
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/24/3338530

20 Hartington Road, Toxteth, Liverpool L8 0SG

- 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 AISGO Property Ltd against the decision of Liverpool City Council.
 - The application Ref is 23F/2958.
 - The development proposed is to convert 8no bed HMO into 9no. bed HMO with alterations to the rear and erection of dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council raise no concern with the proposed conversion of the existing 8-bedroom House of Multiple Occupation (HMO) to a 9-bedroom HMO. I find no reason to disagree. The appeal assessment therefore relates to the proposed dormer extension.
3. Policy UD7 has been raised by the appellant during the appeal process. The Council has not commented on the use of this policy. For clarity, the Council were requested to provide a copy of this policy and the appellant was copied into this correspondence. This policy has therefore been assessed during the process of this appeal decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the street scene and whether it would preserve or enhance the character or appearance of the Toxteth Park and Avenues Conservation Area.

Reasons

5. 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. These buildings are a mixture of two or three stories in height, however, small traditional dormers and bay windows are an integral part of the design of dwellings within the CA. Where visible, two storey outriggers are noted to have pitched roof

forms. Buildings are constructed from either red, brown or yellow brick with slate roofs. Insofar as it relates to this appeal, these aspects collectively contribute to the significance of the CA.

7. The appeal property is situated on a prominent corner plot which forms part of a three storey semi-detached pair and contains a prominent two-storey outrigger to its rear. The property is constructed from yellow brick and pebbledash render which contain traditional dormers and a bay window feature to its front elevation. These aspects are reflective of other properties found within the CA. As such, 20 Hartington Road makes a positive contribution to the significance of the CA.
8. Policy UD7 of the Liverpool Local Plan 2022 (LLP) requires alterations and extensions to existing buildings to ensure that the scale, proportion, form, materials and character of the existing building is considered in the proposal, and that the overall character of the area is retained, amongst other things.
9. At such a large scale, the proposed dormer would add a particularly heavy, bulky and cluttered appearance to the rear roofscape of the two-storey outrigger. This would appear as an alien feature, which would be exacerbated by its use of contrasting materials. The fenestration details would also fail to respond to the local distinctiveness found at the host building and wider vicinity, owing to their lack of similarity and detail. As such, the proposal would erode the pitched roof form, therefore creating a prominent and incongruous addition which would have a negative effect upon the street scene and overall character of the area.
10. Furthermore, the proposed dormer would be sited on the outrigger which projects rearwards onto Boswell Street. Sited in this position, the outrigger protrudes forwards of the building line and as such, the dormer would be highly visible when approaching the appeal site from Boswell Street. Boswell Street is not located within the CA. However, its junction with Hartington Road marks an entry point into the CA in which the appeal site is situated. As such, its overtly large size and alien structure would create a flat roof dormer in a prominent location within and upon entry to the CA. Although less visible on Hartington Road, the proposal would be a highly noticeable feature when viewed from Boswell Street and the junction of the two roads. This would be located in an area where dormers of this design and size are not a predominant characteristic.
11. The appellant has included in their evidence an image regarding dormer extensions to No 40, 42 and 44 Hartington Road. No officer report or decision notice has been provided and therefore, I am unable to understand whether these examples benefit from planning permission or the possible reasoning behind these decisions. However, I was able to note these examples during my site visit. When assessed against the proposed scheme, these particular examples are not as prominent due to their location adjacent to chimney stacks and gabled roof features which assist in reducing the prominence of these dormers. This is unlike the appeal site, which is sited on a rear projection, forward of the neighbouring building line, enabling uninterrupted views of the proposal from along Boswell Street and from the junction with Hartington Road.
12. Examples of other modern developments of three stories or those with flat roofs are noted. Generally, these appear to take the form of individual buildings

such as the Family Health Clinic, or larger purpose-built blocks of flats. These buildings are of a different form and have a limited relationship with the terraced and semi-detached properties predominantly found in the CA. No officer report or decision notice has been provided; therefore, I am unable to assess the full reasoning behind these examples. As such, I have given these matters limited weight in my decision.

13. The proposal would thus harm the character and appearance of the street scene, and would fail to preserve or enhance the character or appearance of this part of the CA. In terms of the National Planning Policy Framework (the Framework), the harm that I have identified would be less than substantial. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
14. The proposal would increase the habitable accommodation of the building and provide an upgrade to this HMO. However, whilst this would benefit more than one individual, this is a private benefit of the residents associated with this HMO. There would be some economic benefits arising from the construction process, including through the procurement of building materials and the jobs associated with its construction. But, given the scale of the proposal, these benefits should only be given limited weight. I give the harm great weight, identified in accordance with the Framework. In this context I find that the limited public benefits of the proposal are not sufficient to outweigh the degree of harm identified.
15. I am required to give considerable importance and weight to any harm to a designated heritage asset, which the Framework states should be conserved in accordance with their significance. The public benefits associated with the proposal do not outweigh the harm I have identified to the character and appearance and therefore the significance of the CA, to the conservation of which the Framework requires that great weight be given.
16. To conclude, I find that the proposal would fail to meet the requirements of Policies UD1, UD7 and HD1 of the LLP. These policies collectively require development proposals to take into account the form, scale, proportion, roofscape and materials when considering a proposal against the local character. Furthermore, proposals which affect a CA should preserve or enhance the elements which contribute to its character and appearance.
17. The Council did assess the proposal against Policy H8 of the LLP. This policy is relevant in cases where the development considered is an extension to a dwelling house. As I have found conflict with Policies UD1, UD7 and HD1 of the LLP, this policy has not been determinative in this appeal.

Conclusion

18. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

J Smith

INSPECTOR