
Appeal Decision

Site visit made on 23 March 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2024

Appeal Ref: APP/Z4310/D/23/3333717

2 Langham Avenue, Liverpool L17 4LA

- 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 Ashley Manning against the decision of Liverpool City Council.
 - The application Ref 23H/1468, dated 7 June 2023, was refused by notice dated 31 August 2023.
 - The development proposed is described as 'retrospective planning permission to approve replacing a damaged slate tile roof with a flat, slate grey concrete tile roof'.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether the appeal proposal preserves or enhances the character or appearance of the Lark Lane Conservation Area and its effect on the significance of the designated heritage asset.

Reasons

3. The appeal property stands within the Lark Lane Conservation Area (the Conservation Area). The buildings in this Conservation Area are also subject to an Article 4 Direction controlling changes to all elevations of the properties. The Conservation Area's defining characteristics include rows of terraced properties with corner gable features which provide symmetry and design interest to the otherwise modest, repetitive facades. The consistency of materials, including the roofscapes of predominantly slate roofs, is important to the cohesive character of the Conservation Area. The distinctiveness of the Conservation Area also lies with, where they survive, the use of simple but high-quality detailing and materials. These include timber sash windows, timber panelled front doors, sandstone window surrounds and brick 'specials' used within the principal facades.
4. The appeal building is a two storey, corner terraced house standing at the junction of Langham Avenue and Elsmere Avenue. As a corner property its roof is larger and more prominent than its neighbours in the terrace. Its gable feature highlights the high status of the building and its importance to the terrace and to the surrounding area. In my judgement, the roof materials are essential to the significance of the appeal property and the terrace as a whole because, among other things, their significance is derived from the historic construction of the roofs and the materials used.

5. As the appellant states, a number of roofs in Langham Avenue and the nearby part of the Conservation Area have been replaced with concrete tiles of various colours and finishes. I do not have the full details of the examples cited, including the dates the works were undertaken and it is unclear whether they pre-date the Article 4 Direction or other planning constraints. Nonetheless, I agree with the Council that these changes have negatively impacted on the appearance and unity of the roofscape. However, I also saw that the replacement tiles are, in the main, restricted to mid-terraced properties and therefore to short sections of less prominent roof. This limits the harm to the Conservation Area. The corner properties along the road and a significant number of other buildings with large and prominent roofs such as the former Chapel on the opposite corner of Langham Avenue and Elsmere Avenue, No 3 Langham Avenue and Normanton Grange all retain their slate finish and contribute to the high quality of the historic roofscape and the character and appearance of the Conservation Area.
6. The appeal property's former blue Welsh roof slates have been replaced with Redland Renown slate grey concrete tiles. They have a lower, flatter profile than standard concrete tiles. However, the tiles are noticeably thicker and darker than the slates. They have little variation in colour and do not share the natural, subtle colour differentials of natural slate. Their use has resulted in the monotonous appearance of the roof and its numerous conspicuous and incongruous ridges around the edges of the tiles. The differences in the two roof coverings are particularly noticeable due to the overall size of the roof planes, the property's corner location and the prominent feature gable. Furthermore, the contrast between the use of slate and tiles is highlighted in views of the roofscapes which contain the appeal property, where the other buildings have retained their slate roofs.
7. In conclusion, the unsympathetic concrete roof tiles fail to preserve the character, appearance or significance of the Conservation Area. The proposal is therefore contrary to Policies HD1 and HD11 of the Liverpool Local Plan and the guidance in the National Planning Policy Framework (the Framework) relating to heritage matters. In accordance with the requirements of the Framework, I further conclude that the harm to the significance of the designated heritage asset would be less than substantial. It is necessary to balance any public benefits of the proposal against the identified harm.
8. The presence of unsympathetic works and materials nearby does not set a precedent and is not a good reason to permit others which would exacerbate the existing harm. Furthermore, the consistency of materials along its terraces is important to the character of the Conservation Area. Further dilution of this consistency would harm this character. The purposes of the Article 4 Direction include the control of such incremental changes.
9. I have had regard to the damaged condition of the former roof and the greater cost of using replacement roof slates. However, it is apparent from the appellant's evidence that the poor condition of the roof was known prior to its purchase in 2022. Notwithstanding the identified 'Cost of Living Crisis' and the significant increase in energy costs in recent years, the appellant's decision to purchase the property would have also been made in the context of the Conservation Area location of the property and the Article 4 status. Increased internal comfort levels and an improved energy rating could have been achieved by means other than the use of concrete tiles on the roof.

Furthermore, I am not convinced by the evidence that the use of concrete roof tiles is more environmentally sustainable than the use of natural slate. The financial factors identified are private benefits and together with these other considerations do not outweigh the less than substantial harm to the significance of the designated heritage asset.

10. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Elaine Benson

INSPECTOR