



Appeal Decision

Site visit made on 18 October 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/Z4310/D/22/3305255

117 Hartington Road, Liverpool, Merseyside L8 0SF

- 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 Redman Ali against the decision of Liverpool City Council.
 - The application Ref 19H/2764, dated 24 October 2019, was refused by notice dated 13 July 2022.
 - The development is a single storey outbuilding – summer room/gym/storage area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A building has already been erected and other than some minor differences in the fenestration details, the building as built is similar to that shown on the submitted plans. I have determined the appeal accordingly.

Main Issues

3. The main issues are: -
 - whether the outbuilding preserves or enhances the character or appearance of the Toxteth Park & Avenues Conservation Area and its effect on the host building; and
 - the effect of the outbuilding on the living conditions of the occupiers of 27 Brompton Avenue having regard to outlook.

Reasons

Conservation Area

4. The appeal site is within the Toxteth Park & Avenues Conservation Area, a large part of which is taken up by a cemetery. Other than the cemetery, its significance is in part derived from its distinctive linear pattern of a grid of terraces, semi-detached and detached houses primarily constructed from brick under pitched roofs. The linear rows of houses and the land associated with them, including the scale and design of any outbuildings contribute to this significance.
5. Hartington Road runs to the west and south of the cemetery with No 117 being to the south, backing onto houses in Brompton Avenue. Nos 115 and 117 are a pair of semi-detached houses and although No 115 has been significantly altered, No 117 retains more of its traditional Victorian characteristics. There is

no defining boundary between the rear gardens of Nos 115 and 117 and although the appeal relates to No 117 the appeal site includes both properties.

6. The outbuilding cannot be seen from Hartington Road and so its impact can only be seen from the surrounding properties. Notwithstanding this, and that it is single storey and set away from the site boundaries, it is a large structure that takes up a substantial amount of the garden to the rear of No 117 and introduces an unsympathetic and substantial building to the rear of the house clearly visible from neighbouring properties. It is of a scale that is disproportionate to the host building in terms of the amount of garden space that it takes up. Although an ancillary building, it is a prominent structure which due to its size, flat roofed design and white render finish make it stand out in contrast to the traditional brick of the host building. Its impact is at odds with the Victorian character and appearance of the area and is not lessened by any screening by either walls or vegetation.
7. In finding harm, this is something to which I have given considerable importance and weight to. However, this harm is less than substantial in the Framework's terms as it relates to a domestic outbuilding which although it may benefit the appellant's use of the property, no public benefit has been demonstrated.
8. I conclude that the outbuilding fails to preserve the character or appearance of the Toxteth Park & Avenues Conservation Area and would cause less than substantial harm to its significance as a designated asset. It also has a harmful effect on the character and appearance of the host building. In the absence of any public benefit to outweigh this harm the development conflicts with Policy HD1 of the Local Plan¹ and the relevant policies in the National Planning Policy Framework² which, in accordance with the statutory duty under Section 72(1) of the Town and Country Planning (Listed Building and Conservation Area) Act 1990, requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. It would also conflict with the Council's objectives for the City regarding urban design in relation to the effect of new buildings on local character and distinctiveness as set out in Local Plan policies UD1 and UD5.

Living Conditions

9. The decision notice refers to 27 Brompton Avenue although this property is not clearly identified on the submitted plans. I have taken No 27 to be the closest property to the rear of the appeal site which I was able to see quite clearly from the appeal site during my site visit.
10. There is a difference in land levels between No 27 and No 117 with No 27 being lower. The outbuilding is partially screened by trees close to the boundary but given that it is large and very close to the boundary, which is defined by a low boundary wall, its size and position materially affect the outlook from the garden of No 27. It is a dominant structure and its white render finish and large flat roofed block appearance exacerbates its prominence against the brick backdrop of the host property.

¹ Liverpool City Council Liverpool Local Plan 2013 – 2033, Adopted January 2022.

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

11. I conclude that the outbuilding has an adverse effect on the living conditions of the occupiers of 27 Brompton Avenue having regard to outlook. It therefore conflicts with Local Plan policies H7 and H8 which, amongst other things, seek to protect the living conditions of the occupiers of neighbouring properties from development that would have an overbearing or over-dominant effect.

Other Matters

12. The appellant refers to information on the Council's website about the Article 4 Direction applicable to this Conservation Area which indicates that permitted development rights would apply to the appeal site³. No details have been submitted about the content of the Council's web site but I have been supplied with a copy of the Article 4 Direction. However, whether or not the outbuilding is permitted development is not a matter before me and I have determined the appeal on the basis of the refused planning application and the development before me.

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR

³ The Town and Country Planning (General Permitted Development) (England) Order 2015.