



Appeal Decision

Site visit made on 3 October 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9TH November 2023

Appeal Ref: APP/Z4310/W/23/3319301

56-58 Lark Lane, Liverpool L17 8UU

- 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 Chris Bronson against the decision of Liverpool City Council.
 - The application Ref 20F/3163, dated 24 November 2020, was refused by notice dated 7 November 2022.
 - The development proposed is steel framed canopy/awning to front of existing restaurant.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the amended plans and accompanying details that the development comprises retaining a white timber framed pergola structure/enclosure, and associated roof and boundary treatments in the forecourt in connection with the provision of a seating out area to operate between 11.00 and 22.00 hours Monday to Sunday. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues are whether the proposed development:
 - a) would preserve or enhance the character or appearance of the Lark Lane Conservation Area (CA); and
 - b) would provide adequate living conditions for occupiers of the first floor residential accommodation, with particular reference to access.

Reasons

Character and appearance

4. The appeal site is a mid-nineteenth century two storey property located within the CA. The ground floor of the building is a food and drink establishment, and the first-floor is residential. The surrounding area is characterised by buildings dating from the early nineteenth century. Lark Lane is the oldest street in the area and dates from c.1800. The significance of the CA derives from the attractive buildings which reflect the rapid growth and wealth of Liverpool during this period. Generally, the architecture of the buildings and their uses within Lark Lane provide an attractive and vibrant character that contributes to the significance of the CA.

5. The appeal property is set back from the pavement edge with a forecourt area to the front. It contrasts with the majority of buildings on the street that sit at the back edge of the footpath. With its wider frontage, forecourt and rendered elevation to Lark Lane, and the similarly proportioned and detailed window openings and central decorative entrance, the appeal building is an attractive feature within the street. Further, the paved forecourt provides a setting for the building and a spaciousness to the street frontage. Consequently, the appeal site contributes positively to the character and appearance of the CA.
6. The timber framed pergola and the roof cut across the ground floor windows and entrance detailing, obscuring the front of the host building at street level and detract from the contribution the appeal building makes to the street scene. The materials and design of the pergola and the boundary treatment are not of a high standard and appear as incongruous and untypical features in the street scene that are conspicuous along Lark Lane, harming the character, appearance and significance of the CA.
7. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Because of its design and siting, the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial.
8. Paragraph 202 of the National Planning Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset (in this case the CA) should be weighed against the public benefits of the proposed development. The proposal would provide an enclosed outdoor area for drinking and dining which would contribute to the economic vitality of the business and locality, given that the area could be used for longer periods of the year than the approved outdoor seating, and social benefits by providing a venue for the community to meet outside for an extended period. However, these limited public benefits do not outweigh the great weight to be given to the heritage asset's conservation.
9. My attention has been drawn to a neighbouring property which has a timber structure to the Lark Lane frontage. The Council state that the structure is unauthorised and I have no evidence to the contrary. Therefore I have not had regard to it in considering this appeal.
10. I conclude that the proposal would fail to preserve or enhance the appearance of the host building and the CA, thus failing to satisfy the requirements of the Act and the Framework. Moreover, the proposed development would conflict with Policies H7, HD1, UD1, UD2 and UD7 of the Liverpool Local Plan 2013-2033 (LP) which seek to ensure that proposals affecting a CA preserve or enhance those elements which contribute to its character; that developments take account of designated heritage assets; that designs should consider their relationship to the public realm; and that alterations to existing buildings should ensure that the character of the existing building is considered and the overall character of the area is retained.

Living conditions

11. The boundary fencing detailed on the proposed plans would prevent direct access to the flats in the upper parts of the appeal building from the pavement.

Residents would be required to walk through customer tables via a circuitous route. However, at my site visit I observed that gates have been formed in the front boundary that provide a short straight route to the residential entrance. With these gates in place, the access into the building for residents is sufficiently legible and adequate separation from the commercial use is maintained. If I had concluded that the scheme were acceptable in all other respects, a condition could have been imposed to retain the gates.

12. Consequently, I conclude that, subject to conditions, the development would provide acceptable living conditions for the occupants of the first-floor residential accommodation, with particular regard to access. The scheme would accord with LP Policies H7, UD1 and UD2 which seek to ensure that developments do not adversely impact on residential amenity.

Other Matters

13. There are other eating and drinking establishments on Lark Lane, some of which have outdoor seating areas. From my observations many of these are not enclosed. Rather they have freestanding seating and tables that can be removed. Such impermanent seating is therefore not comparable to the appeal scheme.

Conclusion

14. Whilst I am satisfied that the proposal would not detract from the living conditions of the first floor flats, overall I conclude that the proposal would conflict with the development plan taken as a whole and there are no material considerations to indicate that a decision should be made other than in accordance with it. Therefore the appeal is dismissed.

L Hughes

INSPECTOR