



Appeal Decision

Site visit made on 20 March 2023

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

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/Z4310/D/22/3309931

28 South Road, Cressington, Liverpool L19 0LT

- 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 MackIntosh against the decision of Liverpool City Council.
 - The application Ref 22H/0721, dated 11 March 2022, was refused by notice dated 9 August 2022.
 - The development proposed is to move a pedestrian gatepost by 0.8m to allow for the creation of a new driveway.
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Decision

1. The appeal is allowed and planning permission is granted to move a pedestrian gatepost by 0.8m to allow for the creation of a new driveway at 28 South Road, Cressington, Liverpool L19 0LT in accordance with the terms of the application, Ref 22H/0721, dated 11 March 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:
 - *Site Location Plan; and*
 - *Drawing No: P20-2825-01.*

Preliminary Matters

2. South Road includes a number of streetlights which are Grade II Listed, one of which is located outside the appeal site. As such I have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest. However, the proposal would not affect the streetlight either physically or in terms of its setting due to its location in relation to the proposed access.
3. The house at No 28 South Road, The Coombs is described by the Council as an historic property and whilst the house itself would not be affected by this proposal, it is within the Conservation Area. Therefore, I have considered the impact of the proposal on the Conservation Area as a whole to include both the house and the streetlight. As such I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Also, the appeal site is within

an area covered by a Tree Preservation Order (TPO)¹ but the proposal would not affect any protected trees.

Main Issue

4. Taking into account the above, the main issue is whether the proposal would preserve or enhance the character or appearance of the Grassendale and Cressington Parks Conservation Area.

Reasons

5. The appeal site comprises a detached Victorian villa and its gardens located within the Grassendale Park and Cressington Park Conservation Area. The character of the Conservation Area derives from its origins as two areas of prestigious development for Liverpool's wealthy merchants planned as an exclusive suburb. From the information submitted, the area took some time to develop hence a variance in the individually designed properties but which followed guidelines relating to the size of the building plots, building lines, boundaries, the height of the residences and materials. This has created a degree of uniformity in the spacing and setting of the buildings within the Conservation Area.
6. Added to this is a uniformity of the wider environment of each park with their grid pattern streets and continuity of stone boundary plinths, which originally would have supported railings, together with tree and shrub planting in the gardens and to the street boundaries. The verdant character runs through the area in the form of boundary hedges, shrubbery and trees. This character prevails today and is preserved through both its Conservation Area status and the protection provided by the TPO referred to above.
7. The historical development of this parkland suburb with its Victorian villas, boundary walling and hedges and landscaping form the historical character of the area and contribute to its significance as a heritage asset. The appeal site is characteristic of this heritage.
8. No 28 is a grand detached white rendered property, set back from the road. It has retained its stone gate posts which provide a vehicular access for No 28 and a new residential property, No 30, which has been built on what was once No 28's grounds. This was allowed on appeal in 2020². No 28 also has a pedestrian path accessed from South Road via an ornate cast iron gate. The approval of the new house retained a single vehicular access to both Nos 28 and 30 which reflect the original historical character of a shared access to a house and its coach house.
9. The proposal would involve removing the pedestrian gate and a small section of the low stone wall and part of the hedge to create a vehicular access. This would also include laying a gravel driveway of sufficient width and length to allow two cars to park in tandem. An advisory leaflet for the Conservation Area³ indicates that widening pedestrian gates to create driveways is not considered acceptable.

¹ The City of Liverpool Tree Preservation Order 1972 – Trees in the grounds of Grassendale Park and Cressington Park, Aigburth, Liverpool 19.

² Planning Appeal Ref: APP/Z4310/W/20/3244616.

³ The City of Liverpool Grassendale Park and Cressington Park Conservation Area Advisory Leaflet L19, February 2003.

10. However, a very small section of hedge would be removed and the driveway would be modest in width and length. This would not be of sufficient scale to affect the verdant character of the area nor would it harm the soft landscaping associated with the boundary treatment of No 28. A substantial amount of boundary wall and hedging would remain along the road frontage and the wider access would not be overly evident in views along South Road from either direction. Therefore, the proposal would amount to a very modest development that would have a neutral effect on the Conservation Area. I therefore consider that the character and appearance of the Conservation Area would be preserved.
11. Accordingly, I find the proposal would not harm the character or appearance of the Grassendale Park and Cressington Park Conservation Area and would not harm its significance as a designated heritage asset. As such it would not be in conflict with Policy HD1 of the Local Plan⁴ which reflects the statutory duty to preserve the character or appearance of a Conservation Area. Furthermore, the proposal would not conflict with the aim of the National Planning Policy Framework⁵ to attribute great weight to the asset's conservation. As I have not found any harm to the heritage asset, there is no need to consider whether any public benefits exist.

Conditions

12. The Council has suggested that the materials of construction match the existing building but other than the surface for the proposed driveway no other materials would be relevant. The submitted plans indicate that the driveway would be formed and laid with gravel to match the existing driveway and so provided the access and drive are constructed in accordance with the submitted plans, no further condition is necessary. For the avoidance of doubt however, and in the interests of proper planning I shall impose a condition requiring the development to be carried out in accordance with the approved plans.

Conclusion

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

J D Clark

INSPECTOR

⁴ Liverpool City Council Liverpool Local Plan 2013-2033, Adopted January 2022.

⁵ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).