



Appeal Decision

Site visit made on 5 June 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2024

Appeal Ref: APP/Z4310/D/24/3343799

20 Rossett Avenue, Liverpool, L17 2AP

- 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 Alan Murphy against the decision of Liverpool City Council.
 - The application Ref 23H/3209, dated 16 January 2024, was refused by notice dated 15 March 2024.
 - The development proposed is replace existing roof and install 14 no. solar panels to front.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The property lies within the Toxteth Park and Avenues Conservation Area. The area is characterised by the large cemetery and the nearby streets. In the vicinity of the appeal property, the streets are made up of modest terraced properties with small front forecourts. These can be understood in the context of Sefton Park to the south whereby the size and status of properties decreases with distance from it. The terrace of the appeal property was originally brick built with Welsh slate roofs. These houses are of a simple form but include ornate eaves, bay windows and simple door canopies. The appeal property retains the slate roof as do its two neighbours to the east. The adjoining property to the west has a concrete tiled roof as do the properties to the east end of this terrace. The houses opposite are similar in form but include tile hanging to the first-floor frontage rather than brick and they all now have concrete roof tiles.
 4. The proposal would result in the replacement of the traditional tiled roof with concrete fibre roof slates which would be set around a central area of integrated solar panels. Although not illustrated on the plans and no details of the product have been provided, the appellant advises that these solar tiles would remain flush with the roof slates which themselves would be of the same thickness as the Welsh slates that they would replace.
-

5. It is quite evident that large areas of slate roofs have been lost within both this street and the wider conservation area. In this street, there are various roof replacement materials that have differing thicknesses and appearances. It is suggested that the roofs are not generally visible because of the width of the street and this is the case when immediately outside or opposite a property. However, there are longer views along the street where the roofs are clearly evident. The alternative roof coverings do detract significantly from the unity and character of these streets. The thicker form of concrete tiles is particularly noticeable when adjacent to traditional Welsh slate roofs. The remaining Welsh slate roofs contribute positively to the character of the area and are important to the understanding and significance of the conservation area. Whilst some of these roofs, particularly at junctions and on larger buildings have a greater prominence, the retained original slate roofs within the terraces are also of importance.
6. The replacement of Welsh slate tiles with alternative materials has and would continue, to erode the character and appearance of the area. The appellant has clearly gone to some trouble to source materials that would have a lesser impact than many of the replacement materials that are apparent. However, the loss of this remaining traditional roof would result in harm to the character and appearance of the property and the street. It would fail to preserve or enhance the character or appearance of the conservation area and it would represent poor design in this particular context. It would conflict with policies UD1(e & i) and UD7(d & f) of the Liverpool Local Plan 2013-2033 (2022)(LP).
7. The appellant has set out the reason for the use of more lightweight material which would potentially result in the retention, without strengthening works or replacement, of the original roof structure. This is a matter that weighs in favour of the use of the lightweight tiles. There are clear benefits to the integration of solar panels with regard to reducing carbon emissions and I afford considerable weight to the principle of the proposed investment in such technology. However, this weight must be reduced as LP policy R9 is clear that such installations are only supported when heritage assets, which include conservation areas, would be conserved in a manner appropriate to their significance. I do however afford considerable weight to the investment and consequence of updating this historic building and the benefits this would bring to future occupiers.
8. The scale of loss of traditional roofing materials is significant and has changed the character and appearance of some areas to their detriment. It is evident however that the council is seeking to limit further losses by the imposition of an Article 4 direction which brings changes to roof coverings to elevations that front a highway, in this particular conservation area, within planning control. Modern more sympathetic materials such as those proposed may result in less harm than has resulted when compared to the concrete tiles evident. However, it would still result in harm and would not address the loss of historic fabric.
9. Reference has been made to other properties with front facing solar panels in this conservation area. I identified only those in Hawarden Avenue which appear to be those referenced. I am unclear whether these have consent and I am unaware of the circumstances that led to their installation. Reference has also been made to side facing panels which did not require permission. These obviously related to a different style of property. The appellant suggests that

there are uncertainties with regard to the need for permission and has highlighted perceived inconsistencies in approach by the council. Whilst I have had regard to the matters raised, as this application is before me, I must consider it on its own merits.

10. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The *National Planning Policy Framework* 2023 and local heritage policies are clear that any harm to a heritage asset, such as a conservation area, should be weighed against the public benefits of the proposal.
11. The harm to the conservation area would be less than substantial as defined by the *Framework*. There would be public benefits from local investment and reductions in carbon production. I am not satisfied however, that these would be sufficient, in these circumstances, to outweigh the harm to the conservation area. The proposal would therefore conflict with LP policy HD1(3b) and the heritage requirements of the *Framework*.
12. There would be other social benefits from the upgraded property and improved living conditions but these, together with the public benefits, do not outweigh my overall concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR