



Appeal Decision

Site visit made on 20 September 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2022

Appeal Ref: APP/Z4310/W/22/3301842

464 Prescott Road, Old Swan, Liverpool L13 3DB

- 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 Mohamed Shahverdi against the decision of Liverpool City Council.
 - The application Ref 22F/0682, dated 7 February 2022, was refused by notice dated 13 May 2022.
 - The development proposed is described as "development of 6 no. flats above existing MOT garage and associated external works to garage with new brick frontage and garage opening".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address given on the appeal form was 464-466 Prescott Road, and the submitted site plan shows that it also incorporates 2A Goschen Street. Nevertheless, I have used the address given on the original planning application form, 464 Prescott Road, in the banner heading above for the sake of consistency.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether or not the proposed flats would provide acceptable living conditions for future occupiers, with particular regard to living space and private amenity space.

Reasons

Character and appearance

4. The appeal site is an MOT and car repair garage, at the corner of Prescott Road and Goschen Street. The surrounding area has a mix of commercial and residential uses. Prescott Road is within a local centre, and is a main road with numerous retail and other commercial premises in a range of building types. These are principally three-storey terraces from the late 19th or very early 20th

centuries with residential accommodation on the upper floors, although there are several other building types, and the block immediately west of the appeal site is a short two-storey terrace of houses. Goschen Street is a short cul-de-sac dominated by two-storey terraced housing, although there is a small block of modern flats immediately to the south of the appeal site.

5. The garage is accessed from Goschen Street by a large roller shutter door (and a separate pedestrian door, also with a roller shutter, alongside) which provide access to the ground floor workshop as well as a small one-bedroom flat overlooking Goschen Street at first floor level. I did not enter the building on my site visit, but the submitted drawings show that there are also storage areas on the first-floor level, separate from the flat, at the Prescott Road end of the building. Externally, the building is mostly faced in brickwork which has been painted, although at the ground floor of the Prescott Road end the spaces between the structural steelwork frame are infilled with panels of concrete blockwork. The submitted drawings show that end of the building as being partly screened by advertisement poster hoardings, but these were not in place at the time of my site visit. When I visited, two of the first-floor windows on the Prescott Road elevation were covered in wire mesh, but the central window was covered only with plastic sheeting. Overall, the condition of the existing building means that it makes a negative contribution to the streetscape of the area.
6. The proposed development is the erection of two new upper floors above the existing garage, with three flats (two two-bedroom and one one-bedroom unit) on each floor. The garage entrance would be moved very slightly further along Goschen Street, while a new entrance for the flats would be created at the opposite corner of the building next to No 444 Prescott Road. The new upper floors would have a steel framework construction and the entire building – including the existing ground floor – would be clad in a red decorative facing brick with contrasting columns and soldier courses in buff brickwork. There would be tall slim windows to the upper floor flats, and high-level windows with a horizontal emphasis to the ground floor garage; their uPVC frames, and the steel-framed of the flats' glazed entranceway, flats would be finished in anthracite grey. The building would have a flat roof.
7. The redevelopment of the appeal site with a three-storey building would not be unacceptable as a matter of principle; as I have already described, the character of considerable parts of Prescott Road is defined by three storey terraced blocks with living space on the upper floors. However, the height of the building proposed here – which presumably stems from the need to keep adequate working headroom for the retained and revamped garage unit and the consequent relatively tall ground floor – would make it notably taller than its immediate two storey neighbours on Prescott Road and Goschen Street.
8. The use of a flat roofed form would also be incongruous in an area where residential or mixed-use buildings predominantly have pitched roofs. While there are commercial premises with other forms in the nearby area, from what I saw on my site visit most of these do not make a particularly positive contribution to the character of the area, nor should they set a template for a mixed (and in fact what would become a mostly residential) development. The lack of any setting back of the massing of the proposed building above the area's typical eaves heights would set it at odds visually with neighbouring properties, and its bulk would dominate the immediate surrounding parts of

Prescot Road and Goschen Street. The building would be visible in longer views by anyone approaching Prescot Road from the north along Green Lane, so its impact would not be limited to a very close range.

9. The appellant describes the existing garage building as “unsightly” and requiring “major improvement. It will be apparent from my description in paragraph 5 above that I agree; if anything, the appellant understates the case. On balance though, while there could be benefits arising from the redevelopment or replacement of the existing building on the appeal site, I do not consider that these would outweigh the harm I have just described which would be caused by the bulk and massing of the appeal scheme.
10. I conclude that the proposed development would, because of its unsympathetic bulk and massing, cause unacceptable harm to the character and appearance of the area. It would therefore conflict with Policies UD1 and UD2 of the 2022 Liverpool Local Plan (“the LLP”) which together, and among other things, seek to ensure that the form, height, scale and massing of development respects local character, including patterns of development such as rooflines and roofscapes.

Living conditions

11. Policy H12 of the UDP applies the Nationally Described Space Standard¹. By the Council’s calculation, although five of the six proposed flats would comply with that standard, one would fall short by 3m². There is no further information such as a schedule of accommodation before me which would allow me to address this matter conclusively; although the appellant’s statement asserts that “we feel the size of the building is sufficient” the question of the amount of living space within each of the flats was not specifically referred to. On the basis of the evidence before me, I cannot find that the development would provide adequate living space for future occupiers.
12. Policy H13 of the UDP requires new housing development outside the city centre to maximise opportunity for physical activity, and to provide adequate garden space. I have not been directed to any part of the development plan (or associated guidance) which provides any definitions, standards or advice on how these requirements might be interpreted. In my experience though it would not be unreasonable to assume that, for developments of flats, this could be met through the provision of balconies, shared gardens, or a combination of both.
13. The development proposal before me does not include any amenity space (whether private or communal) for the six flats. The appellant has stated that “outdoor amenity space is not required for new residential developments within a 3 miles radius of Liverpool city centre which just about covers this development” and that “and over the last 5-6 years there are thousands of new residential units which have been built and constitute this fact”. There is no substantive evidence before me to support the “3 mile” claim in the face of the policy requirement set out above, nor does the appeal statement otherwise explain why providing no amenity space at all would be justified in this case.
14. I conclude that the proposed development would not provide adequate living space in one of the flat; there would not be private amenity space for any of

¹ *Technical housing standards – nationally described space standard*, Department for Communities and Local Government 2015

the flats. The development would not provide acceptable living conditions for future occupiers; it would therefore conflict with Policies H12 and H13 of the LLP, the requirements of which I have described above.

Conclusion

15. The development would provide six new residential units, in a location close to shops and other services; the building currently on the appeal site is in a poor condition and would be re-clad as part of the scheme. Nevertheless, the development would cause harm to the character and appearance of the area. It would also not provide acceptable living conditions for the future occupiers of the proposed flats. The proposal therefore conflicts with the development plan taken as a whole.
16. I have considered the benefits of the scheme which have been put to me, but there are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector