



Appeal Decision

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

Decision by Chris Forrett BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/Z4310/D/22/3295852

158 Adelaide Road, Kensington, Liverpool, L7 8SH

- 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 T Mairs against the decision of Liverpool City Council.
 - The application Ref 21H/3328, dated 15 November 2021, was refused by notice dated 8 March 2022.
 - The development proposed is first floor rear extension to dwelling.
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Decision

1. The appeal is dismissed.

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.

Applications for costs

3. An application for costs was made by T Mairs against the decision of Liverpool City Council. This application is the subject of a separate decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the host dwelling and the wider area, including Kensington Fields Conservation Area, and
 - the living conditions of the occupiers of 157 and 159 Empress Road with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

5. The appeal site is located within the Kensington Fields Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. The CA is characterised by a grid iron 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 which is part of the

significance of the CA. The appeal property itself is an end terrace dwelling with bay windows, set back from the footpath edge with a low wall and railings. To the rear, the outrigger and rear elevation of the property are largely rendered.

7. The rear of the terrace of which the host property forms part has had a number of first floor rear and roof extensions, as has the rear of the terrace on Empress Road which backs onto Adelaide Road. The appeal proposal would increase the height of the existing single storey rear extension to accommodate a bathroom and a relocated bedroom. It would also utilise the full depth of the rear yard in contrast to the other examples which are more modest extensions. Given the extent of the rearward projection it would not appear as a subservient addition to the property and would be unduly prominent in the street scene principally due to its additional height and bulk.
8. In coming to the above view, I acknowledge the extension at 155 Empress Road which results in a two-storey extension at the rear. However, at my site visit, I noted that this did not extend to the rear boundary of the site and is not therefore directly comparable to the proposal before me.
9. Turning to the proposed materials, the development includes a render finish to the extension. The Council had sought an amendment to the application to change this to a brick finish which appears to be as a result of the consultation response from the Councils Building Conservation team (BCT).
10. The appellant has indicated that this could be dealt with by means of a planning condition as per the recommendation from the BCT. However, given that this would significantly change the appearance of the proposal I am of the view that such a condition would not be appropriate.
11. That said, given the mix of brickwork and render on the existing property I am not convinced that such a change is necessary to make the development acceptable from a materials point of view. In short, I consider that the use of a render for the extension on this property would not be harmful to the host property or the wider area, including the CA.
12. In addition to the above the Council have raised concerns over the window design (suggesting that a sliding sash window should be used – which may be uPVC) and that the lintel should be arched brick and the cill should be masonry. I note that the appellant has not specifically questioned these details and has indicated that no objections are raised to the conditions recommended by the BCT. Whilst I agree with such concerns given the prominence of the window to the streetscene, these details can be secured via appropriately worded planning conditions should I be minded to allow the appeal.
13. To that end, subject to appropriate conditions, the proposal would preserve the character and appearance of the Conservation Area, and the setting of the nearby Edge Hill Conservation Area. In that respect it would accord with the heritage aims of the National Planning Policy Framework and Policy HD1 of the Liverpool Local Plan (2022) (LLP) which amongst other matters seeks to conserve the historic environment of Liverpool.
14. Taking all of the above factors into account, the proposal would harm the character and appearance of the host property and the wider street scene as a result of its excessive size and bulk contrary to Policy H8 of the LLP which

amongst other matters seeks to ensure that extensions are of a size and scale in keeping with the original dwelling and the surrounding area.

Living conditions

15. The dwellings to the rear on Adelaide Road share an alleyway with properties on Empress Road. The dwellings have a two-storey rear outrigger and several of the dwellings have been extended with single storey rear extensions to the rear boundary utilising the full extent of the rear yard.
16. The proposal would, cumulatively, result in a two storey extension to the rear boundary. In my view, this would create a bulky and overbearing addition to the dwelling which would be in close proximity to the neighbouring dwellings on Empress Road. Whilst there would be no windows proposed on the end elevation, the proximity of the resultant building would be overbearing to the occupiers of 159 Empress Road (and to a lesser extent 157 Empress Road) particularly when the occupiers would be utilising their outdoor space in their rear yard. In that sense, the proposal would make it a less pleasant space to spend time in and would ultimately be harmful to the living conditions of the occupiers of these properties.
17. My attention has been drawn to the House Extensions Supplementary Planning Guidance Note 1 (2001) (SPG) which the appellant suggests is no longer relevant given the recent adoption of the LLP. From all I have seen and read, the SPG has not been withdrawn by the Council and as such remains a relevant document. That said, whilst I have had regard to the guidance within the SPG in my decision, it has not been in itself decisive.
18. For the above reasons, I conclude that the proposal would harm the living conditions of the occupiers of the 157 and 159 Empress Road contrary to Policy H8 of the LLP which amongst other matters seeks to ensure that development does not result in a significant reduction in the living conditions of neighbouring occupiers.

Conclusion and Recommendation

19. The proposed development conflicts with the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Forrett

INSPECTOR