



Appeal Decision

Site visit made on 30 May 2022

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2022

Appeal Ref: APP/Z4310/D/21/3283111

94 Adelaide Road, Liverpool, L7 8SQ

- 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 Mrs Charlene Sodipo (Zuwin Properties Ltd) against the decision of Liverpool City Council.
 - The application Ref 21H/1750, dated 8 June 2021, was refused by notice dated 10 September 2021.
 - The development proposed is a rear loft dormer.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The dormer has already been constructed on the property and I have determined the appeal on this basis.
3. The *Liverpool Local Plan 2013-2033* (LLP) was adopted in January 2022 after the determination of the planning application. As a result, I sought the views of both parties regarding this. Given that the LLP was at an advance stage the reason for refusal makes reference to policies both in the LLP and the *City of Liverpool Unitary Development Plan (adopted November 2002)* (UDP). The LLP replaces the policies in the UDP, and I have determined the appeal on the basis of the policies as adopted at the present time.

Main Issue

4. The main issue in the appeal is whether or not the development preserves or enhances the character or appearance of Kensington Fields Conservation Area and the host property.

Reasons

5. The appeal property is located in Kensington Fields Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area.
6. The conservation area covers an area of late nineteenth century terraced housing laid out to by-law standards. The housing is set out in long parallel streets with rear communal alleyways. The consistency in the design, detailing and scale of the dwellings is a key characteristic of the conservation area and gives a strong sense of unity to it. Established as an alternative to the poor

crowded housing conditions in the city centre gives historic, as well as architectural, significance to the conservation area.

7. The appeal property is a mid-terraced house, typical of the conservation area, with a 2 storey bay on the front elevation, a 2 storey outrigger at the rear and stone window sills and lintels. The dwelling therefore makes a positive contribution to the significance of the conservation area.
8. The flat roof dormer is located on the main rear roof plane of the house and occupies the majority of this, but not the roof over the outrigger. Notwithstanding the fact that the dormer uses materials similar to the roof, its considerable width and height make it a disproportionate and unsympathetic addition to the house. The cluttered appearance it gives to the roof, contrasts with the clean and simple roofs found generally in the conservation area.
9. In addition, the style and position of the windows in the dormer do not reflect or align with the windows on the lower levels of the house. This is detrimental to the visual appearance of the house and the wider area.
10. Views of the rear of the terrace are much more limited than the front, especially as the alleyways are now gated. Nonetheless the rear of this property can be seen from a number of the properties to the rear as well as by users of the alleyway. I am mindful that residents' appreciation of the special character and appearance of conservation areas can derive as much from views within their own dwelling as from public viewpoints.
11. There are other properties within the same terrace and also the terrace at the rear that also have rear dormers of varying designs. Nevertheless, these properties are in the minority. Furthermore, from what I saw of other terraces in the conservation area, many of these retain the clean and simple original roof forms that characterise the conservation area. As such, I do not agree with the appellant that dormers are a characteristic of the area.
12. I do not know the circumstances that led to the other dormers that are evident being considered acceptable, although the Council have indicated that a number were erroneously given permission and others are currently subject to enforcement investigation. In any event, those I saw confirmed that inappropriate dormers are detrimental to the character and appearance of the host property, and the conservation area, and so do not set a precedent that should be followed. Thus they do not justify allowing the scheme on this dwelling. Nor does the fact that the dormer has Building Regulation approval as that regime does not consider the planning merits of the proposal.
13. Consequently, I consider that the dormer would not preserve, and would unacceptably harm, the character and appearance of the Kensington Fields Conservation Area and the host property. It therefore conflicts with Policies HD1, UD1, UD7, H7 and H8 of the LLP which require that developments are in keeping with the host property and surrounding area and conserve the significance of heritage assets.
14. Having regard to paragraph 202 of the Framework, the harm caused to the conservation area would be less than substantial and so needs to be weighed against the public benefits. The appellant has stated that the dormer was constructed in conjunction with the use of the property as a small HMO. However, enabling this use is a private benefit to the owner not a public

benefit. As such, there are no public benefits which outweigh the harm the proposal would cause to the conservation area.

Conclusion

15. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR