



Appeal Decisions

Site visit made on 25 October 2022

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal A Ref: APP/Z4310/W/22/3294688

St. Gabriel's Lodge, St Gabriels Convent, Beaconsfield Road, Liverpool, L25 6EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr A Kong of Leo Property Group against Liverpool City Council.
 - The application Ref 21F/3421, is dated 22 October 2021.
 - The development proposed is to extend and refurbish St Gabriel's Lodge to create a single dwelling.
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Appeal B Ref: APP/Z4310/Y/22/3294695

St. Gabriel's Lodge, St Gabriels Convent, Beaconsfield Road, Liverpool, L25 6EE

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
 - The appeal is made by Mr A Kong of Leo Property Group against Liverpool City Council.
 - The application Ref 21L/3482, is dated 22 October 2021.
 - The demolition proposed is to extend and refurbish St Gabriel's Lodge to create a single dwelling.
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Decisions

1. **Appeal A** – The appeal is dismissed and planning permission is refused.
2. **Appeal B** - The appeal is allowed and listed building consent is granted for "extend and refurbish St Gabriel's Lodge to create a single dwelling" at St. Gabriel's Lodge, St Gabriel's Convent, Liverpool, L25 6EE in accordance with the terms of the application Ref 21L/3482 dated 22 October 2021 and the plans submitted with it subject to the conditions in the Schedule.

Preliminary Matters

3. As the appeal site is a listed building, I have taken account of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are the effect of the proposed development on (i) bats (ii) the character and appearance of the area in respect of trees, and (iii) the living conditions of future occupiers of the proposed dwelling.

Reasons

Bats

5. The principal matter of dispute between the parties is whether emergence surveys should be carried out before a grant of planning permission.
6. The appellant's ecological submissions (A Brief Ecological Letter Report and a Preliminary Roost Assessment) dated July 2021 identify that several species of bats have been recorded within 2km of the site and that it is highly likely that the site is used for commuting and foraging.
7. The Preliminary Roost Assessment (PRA) photographs show that a partial internal inspection of the building was undertaken, although it was not possible to undertake a full internal inspection due to health and safety reasons.
8. The building and an oak tree on the rear boundary of the site were found to have moderate potential for roosting bats. The PRA indicates that further surveys are required to establish if bats are using the building and the oak tree.
9. The PRA advises that for buildings and trees with moderate roost suitability, one dusk emergence survey and one separate dawn re-entry survey should be undertaken to determine the presence or absence of bats. It also advises that if bats are discovered emerging from the building or tree during the surveys, the survey schedule should be reviewed and, if required, appropriately adjusted to ensure that sufficient information can be collected. The PRA report also confirms that the Council would require the result of such surveys to support a planning application.
10. A further preliminary Ecological Appraisal and Preliminary Roost Assessment Survey (EAPRA) was undertaken in September 2021. Access to the interior of the building was obtained but due to health and safety reasons, it was not possible to fully search the ground floor for evidence of bats. The survey of the cellar showed that all internal areas were cobwebbed, including the remaining parts of the ceiling which indicated a lack of recent flying activity.
11. The EAPRA found that, externally, there were limited areas of missing mortar which could provide potential roosting features for bats. There were gaps around the boarding on the windows and doors which could allow bats to gain access. Missing parts of the roof could also allow access for bats.
12. Although no evidence of bat use was identified at the time, the EAPRA confirmed that this evidence is easily weathered away on the exterior of buildings and is rarely visible.
13. The EAPRA found relatively high levels of light due to the damaged roof and exterior walls. It also found that the interior of the building is extremely damp which, it said, would discourage bats. The report concluded that the building has a negligible potential habitat value for bats and recommended that no further surveys are required.
14. The two surveys came to different conclusions. It is not completely clear how, if at all, the surveys differed in terms of the extent of the internal survey. Nevertheless, the photographs in both reports show similar areas of inspection and therefore, the author of the first report must have seen the light level and

dampness. Indeed, both reports make reference to the dilapidated and broken roof. The second report does not make reference to the oak tree. Given that the reports do not agree, I consider that a precautionary approach should have been taken and emergence surveys should have been carried out to establish the presence or otherwise of roosting bats in the building and the oak tree.

15. As these emergence surveys have not been undertaken, the submitted ecological appraisal is inadequate as it is not possible to properly determine whether or not there are bat roosts on the site. Furthermore, the baseline for any mitigation that might be necessary is unknown.
16. I therefore conclude that the proposal would have an unacceptable potential to harm bats and conflicts with Policy GI 6 of the Liverpool Local Plan (LLP) which seeks to protect biodiversity and indicates that development proposals which affect legally protected species must be supported by an Ecological Appraisal and include details of avoidance and mitigation/compensation where appropriate.

Trees

17. The site is located in a predominantly residential suburban area which is characterised by dwellings in mature landscaped plots. Beaconsfield Road has a particularly verdant and sylvan character. A Tree Preservation Order covers the whole of the appeal site.
18. The appellant's Tree Survey and Arboricultural Impact Assessment identifies three trees for removal. These are a mature sycamore; a yew; and a mature tree of an unidentified name. All of these trees are *B1 Category Trees* which are defined as having moderate quality. The document notes that the site visit was thwarted by access issues and some data is estimated and based on data from 2015. It says that the impact assessment is to be treated as a draft.
19. The report explains that the yew and the sycamore are putting pressure on the built footprint and are pushing against the listed boundary wall. However, no substantive structural information has been provided to justify the loss of the trees on this basis.
20. The report identifies that both of these trees would be compromised by the proposal and would require removal. In addition, the Council has pointed out that the tree report has plotted the proposed extension inaccurately on the site plan and that the extension would actually be closer to these trees than shown. My observations on site confirm this to be the case and therefore, it is my assessment that they cannot be incorporated into the development. The unnamed tree is also proposed to be removed to facilitate the access.
21. The trees are mature and can be clearly seen from Beaconsfield Road. They contribute to the mature landscape character of the site and of Beaconsfield Road and are therefore of high amenity value. The trees therefore have a positive effect upon the character and appearance of the area. I note the appellant's comments that the project would allow some of the woodland to be brought back into active management, however, I have no details of such management.
22. I conclude that the removal of the trees would harm the character and appearance of the area. The proposal would therefore be contrary to LLP Policy

GI 9 which seeks to protect trees. It would also conflict with LLP Policy UD1 which seeks to protect the character and distinctiveness of the area.

Living Conditions

23. Four bedrooms would be provided in the proposed new basement. Each one would have a window into a lightwell. The lightwell to bedrooms 1, 2 and 3 would have the external retaining wall very close to the windows. The outlook from these bedrooms would therefore be virtually non-existent. The lightwell to the master bedroom would have a deeper floorplan but it would still provide a very limited outlook.
24. Furthermore, the dwelling would be located in a woodland which is fairly dark due to the shading from the trees. The walls of the lightwell would be close to the bedroom windows which would even further reduce the light into the bedrooms. Therefore, it is highly unlikely that the bedrooms could receive an adequate amount of sunlight or daylight, in spite of the south easterly aspect of bedrooms 1, 2 and 3, as the trees and the walls to the lightwells would block light.
25. I therefore conclude that the proposed dwelling would not provide acceptable living conditions for its future occupants. The proposal would therefore conflict with LLP Policy UD2 which seeks to ensure that residential development provides adequate standards of amenity including good outlook and sufficient sunlight and daylight.

Other Matters

Heritage

26. There is no dispute between the parties in respect of heritage. Both St Gabriel's Lodge and the entrance gates/railings are Grade II Listed buildings. They both stand at the original main entrance to Knolle Park (now known as St Gabriel's Convent), a Grade II Listed Building which was the main house relating to the lodge and entrance.
27. Knolle Park Mews, which fronts onto Church Road, is also a Grade II listed building. It was the stable block to Knolle Park and has since been converted to dwellings.
28. The lodge dates from around 1840 and it is thought to be designed by John Foster, a notable architect who was responsible for many of Liverpool's most prestigious buildings of the period.
29. It is stone with a slate roof. The front has a distyle-in antis Doric Portico. The front entrance has an eared architrave. The returns have a sill course, squared pilasters and entablature. The original front door and windows have been lost. The clustered stacks to the rear and rear projection, mentioned in the list description have fallen over. The original part of the lodge was of a single room plan. It has a rear extension and a brick wall with squared stone coping at the rear forming a small yard. These yard walls are in a very poor condition. The building has a basement which is accessed via steps at the rear. The extension and the yard walls date from the later 19th century.

30. Overall, the building is in a very poor condition and not watertight. Much of the internal plaster has been lost and the ceilings and floor to the front have collapsed. There is some vegetation growing on the building.
31. The historic significance of the lodge is due to its age, its architectural detailing, its association with the main house, and its notable architect. The extension and yard enclosure dating from the later nineteenth century reflect the creation of a larger dwelling but are of limited historic significance.
32. The extension would have a flat roof, lower in height to the original lodge roof. It would have a glazed link connecting it to the original part of the lodge. Its elevations would be of a simple contemporary design incorporating large areas of glazing. These details would allow the original building to remain distinct to the proposed extension thereby allowing its historic form to be easily read and appreciated. In addition, the scheme would repair and renovate the lodge.
33. I have some concerns regarding the proposed aluminium framed windows to the original lodge as the former windows had eared architraves and casements with margin lights. However, the window details can be secured by way of a planning condition, as suggested by the Council.
34. Overall, I consider that the proposed extension would preserve the significance of this listed building.
35. The entrance gates and railings to Knolle Park are Grade II listed and date from the 1840s. They consist of four stone gate piers and flanking railings. The piers are octagonal and panelled with caps. The two central piers are noted in the list description as having iron lamp standards with lanterns missing but now the lamp standards have also been lost. The central carriage gates are paired and have flanking single pedestrian gates. The matching iron railings stand on a dwarf, curved stone wall to either side. Their significance derives from their age, architectural details, materials and their public face of the main house. Their association with the main house and lodge also means that they are within their setting.
36. They would be repaired and refurbished as part of the proposals. Little detail has been submitted in this respect. However, the work can be secured by way of a condition. Therefore, I consider that the works would enhance the significance of the gates and railings. The repairs to the gates and railings would have a positive effect on the setting of the lodge.
37. I must also consider the effect of the works on the significance of the main house, Knolle Park. The significance of this building is due to its architectural form and in particular its interior, including a fine entrance hall. It has high historic significance, having been occupied by a number of high-profile men in the 19th century, including Thomas Foster, who was a member of a powerful family in Liverpool and served as its first Town Clerk. It illustrates a period within the city's development when country houses were erected away from the city centre. Its later public use as a convent and children's home lends it some communal significance.
38. The complex of all the buildings can be seen to comprise a typical Regency estate layout of main building, outbuildings and lodge. The main structure of the house is typical of neo-classical designs of the period.

39. Although there is no intervisibility with the main house, the Lodge and the entrance is important to the understanding of the significance of Knolle Park and the estate as a whole. As I have found that the extension to the lodge preserves its significance, and the works to the gates and railings enhance their significance, I also find that they would preserve the setting of the main house, and thereby the significance, of Knolle Park.
40. The former listed stable block has no intervisibility with the lodge or the gates and railings and it had its own entrance. They illustrate a historic service route into the grounds of Knolle Park. Their significance is the historic functional relationship with the main house. I consider that their setting is preserved by the proposals.

Planning Balance

41. I find the proposed works to the listed buildings to be acceptable but I have found harm in relation to the planning appeal.
42. I appreciate that the proposal would make a more efficient use of land, that it would, in a minor way, help to boost the supply of housing on a brownfield site, it would enhance the significance of the listed building due to the repair of the entrance gates and railings, and would bring the lodge back into use. However, these benefits do not outweigh the planning harm I have found.

Conditions

43. In respect of the listed building appeal, I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance (PPG). Apart from the standard commencement condition, the other conditions are attached in the interests of preserving the significance of the listed buildings. I have amended the wording of Conditions 2, 3 and 4 so that they are not pre-commencement conditions in accordance with the advice in the PPG. I have amended the condition relating to boundary treatment to only cover the proposed works to the existing boundaries as only these are relevant to the listed building appeal.

Conclusion

44. I find no heritage harm but I do find planning harm and for the above reasons, I dismiss Appeal A (planning) and allow Appeal B (listed building consent).

Siobhan Watson

INSPECTOR

SCHEDULE OF CONDITIONS for APP/Z4310/Y/22/3294695

- 1) The works hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) No construction above ground level shall commence until samples of the materials to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the local

planning authority. Works shall be carried out in accordance with the approved samples.

- 3) Prior to the commencement of any repair/refurbishment to the listed entrance and gates and railings, and any other existing walls and railings, full details shall be submitted to and approved in writing by the local planning authority. The repair shall be carried out in accordance with the approved details.
- 4) No rainwater goods shall be fixed until details of them, including hoppers, downpipes and their materials, have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.
- 5) Prior to their installation, details of the new window frames and external doors in the historic lodge shall be submitted to and approved in writing by the local planning authority. The details shall include the method of operation, glazing bar profiles, sill, lintel, jamb and reveal details and the painted finish. The details shall include cross sectional drawings at a scale of 1:5. The doors and windows shall be fitted in accordance with the approved details.

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