



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: 27 March 2023

Appeal Ref: APP/Z4310/D/22/3306013

3 Brompton Avenue, Liverpool L17 3BT

- 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 Farid Uddin against the decision of Liverpool City Council.
 - The application Ref 21H/1537, dated 19 February 2021, was refused by notice dated 6 June 2022.
 - The development proposed is to retain replacement front door and resurfacing of driveway.
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Decision

1. The appeal is allowed and planning permission is granted to retain replacement front door and resurfacing of driveway at 3 Brompton Avenue, Liverpool L17 3BT in accordance with the terms of the application, Ref 21H/1537, dated 19 February 2021, and the plans submitted with it.

Preliminary Matters

2. The description of development set out on the application and appeal forms is fuller than that above which I have taken from the decision notice. The appellant describes the background to the development and the reasoning for it, the shorter description above is for clarity and conciseness.
3. The development has already been carried out and so I have considered the proposal as a retrospective one.

Main Issue

4. The main issue is whether the replacement door and resurfaced driveway preserves or enhances the character or appearance of the Toxteth Park & Avenues Conservation Area.

Reasons

5. 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 grid pattern of terraces, semi-detached and detached houses. The linear rows of houses and the land associated with them, including their set back from the road and front garden areas and boundary walls contribute to this significance. As do the traditional features to the properties including their traditional doors and windows and front gardens. However, there are examples of doors and windows being replaced and front gardens given over to parking areas. The area is subject to

an Article 4 Direction which aims to control works that would otherwise be permitted development¹.

6. No 3 Brompton Avenue is one of a pair of three-storey Victorian semi-detached houses with bay featured windows to the ground and first floor and a gable pediment above. The front door of each house is alongside each other in the middle of the pair. Each differ but both share a stone lintel above the door and running across the bay windows and have glazed lights above the door. The proportion of the glazing differs with No 3's being larger than that of No 5.
7. The original door was timber but as the appellant explains, this was rotten and in need of replacement. The new door is of composite material, it is dark in colour and features four panels with the two upper panels being in patterned glass. Whilst the upper light is larger than that of the adjoining house and the door is not timber as would have traditionally been the case in a house of this age, I do not consider that its design, proportions or overall appearance jar with the original Victorian characteristics to such a degree as to appear uncharacteristic or otherwise out of place.
8. The area in front of the house has been resurfaced with tarmac and the remaining landscaping is minimal. However, the appellant has planted two trees behind the boundary wall which will mature and in time soften the hardsurfaced area. Furthermore, the stone boundary wall and gateposts retain some sense of enclosure to the front area. Whilst some landscaping may have been lost as part of the work to resurface the frontage, the appellant explains that the driveway was in a poor state of repair and in any case I find no harm with the overall appearance of the site's frontage as it appears now.
9. Some other properties in the street and Conservation Area have hardsurfaced their front gardens which could create a harsh appearance to the street. However, the appearance of the tall Victorian houses, stone walls and street trees together with varying amounts of landscaping to individual properties create an attractive street scene which is not harmed by the works carried out to the appeal site.
10. I conclude that the replacement door and the resurfaced driveway preserves the character and appearance of the Toxteth Park & Avenues Conservation Area and would not harm its significance as a designated asset. As such it would not conflict with Policy HD1 of the Local Plan² and the relevant policies in the National Planning Policy Framework³ 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.

Conditions

11. As this appeal relates to a retrospective development the conditions suggested by the Council with regard to time limit and plans are not relevant or necessary.

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

² Liverpool City Council – Liverpool Local Plan 2013 – 2033, Adopted January 2022.

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

J D Clark

INSPECTOR