The front elevations of the terrace have not been substantially altered giving a consistency and rhythm to the street. It is located within the Kensington Fields Conservation Area which is characterised by rows of terraced housing characterised by simple and regular front elevations. Kensington lies on the edge of the CA and differs from the rest of the CA with front dormers allowing accommodation in the roof space, and a number of dormer extensions on the rear of properties.
6. The new dormer would be of a modest size and would sit well below the ridge line on the rear elevation. Although not set in the required distance from the side elevation as required by the House Extensions Supplementary Planning Guidance (SPG), its design and scale would not conflict with the overall purpose of this guidance in terms of design and character. It would be a subservient addition to the host property which would respect its character and appearance.
7. The rear of the terrace of which the host property forms part has had a number of roof extensions, a number of which are larger than that proposed and more prominent in the street scene. Given the context within which the proposal would be viewed, it would not be unduly prominent in the streetscene and would be sympathetic to local character.
8. Given my findings and having regard to my statutory duty I conclude that the proposal would preserve the character and appearance of the Kensington Fields CA and its significance as a designated heritage asset.
9. Accordingly, I conclude that the proposed development would preserve the character and appearance of the host property, the local area and the Kensington Fields CA. Consequently, it would meet the statutory tests set out in the Act and would accord with saved policies H8 and HD10 of the Liverpool Unitary Development Plan, and policies H8 and HD1 of the Emerging Liverpool Local Plan. There would also be no conflict with the aims of the SPG and the Framework. Amongst other things, these policies and guidance seek to ensure that development is sympathetic to local character and conserves the character or appearance of Conservation Areas.

Other Matters

10. I note the neighbour concerns regarding damage to their property and concerns over the quality of the previous building work to the dwelling. These are private matters and therefore have no bearing on the consideration of this appeal. There is no evidence before me that the proposal would lead to an increase in the number of tenants at the property. I have also noted concerns about disturbance to residents during the construction period. Such disturbance is commonly associated with construction work generally and given the limited scale of the development, I have no reason to consider that this is likely to be

excessive or unusual in this instance or that harm to living conditions of nearby occupiers would occur. It is noteworthy that the Council did not refuse the planning application on this matter.

Conditions

11. I have considered the conditions suggested by the Council in accordance with the Framework and Planning Practice Guidance. A condition specifying that the development is undertaken in accordance with the approved drawings is necessary to provide certainty. In order to protect the character and appearance of the Conservation Area a condition that specifies that matching materials to the host dwelling are used in the development is also necessary.

Conclusion and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed with the suggested conditions.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be allowed with the conditions suggested.

RC Kirby

INSPECTOR