



Appeal Decision

Site visit made on 15 March 2022

by G Bayliss BA (Hons) MA MA MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/Z4310/W/21/3287056

1 Melling Road, Liverpool L9 0LE

- 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 Joe Rooney of RSM Properties, against the decision of Liverpool City Council.
 - The application Ref 21F/0746, dated 10 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is a first floor acoustically glazed extension on an existing flat roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council refused planning permission, the Liverpool Local Plan (2022) has been adopted. The policies referred to in the refusal notice as being from the Local Plan are now adopted and supersede those policies quoted from the City of Liverpool Unitary Development Plan (2002). As both sets of policies were quoted in the decision notice and the aims of both are similar, neither party has been prejudiced by this change in policy circumstances. The appellant has also had the opportunity in their comments to respond to this change in the development plan.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the existing building and the surrounding area.

Reasons

4. The appeal property is a distinctive, three storey building on the corner of Melling Road and Warbreck Moor. Despite not being a designated heritage asset and having previously been altered, the building has retained many original features. Its height and architectural detailing make the building stand out and it currently contributes positively to the streetscene.
5. While not forward of the ground floor extension, the appeal proposal would occupy a substantial part of the ground floor extension fronting Warbreck Moor, lining up with the northern gable of the main, three storey building but then extending beyond its southern gable so that the glass extension would jut out from the main building and be visible on all three sides, being readily viewed from the road junction and the approach along Melling Road.

6. Although using materials already present at the building, the shallow roof pitch, unbroken form, expanse of glazing, and its projection beyond the three storey building would make a jarring contrast to the design of the existing building and unlike any other structures in the immediate streetscape. It would not be a sympathetic modern addition. The height of the proposal would exceed the eaves height of the terrace buildings alongside, visually dominating them and disrupting the tapering form of the building towards the road junction.
7. The proposal would also be likely to result in the concealment or obscuring of existing architectural detailing which currently contributes to its distinctive appearance. The proposal would be both alien and visually harmful to the building, significantly detracting from its architectural appearance, as well as a dominant and discordant feature in the wider area.
8. Whilst the extension could be removed in future without harming the overall built form of the property and the original chimneystack would be retained and remain visible, the appeal proposal is seeking permanent permission and I must consider the impact that the proposal would currently have on the building and the wider area.
9. The appeal proposal would cause harm to the character and appearance of the existing building and the surrounding area. Accordingly, it would conflict with policies UD1 and UD2 of the Liverpool Local Plan (2022) which together seek, amongst other things, to ensure that new development relates well to existing structures, respects scale, and takes account of local character and distinctiveness. It would also be contrary to the high-quality design expectations of the National Planning Policy Framework. The Framework also requires that proposals are sympathetic to local character and advises that distinctiveness arises from both designated assets and other buildings of significance.

Other Matters

10. I appreciate that this proposal follows an earlier application where a roof terrace was omitted due to concerns regarding residential amenity. However, I have found the scheme before me would result in harm and even if I were to agree that the proposal would not give rise to unacceptable harm to living conditions of nearby residents, this would be a neutral factor. The level of third party objection is not a reason in itself to allow a development. I also recognise that the proposal will allow the restaurant to expand and remain economically viable, as well as contributing to the local economy. However, whilst the proposal will provide some economic benefits, these do not outweigh the significant harm that I have found to character and appearance, and as a result the environmental role of sustainable development is not achieved.

Conclusion

11. I therefore conclude that the proposal would be contrary to the development plan and material considerations do not lead me to decide otherwise. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Bayliss

INSPECTOR