

Appeal Decision

Site visit made on 11 May 2023

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 23 May 2023

Appeal ref: APP/Z4310/W/23/3314880

No. 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 of planning permission.
 - The appeal is made by Crockwell Properties Ltd against the decision of Liverpool City Council.
 - The application, ref. 22F/2820, dated 3 November 2022, was refused by a notice dated 21 December 2022.
 - The development proposed is the erection of a two-storey extension and single-storey extension to the rear, 2 no. roof lights to front elevation and 2 no. roof lights to rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey extension and single-storey extension to the rear, 2 no. roof lights to front elevation and 2 no. roof lights to rear elevation at No. 141 Empress Road, Kensington, Liverpool L7 8SF in accordance with the terms of the application, ref. no. 22F/2820, dated 18 October 2022, 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: Location Plan, LP1; Existing and proposed ground floor plans and existing and proposed elevations, EL1/PL1; Existing and proposed attic floor plans, EL3/PL3; Existing and proposed first floor plan, EL2/PL2.

Main issues

2. The main issues in this appeal follow from the Council's 2 reasons to refuse the application for planning permission. They said the proposed first floor rear extension due to its size and siting would have an overbearing impact on adjacent occupiers. They were also concerned that the bedroom in the roof space, to be served only by rooflights, would have substandard levels of light and outlook.

Considerations

3. The appeal property, No. 141 Empress Road, Kensington, is a 2 storey mid-terrace red brick house currently undergoing substantial renovation works, said

- to be used as a Class C4 use, (the Town and Country Planning (Use Classes) Order 1987 as amended), house in multiple occupation, (HMO), for 4 persons,.
4. No. 141 lies within the Kensington Fields Conservation Area, a grid layout of 19th Century uniform bay window Victorian housing. An Article 4(2) Direction is in force removing permitted development rights in respect of front elevations. The Direction also withdraws permitted development rights relating to HMO conversions. The Council said the concentration of HMOs in the neighbourhood now exceeds 10%. Further conversions are not supported.
 5. The appeal project would add a 2 storey rear projection just over 3m wide and almost 3m deep to the existing short rear projection. Internal changes and the addition of one further bedroom in the roof space the Appellants said would allow for the increase in occupation of the house to 5 persons. 2 roof lights would be added to the road facing pitched roof of No. 141 and to the rear roof.
 6. Local Plan policy H8 House Extensions says that extensions and alterations to dwelling houses will be approved where: a. They are of a high quality of design that matches or complements the style of the dwelling and the surrounding area; b. The size, scale and materials of development are in keeping with the original dwelling and the surrounding area; c. The extensions and alterations are designed so that there shall be no significant reduction in the living conditions of the occupiers of neighbouring properties. In particular, the policy says extensions must not result in: i. A significant loss of light/overshadowing for neighbours; ii. An overbearing or over-dominant effect on the habitable rooms or outdoor amenity space of neighbouring properties; iii. A significant loss of privacy for neighbouring residents.
 7. The Council were concerned that the bedroom in the roof space, to be served only by roof lights, would have substandard levels of light and outlook. That might be a consideration if part of planning application 22F/2820 before me was for the change of use of the dwelling to an HMO for 5 persons and that the roof room would be used as a bedsitting room for one person. It is not. The lawfulness or otherwise of the use of No. 141 is not a question I can consider.
 8. Whilst I am not bound by the decision in appeal APP/Z4310/W/21/3289497 dated 11 August 2022 where similar works at No. 153 Empress Road to those here were granted planning permission, it is reasonable for me to note its conclusions. The 2 road facing roof lights, for example, in the No. 153 decision produced no adverse comment. Although front elevations of Empress Road properties have not been much altered, a number of houses have been fitted with road facing roof lights. Any adverse effects thus caused are however less noticeable than the use in several properties of non-matching tiles where roof restoration repair and restoration works have been carried out. I consider that the fitting of 2 conservation style roof lights to the road facing roof at No. 141 would have no noticeable harmful effect on the appearance of the street scene.
 9. I note the Council's concern that the first floor rear extension would have an overbearing impact on adjacent occupiers. There are, however, rear extensions of varying sizes, heights, widths and styles to properties close to the back of No. 141. Rear extensions at Nos. 139 and 143 extend to the end of the rear boundary onto the alleyway which runs between Empress Road and Adelaide Road to the east. In my view, the appeal proposals to add to the rear of No. 141 would have an acceptably limited effect on those immediate neighbouring properties and their occupiers.

10. I conclude the works at No. 141 to be broadly sympathetic to this part of the Kensington Fields Conservation Area. They preserve its character and appearance and its significance as a designated heritage asset. Planning permission is granted for the works applied for.
11. Although works under way at the time of the appeal site inspection may have accorded with this application, that was not clear. I therefore add the standard 3 year time limit condition, (s.91 of the Act). I also add a condition requiring compliance with the submitted and approved plans. I am not persuaded that the other planning conditions suggested by the Council are necessary. The only part of the appeal project likely to be seen from public viewpoints would be the front facing roof lights. They are adequately described on the appeal application drawings.

Conclusion

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

John Whalley

INSPECTOR