
Appeal Decision

Site visit made on 4 June 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/Z4310/W/24/3337511

37 Ullet Road and 2 Sydenham Avenue, Greenbank, Liverpool L17 3AS

- 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 A&I Property Ltd against the decision of Liverpool City Council.
 - The application Ref is 23F/2642.
 - The development is proposed ventilation/fan/ductwork erected externally and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the proposed ventilation/fan/ductwork erected externally and associated works at 37 Ullet Road and 2 Sydenham Avenue, Greenbank, Liverpool L17 3AS in accordance with the terms of the application, Ref 23F/2642, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following drawings and documents:
 - Proposed Site Plan (Drwg No: 002)
 - Existing/Proposed Elevations (Drwg No: 003)
 - Proposed Floor Plans (Drwg No: 004)
 - Design and Access and Heritage statement
 - Technical Data – Fan Model SLC315-1EC (10 speed)

Preliminary Matters

2. The application form confirms that the development has been completed. I was able to view this during my site visit. This appears to accord with the plans before me.
3. I note the two boundaries of the Sefton Park Conservation Area and the Toxteth Park and Avenues Conservation Area in relation to the appeal site. The appeal property has linked two former dwellings together (37 Ullet Road and 2 Sydenham Avenue). Each individual property would have been located in a different conservation area. The reason for refusal provided by the Council makes specific reference to the Sefton Park Conservation Area only. However, based on the evidence before me, the development would be located within the Toxteth Park and Avenues Conservation Area. I have therefore considered the effect of the development on the conservation area in which it is situated.

Main Issue

4. It therefore follows that the main issue before me is whether the development would preserve or enhance the character or appearance of the Toxteth Park and Avenues Conservation Area.

Reasons

5. The location of the development within the appeal site is located within the Toxteth Park and Avenues Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. The appeal site is located on the periphery of the CA. The CA is centred on the Toxteth Park Cemetery which is bordered by a strong concentration of properties in terraced rows or larger semi-detached dwellings. Buildings are generally two or three stories tall and have features such as bay windows to their front elevations. Properties in this particular location of the CA promote the use of decorative features and are constructed from red or brown brick or render. Insofar as it relates to this appeal, these aspects collectively contribute to the significance of the CA. These features are similar to those found in the adjacent Sefton Park Conservation Area.
7. The appeal property is a large building with two front elevations due to the creation of a link extension between 2 Sydenham Avenue and 37 Ullet Road. The property as a whole incorporates bay windows and decorative features below the roof. The structure is located on the side elevation of 2 Sydenham Avenue which utilises a brown brick in its exterior finish. With the exception of the modern link extension, these aspects are reflective of other properties found within the CA. Collectively, these aspects make a positive contribution to the significance of the CA.
8. The development is located to the side elevation of 2 Sydenham Avenue and is inset in-between this former dwelling and 37 Ullet Road. The structure is also painted black. Sited in this position, the main height of the ventilation stack is located adjacent to the modern link extension between the two former dwellings. This extension utilises a dark grey finish. Rainwater goods, although slimmer than the development, are painted in a matt black finish similar to the ventilation stack. These goods are located in front of the ventilation stack when viewed from the public highway. Additionally, in this position, the structure is inset in between 2 Sydenham Avenue and 37 Ullet Road. Combined with the dark shade of brick at 2 Sydenham Avenue, collectively, these features contribute to reducing the visibility of the main form of the development.
9. Moving towards the roofscape, the ventilation stack is increasingly visible as it extends beyond the link extension. However, the gable of 2 Sydenham Avenue and its tall chimney stack, combined with the inset of the structure between the two former dwellings reduces the prominence of the structure as it moves towards the roofscape. A louvre has been positioned in place of a window at the lower ground floor level. The boundary treatment which contains the site includes both a wall and vegetation which is taller than this aspect of the development. As such, the louvre is not prominent when viewed from the CA.

10. Given the above, I conclude that the development preserves the character and appearance of the CA and accords with Policies HD1 and UD1 of the Liverpool Local Plan 2022 and the National Planning Policy Framework (the Framework). Collectively, these policies require proposals to preserve the elements which contribute to the character and appearance of a conservation area and utilise a form and scale with the appropriate use of material, colours and tones which are suitable to the local area.

Other Matters

11. An interested party has raised comments in relation to the effect of the fan on the living conditions of neighbouring occupiers with regard to noise, air pollution and further ecological concerns. The Council have no objection to the scheme with regard to the effect of the structure on the living conditions of neighbouring occupiers and I find no reason to disagree. Regarding its effect on ecology, there is no evidence before me to suggest that this would have an unacceptable effect in this regard.

Conditions

12. A condition specifying the approved plans [1] is justified in the interest of certainty. A statutory time condition is not necessary as the development has been completed.

Conclusion

13. For the above reasons, having had regard to the development plan as a whole, the Framework and all other matters raised, I conclude the appeal should be allowed.

J Smith

INSPECTOR