



Appeal Decision

Site visit made on 11 July 2022 by Hilary Senior BA (Hons) MCD MRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/Z4310/W/21/3289497

153 Empress Road, Kensington, Liverpool, L7 8SF

- 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 John Stockwell against the decision of Liverpool City Council.
 - The application Ref 21F/1154, dated 21 April 2021, was refused by notice dated 11 November 2021.
 - The development proposed is erection of a two-storey extension and single-storey extension to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey extension and single-storey extension to the rear, 2 no. roof lights to the front elevation and 2 no. roof lights to the rear elevation at 153 Empress Road, Kensington, Liverpool, L7 8SF in accordance with the terms of the application, Ref 21F/1154, dated 21 April 2021, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall accord with the following approved plans: Drawing Nos LP1 (Location Plan), EL1/PL1 (Existing and Proposed Ground Floor Layouts), EL2/PL2 (Existing and Proposed First Floor Layouts and including elevations), EL3/PL3 (Existing and Proposed Attic Floor Layouts).

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. During the determination of the planning application, the description of development was amended. In the banner heading and in the formal decision above the description of development has been taken from the amended application form.
4. From my site visit, I saw that the extensions have been constructed but the rooflights have not been inserted. The roof of the first floor rear extension does not fully accord with the submitted plan in that it has a slight pitch instead of being flat. I have assessed the appeal on that basis and that it is partly retrospective.

5. In refusing planning permission, the Council cited saved policies HD10 and HD18 of The City of Liverpool Unitary Development Plan. However, following the adoption of the Liverpool Local Plan 2013-2033 (Local Plan) in January 2022, these policies are no longer part of the development plan. This now comprises the adopted development plan, and I have determined the appeal on this basis.

Main Issue

6. The main issue is the effect of the proposal on the host property, the surrounding area and whether it preserves or enhances the character or appearance of the Kensington Fields Conservation Area (CA).

Reasons for the Recommendation

7. The appeal property is a mid-terrace dwelling with bay windows, set back from the footpath edge with a low wall and railings. It is located within the Kensington Fields CA which is characterised by a grid iron street pattern of terraced housing with traditional Victorian detailing including two storey bay windows to the front elevations. The front elevations of the terrace have not been substantially altered, giving a consistency and rhythm to the street scene which is part of the significance of the CA.
8. The rear of the terrace of which the host property forms part has had a number of first floor rear and roof extensions, similar to the alterations at the appeal property, including on the neighbouring property at No 155. The scale of the rear first floor extension that is part of this appeal is modest and as constructed, has a shallow roof pitch extending down from the original eaves level. As such, it does not appear unduly dominant in relation to the host property and is seen in the context of the other rear extensions in the row. Due to its position to the rear of the dwelling, there is no adverse impact on the traditional features on the front elevation which contribute to the significance of the CA.
9. The single storey extension utilises the full depth of the rear yard of the property and the rear elevation now forms the wall of the rear secured alleyway serving the terrace. There are other examples of this along the terrace which has only limited views from the street. Given the mixed context within which the proposal is viewed, it is not unduly prominent in the surrounding area and is sympathetic to local character.
10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
11. I conclude that the proposal is sympathetic to the character and appearance of the host property and does not appear unduly prominent or incongruous in the surrounding area. The proposal preserves the character and appearance of the Kensington Fields CA and its significance as a designated heritage asset.
12. Consequently, it meets the statutory test set out in the Act and complies with Policies UD1, UD7 and HD1 of the Local Plan. Amongst other things, these policies and guidance seek to ensure that development is sympathetic to local character and preserves or enhances those elements which contribute to the character and appearance of Conservation Areas.

Conditions

13. I have considered the conditions suggested by the Council in accordance with the Framework and Planning Practice Guidance. Even though the majority of the work has been undertaken, a condition specifying that the development is undertaken in accordance with the approved drawings is necessary in case rooflights are inserted at a later date. A condition specifying materials is not necessary since the materials are shown on the approved plans.
14. The condition requiring window, door and rooflight details is not necessary as the plans condition gives certainty. A condition limiting window openings to those shown on the plans is also not necessary as The Town and Country Planning (General Permitted Development) (England) Order 2015 only allows windows to be inserted above ground floor level on flank walls where the windows would be obscure glazed and with limited openings. As such, any windows inserted above ground floor level under Permitted Development rights would ensure that the privacy of adjoining occupiers would be safeguarded and any opening not meeting these conditions would require planning permission.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed with the suggested condition.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Sarah Housden

INSPECTOR