



Appeal Decision

Site visit made on 16 April 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 May 2024

Appeal Ref: APP/Z4310/W/23/3332387

64 & 66 County Road, Walton L4 3QL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Shennan against the decision of Liverpool City Council.
 - The application Ref is 23F/0798.
 - The development proposed is the separation of the ground floor shop from the first floor and second floor; formation of roof to external stairs; rear elevation extension to the ground and first floor forming kitchen and toilet, including internal and external alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for the separation of the ground floor shop from the first floor and second floor; formation of roof to external stairs; rear elevation extension to the ground and first floor forming kitchen and toilet, including internal and external alterations at 64 & 66 County Road, Walton L4 3QL in accordance with the terms of the application, Ref 23F/0798, 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: 1891/02 – Plans, Elevations, Location and Site Plan as Proposed.
 - 3) The external finishes of the development hereby permitted shall match in materials, colour, style, bonding and texture those of the existing building.

Preliminary Matters

2. The Council's reason for refusal references Policy SP3 of the Liverpool City Council Liverpool Local Plan 2013-2033, adopted 2022 ('LP'). However, LP Policy SP3 is in respect of the design of new development within District Centres and does not refer to residential amenity. It would appear that the reason for refusal should have referred to LP Policy SP2(1)(d) which the Council recites verbatim within their appeal statement. The main parties both refer to LP Policy SP2 in their submissions and therefore would not be prejudiced if I consider the proposal against this LP Policy. I have therefore determined the appeal on this basis.
3. Since the appeal was lodged, a revised National Planning Policy Framework ('the Framework') has been published. This has not raised any new matters which are determinative to the outcome of this appeal.

Main Issue

4. The evidence before me suggests that the Council does not raise an objection to the formation of the roof to the external stairs or the construction of a two-storey rear extension. Therefore, the main issue is whether the proposed separation of the ground floor shop from the first and second floors to create two separate businesses would affect the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance.

Reasons

5. The appeal site is on the corner of County Road and Andrew Street and forms part of a 3-storey block of commercial properties to the ground floor and office/storage uses to the upper floors. The block forms part of the County Road District Centre – a very busy thoroughfare with ground floor commercial uses occupying both sides of County Road. Andrew Street consists of two-storey terraced dwellings. It is one-way with a traffic-light controlled junction onto County Road that results in vehicles waiting on Andrew Street with their engines running. This section of Andrew Street immediately in front of the appeal property accommodates industrial-sized refuse/recycling receptacles. At the opposite end of Andrew Street is Everton Football Club's stadium. Consequently, the occupiers of the properties along Andrew Street are subject to a significant level of existing noise and disturbance from the surrounding area, some of which was evident at the time of my site visit.
6. The appeal site is currently used as a retail shop to the ground floor with its associated office/storage space above. The retail use is accessed from County Road, while a door close to the dwelling at 1 Andrew Street provides access to all three floors of the building. The proposal would subdivide the ground floor retail use from the first and second floors, and the upper floors would be used for a separate online shop, accessed from Andrew Street. The appellant asserts that the appeal building's existing servicing and deliveries take place from Andrew Street, and this would not change with the proposal. From the information before me, I have no reason to take a different view.
7. The occupation of the appeal building by two separate businesses could result in an intensification of pedestrian and vehicle movements in the surrounding area and additional servicing and deliveries, particularly if a 'click and collect' function was available for customers of the online business. However, the use of the building by two businesses rather than one is unlikely to generate a significant increase in comings and goings, particularly given the building's scale. Furthermore, the parking restrictions along Andrew Street would restrict vehicle movements. Even if the proposal would result in an intensification, it would unlikely be highly discernible to the occupiers of neighbouring properties, due to the proximity of these dwellings to the existing noise, disturbance, and comings and goings associated with the District Centre, County Road and the football stadium.
8. In reference to the main issue, the proposed separation of the ground floor shop from the first and second floors to create two separate businesses would not harm the living conditions of the occupiers of neighbouring properties, with particular reference to noise and disturbance. It would comply with Policy SP2 of the LP, which, amongst other things, states that proposals for town centre uses within District Centres will be permitted provided residential amenity is not adversely affected.

Conditions

9. I have had regard to the conditions suggested by the Council and the tests for conditions set out within the Framework. In addition to the standard condition, which relates to the commencement of development, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. I have included a condition requiring the development to be constructed in accordance with the submitted details to ensure the external appearance of the proposal is acceptable.

Conclusion

10. For the reasons given above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

A Berry

INSPECTOR