



Appeal Decision

Site visit made on 7 February 2023

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/Z4310/W/22/3307945

141 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 J Stockwell against the decision of Liverpool City Council.
 - The application Ref 21H/3721, dated 21 December 2021, was refused by notice dated 22 August 2022.
 - The development proposed is the erection of a dormer window, ground floor and first floor extensions to the rear and installation of two rooflights to the front roof slope to an existing small house in multiple occupation (Use Class C4).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dormer window, ground floor and first floor extensions to the rear and installation of two rooflights to the front roof slope to an existing small house in multiple occupation (Use Class C4) at 141 Empress Road, Kensington, Liverpool L7 8SF in accordance with the terms of the application, Ref 21H/3721, dated 21 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Ground Floor (Dwg No: EL1/PL1), Existing and Proposed First Floor (Dwg No: EL2/PL2) and Existing and Proposed Attic Floor (Dwg No: EL3/PL3).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No development shall take place in respect of the roof lights hereby permitted until a detailed specification of the roof lights has been submitted to and approved in writing by the Local Planning Authority. The specification shall include details of type, size, materials, position on the roof slope, colour, method of opening, method of fixing and appearance. Development shall be carried out in accordance with the approved details and maintained as such thereafter.

Applications for costs

2. An application for costs was made by Mr J Stockwell against Liverpool City Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the appeal building and whether it would preserve or enhance the character and appearance of the Kensington Fields Conservation Area.

Reasons

4. The appeal property is a mid-terrace property situated on the eastern side of Empress Road and within the Kensington Fields Conservation Area (Conservation Area). The terraced properties are set in a dense, grid pattern layout, and are consistent in scale, design and detailing. As well as the architectural significance, the development of this terraced housing in the late 19th century, away from crowded housing in the city centre, gives the area a historic significance.
5. The proposal includes a first-floor extension to the rear. This would be the same width as the existing rear two storey outrigger. Whilst it would have a flat roof that differs from the traditional pitched roof form of the terraces in the area, it would have a modest projection that would ensure that it does not have a bulky, obtrusive appearance. There would be views towards it from Edge Lane to the south, but the appeal property is positioned away from the end of a long terrace so that it would not appear unduly prominent and would be seen in the context of a variety of extensions.
6. The proposal also includes for a rear dormer on the main rear roof plane of the appeal building. Although the Council state that dormers are not typically found on this terrace or in the area generally, I was able to see a number of dormers in the area at the time of my visit including one on the appeal terrace. The addition of the proposed dormer would change the shape of the roof, but as it would be set down from the ridge, an appreciable part of the roof slope of the existing roof would be retained. The external materials of the proposed dormer can be controlled by condition, which would ensure that it is sympathetic to local character.
7. The proposal includes a single storey extension, which having regard to its scale, position and design, I find to be acceptable, as would the front roof lights, subject to them being of a conservation style.
8. I therefore conclude that the proposal would not have an unacceptable effect on the character and appearance of the appeal building and it would preserve the character and appearance of the Conservation Area. As such, it would comply with Policies HD1, UD1, UD7 and H8 of the Liverpool Local Plan 2013-2033, which seek, amongst other matters, high quality design and proposals which conserve the significance of a heritage asset. It would also not conflict with Paragraph 189 of the National Planning Policy Framework, which seeks to ensure that heritage assets are conserved in a manner appropriate to their significance.

Other Matter

9. The Council has referenced the retention of the chimney. Although not shown on the submitted drawings, the description of development does not seek the removal of the external section of the chimney.

Conditions

10. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended those suggested as appropriate.
11. A condition specifying matching external materials is necessary in order to protect the character and appearance of the appeal building and the Conservation Area. The Council has stated the roof lights should be a thin profile conservation type and I consider a condition is necessary which requires details of the two proposed front roof lights to be agreed with the Council.
12. The Council has suggested a condition limiting the number of residents, but I do not consider this to be necessary given the proposal does not involve a change of use and the scale of the extensions proposed.

Conclusion

13. The proposed development would accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I conclude that the appeal should be allowed.

F Rafiq

INSPECTOR