



Appeal Decision

Site Visit made on 28 September 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 October 2021

Appeal Ref: APP/Z4310/D/21/3274330

37 Halkyn Avenue, Liverpool L17 2AH

- 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 A Edem against the decision of Liverpool City Council.
 - The application Ref 20H/2655, dated 9 October 2020, was refused by notice dated 8 March 2021.
 - The development proposed is the replacement of roof covering to front elevation on mid terrace property within the Toxteth Park Conservation Area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site inspection the replacement roof covering was in place and I shall deal with the development as one under s73A of the Act for development already carried out.
3. The Council's Decision Notice refers to emerging Policy HD1 of the Liverpool Local Plan which is yet to be adopted. The plan has been considered at examination following public consultation and found to be consistent with the National Planning Policy Framework (the Framework), however, it remains subject to modifications.
4. Nevertheless, Paragraph 48 of the Framework clarifies that weight may be given to emerging policies according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections and the degree of consistency with the Framework. Proposed Policy HD1 of the LLP relating to Heritage Assets provides a detailed approach to the consideration of proposals affecting designated and non-designated heritage assets. I find the approach has broad alignment with the Framework's aims to conserve and enhance the historic environment and, in the absence of evidence to suggest significant unresolved objections remain, I find emerging Policy HD1 is entitled to significant weight in the determination of this appeal.
5. Since the time of the Council's decision a revised version of the Framework has been issued by the Government. However, it does not alter the status and primacy of the development plan. Furthermore, I find that there is little material change in the national approach to heritage assets within the context of this appeal. There was no need, therefore, to invite the parties to make further submissions in response to the revised Framework.

Main Issue

6. The main issue is whether the new roof covering preserves or enhances the character or appearance of the Toxteth Park and Avenues Conservation Area (CA).

Reasons

7. The property is a mid-terrace 2-storey building set behind a short garden contained by a low wall with a stone coping. The building has a number of architectural features to its frontage which contribute to a streetscene of similarly detailed houses. The terrace includes various forms of projecting bays, feature chimneys, stone headers and sills, moulded bargeboards, contrasting banding courses and ornate gables and cornices. Like much of the row of terraces, the building's frontage is finished in smooth-face Accrington brick. The original roofing material was blue slate.
8. The site lies close to the eastern extent of the CA. The area, consisting of a gridwork of terraces and villas about Toxteth Park Cemetery, was developed over a relatively short period. The significance of the CA derives from buildings which show common characteristics from their design period and a limited range of construction materials resulting in consistency in the character and appearance of buildings within the sub-areas of the CA. The Council has imposed an Article 4 restriction on properties within the CA to prevent the uncontrolled alteration of elevations and roofs fronting on to the roadways.
9. As the site lies within the CA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.
10. The development that has taken place was the removal of the original slate roof covering, ridge tiles and gable bargeboards. These have been replaced with modern grey concrete interlocking tiles, concrete ridge tiles and plastic verge units respectively.
11. Amongst other things, saved Policy HD10 of the Liverpool Unitary Development Plan [2002] (UDP) states that 'In considering proposals for the alteration, extension or conversion of non-listed buildings in a conservation area, special attention will be paid to the following: i. the retention, replacement and restoration of historic features and details of buildings, including windows, roofing materials, garden or forecourt features and boundary walls'.
12. The use of modern materials and associated edge fixings and trims has removed the finer detailing apparent in the original main roofs and gables of nearby properties. The slate roofs have a light and slightly varied hue and texture. The individual thin slates have bevelled dressed leading and side edge profiles. This provides a refined detail across the roofscape whereupon there is little distinction between the vertical and horizontal joint lines.
13. In contrast, the uniformly coloured smooth grey concrete tiles have a thick, square-cut, leading edge and are close-buttet. This results in a comparatively coarse appearance with highly prominent horizontal banding arising from the deep faces of the tiles and flush side joints. This causes the main roof slope of the building to visually stand out when compared to the appearance of the original slate roofs.
14. The resultant banding reduces the perceived prominence of the ridgeline which, in the original roof examples, is highlighted as standing proud of the main roof

- slope. Furthermore, in the absence of successively overlapping ridge tiles, the butted ridge has a flat uniformity which lacks the detail of the earlier ridgelines.
15. The cloaked verges of the projecting gable introduce a modern material and a poorly detailed overlapping cladding to the roof verge. This has little reference to any original feature of the building and has resulted in the loss of the painted bargeboards. Elsewhere these have a greater linear emphasis and refined detail to the gable edges. Together these elements of the development undermine the quality and parity in the detailing of the building.
 16. As part of a long terrace with a high level of consistency in external finishes, the differences are abundantly evident in views from the street level along Halkyn Avenue. Moreover, the site lies directly opposite Rossett Avenue and forms a closing vista to views along its length. Accordingly, the materials are highly prominent and are seen to contrast starkly with the predominant roof coverings. As a contrasting roof treatment with little regard to the traditional materials and detailing, I find the development fails to preserve or enhance the character or appearance of the building or this part of the CA.
 17. Whilst most of the buildings on the avenue retain their original slate roofs there are some examples of other roof coverings in the locality. The majority of these are profiled clay tiles in a range of colours which have been extensively used as replacement coverings in some of the terraced streets adjoining Halkyn Avenue. A modern flat concrete tile has been added to the adjacent property at 35 Halkyn Avenue.
 18. However, the development neither reflects the original materials or the profiled replacement coverings found nearby streets. Although they have a similar appearance to the adjoining property, it is unclear whether those works have the benefit of planning permission. Furthermore, that example is very much in the minority and the existence of development elsewhere does not represent an appropriate reason to find in favour of a development that I have identified causes harm.
 19. In the context of the Framework, the extent of overall harm of the development is less than substantial given the nature of the development. However, less than substantial harm does not equate to a less than substantial planning objection. Paragraph 202 of the Framework (formerly Para.196) advises that such harm should be weighed against the public benefits of the proposals including securing optimal viable use.
 20. I note the possible public benefits of the proposal as the new roof covering replaced the original timeworn slates. The modern materials would potentially ease the maintenance burden for the property owner in an area where properties have been converted to flats and houses in multiple occupation. However, any public benefits therein are very limited. On the basis of the evidence provided, the described benefits would not outweigh the less than substantial harm identified.
 21. For those reasons, I find that the development fails to preserve or enhance the character and appearance of the CA. It therefore conflicts with saved Policy HD10 of the UDP and emerging Policy HD1 of the LLP which, in part, seek to achieve similar aims.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR