



Appeal Decision

Site visit made on 17 June 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 17TH July 2024

Appeal Ref: APP/Z4310/W/24/3338173

Kingsley News, 25 Kingsley Road, Liverpool L8 1UJ

- 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 Mr Paul Lowe against the decision of Liverpool City Council.
 - The application Ref: 23F/1417 dated 25 May 2023 was refused by notice dated 6 December 2023.
 - The application is to erect single storey extension to ground floor retail unit, erect an additional two storeys to main building in connection with the creation of an additional 4no. apartments and retain ramp to front.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description used in the Council's decision notice differs from that used by the Appellant in their original application form. However in part E of the appeal form the Appellant has confirmed that the description of development has not changed from their original intention. Accordingly, I have used the description as used by the Council which still accurately reflects the description of development proposed.

Main Issues

3. The main issues are: a) the effect of the proposal upon the character and appearance of the area, b) the effect of the proposal upon the living conditions of neighbours and c) the effect of the proposal upon the living conditions of future residents of the appeal property.

Reasons

4. The appeal property is a traditional two storey shop with apartments above upon the first floor. The site is within the inner city area of Toxteth and, although most other traditional properties in this immediate area appear to have been long demolished, the appeal property does form a loose grouping with adjacent buildings in being part of a moderate scale row of buildings that reflect a more traditional pattern of development both in height, proportion and materials.
5. The proposal before me seeks permission to extend above the existing main shop front range with two further storeys of accommodation so as to take this

building from a two storey pitched roof structure to a four storey flat roof building. Alongside this the proposal would extend to the rear of the existing building with a single storey ground floor extension to serve the ground floor shop unit.

6. Currently the existing accommodation to the first floor is reached via a separate doorway adjacent to the existing shop entrance and consists of two one bedroom apartments with lounge to the front and bedroom to the rear. The proposal would retain a generally similar access arrangement but would see the top two floors house studio apartments that run from front to rear of the building. As a result, the rear windows serving the proposed bedroom areas are proposed to be obscurely glazed. As is the current situation, there would continue to be no access for residents into the rear yard area.

The effect of the proposal upon the character and appearance of the area

7. As mentioned above this immediate area is characterised by a relative mix of architectural styles. However, I saw on my site visit for the most part, this part of Kinglsey Road retained frontages of generally uniform architectural style, height and proportion and I consider that such consistency in streetscene response are important attributes of good design.
8. Although there are higher buildings near to the appeal site, most notably to the large building on the corner of Upper Parliament Street, these still respond to the general hierarchy of the area and sport sound proportions and materials that enable them to embed more succinctly into the townscape.
9. As a result, through seeking to echo this adjacent scheme, the proposal before me creates a harmful and piecemeal addition to the streetscene here that would result in the proposed building being too overt in its appearance and thereby seriously undermining any essence of traditional townscape form that still survives. As a result, the dramatic and abrupt raising in scale in the centre of this row of buildings, the proposed poor proportion of its windows and the poor articulation of this scheme overall do not contribute to a good design response in this location.
10. Although I have sympathy with the Appellant's seeing some adjacent buildings and wishing to emulate them, the actual design response here represents further poor design and as such this does not help justify more of the same. Although I consider that some change in materials could work in the right scheme, the proposal before me is contrary to Policies UD1 and UD7 of the Liverpool Local Plan (LP) and would also not be in conformity with the direction given in The National Planning Policy Framework (The Framework) which places considerable emphasis upon good design that is contextual and of a suitably high quality.

The effect of the proposal upon the living conditions of neighbours

11. Adjoining the property immediately to its north is a two storey building used as a small five bedroom care home. Although the ground floor front elevation of this building is generally flush with the front of the existing and proposed building, the first floor level to the front is set significantly back from the rear edge of the building line. The proposal would significantly increase the height to its end elevation closest to this building and would, moreover, lose any definition or articulation offered through its pitched roof. As a result, these first

floor windows would be immediately adjacent to a further two full storeys of wall immediately to the south of them.

12. Although I consider that much of this impact of development would only affect the long sloping roof of this building, the principal effect upon this first floor frontage element would be harmful and would see these windows further dominated and overshadowed through this scheme. As such, I concur with the Council that there would be a harmful effect upon the living conditions of these neighbours through the introduction of a much higher and more dominant and unarticulated structure immediately to the south of this care home facility. As such Policy UD7 of the LP would not be met.

The effect of the proposal upon the living conditions of future residents of the appeal property

13. Taking the last two reasons for refusal as one, I too find issue with the obscured glazing to the rear upper most floors of this proposal. Although technically studio apartments, the depth of these units would be such that the quality of life within would be much poorer without the means to see outside to the rear. As such, although daylight would be admitted, the overall living conditions of those living here would be put at risk through not having a dual aspect of some sort within these apartments.
14. The proposal moreover, would not provide any accessible on site open space for residents. Although I saw on my site visit that there are green spaces around, the most useable of these would be around 300 metres away at Crown Street Park which is located to the opposite side of Upper Parliament Street. Whilst residents could walk to such spaces, there would be little other ability to obtain any other outdoor space other than from the street itself.
15. When this inability to gain quality outdoor space on site is added to the lack of non obscure windows, I consider that the proposal fails in its duty to provide a quality or sustainable environment for future residents who would need to live here. As such the proposal does not meet the criteria within Policy UD7.
16. As such, this proposal when taken as a whole, would fail to meet the Policy criteria contained within Policies UD1 and UD7 of the Liverpool Local Plan as well as failing to meet the overriding need for good design as advanced in The Framework itself.

Conclusion

17. For the reasons given above, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR