

Appeal Decision

Site visit made on 3 September 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2024

Appeal Ref: APP/Z4310/W/24/3343178

77 Ullet Road, Greenbank, Liverpool L17 2AA

- 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 Jess Taylor, Hawksmoor Properties against the decision of Liverpool City Council.
 - The application Ref is 22F/3352.
 - The development proposed is to carry out two storey rear extension to first and second floor, single storey extension to rear, rooflights to front and rear, alter and relocate dormer extension at rear, and undertake alterations to elevations to allow for subdivision of property to use the premises as one 7-bed HMO (Sui Generis Use Class) and one 5-bed HMO (C4 Use Class).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development proposed on the application form was for a change of use from an 11-bed hostel to one 8-bed House in Multiple Occupation (HMO) and one 5-bed HMO. During the course of the application, the proposal was amended to a change of use to one 7-bed HMO and one 5-bed HMO. I have therefore determined the appeal on this basis, and taken the above header banning from the Decision Notice and appeal form.
3. The Council's reasons for refusal relate to the first and second floor rear extension only. From my observations on site, I have no reason to disagree with its assessment with regards to the other elements of the proposal.

Main Issues

4. The main issues are:
 - whether the proposed first and second floor extension would preserve or enhance the appearance of the Sefton Park Conservation Area (SPCA); and
 - the effect of the proposed first and second floor extension on the living conditions of neighbouring occupiers with regard to outlook.

Reasons

Character and appearance

5. The appeal site is located within the Sefton Park Conservation Area (SPCA) and immediately adjacent to the Toxteth Parks and Avenues Conservation Area (TPACA). The SPCA is centred on Sefton Park and includes attractive dwellings in terraced rows, along with larger semi-detached and detached properties. Buildings are generally two or three stories tall and have features such as bay windows to their front elevations, are constructed of brick or render, often with decorative features, and are similar to those found in the adjacent TPACA.
6. The appeal property is a large 2.5 storey mid terraced property with a basement, currently in use as a hostel. The surrounding properties are generally residential, with religious buildings and a children's play area on the opposite side of the road. The dwellings in the terraced row make a positive contribution to the significance of the Conservation area (CA) due to their architecture and appearance which reflect the era in which they were constructed.
7. Whilst the proposed rear extension would have a similar height to other established rear extensions on nearby properties, and would follow a general pattern of development in terms of extensions at the rear of the terrace, it would be deeper than the existing 3 storey rear extension at No 75 Ullet Road (No 75), the neighbouring mid-terrace property. The extension at No 75 is slightly deeper than that of its adjoining neighbour, No 73 Ullet Road, but I do not consider that it necessary follows that each neighbouring property along the terrace should have a deeper extension than the next. Each proposal must be considered in relation to its host dwelling and surrounding properties.
8. The depth and bulk of the proposed first and second storey extension, deeper than neighbouring extensions, would result in an overbearing feature, leading to it having a disproportionate and overly dominant appearance in the context of the host property and neighbouring dwellings.
9. The proposed first and second floor extension would be clad in timber, and its windows would be powder coated aluminium double glazing.
10. The supporting text to Liverpool Local Plan 2013-2033 (LP) Policy HD1 highlights that when alterations are proposed in a CA, they should be undertaken in a material of a similar appearance to the original. Traditional features should be retained or reinstated where they have been lost, using examples on neighbouring houses and streets to inform the restoration.
11. Whilst modern and contrasting materials can be appropriate within CAs, the traditionally built properties, their detailing and materials make an important contribution to the significance of the SPCA. The proposed timber cladding and non-traditional casement windows would not be in keeping with the traditional materials prevalent within the SPCA, and would stand out as stark, discordant additions, at odds with the host property and surrounding buildings.
12. Whilst the proposed timber cladding and window detailing would be at the rear of the property, and so its impact on the SPCA would be limited, rear elevations do hold significance within the CA. Views of the proposed extension

would be possible from the rear windows and gardens of neighbouring properties, along with public vantage points within the SPCA along Cumberland Avenue and Rutland Avenue. Neighbouring extensions are brick finished and the uncharacteristic materials would contribute to the proposed extension appearing as untypical and overly conspicuous, and would erode the character of the rear of this terrace of houses and the wider conservation area. The impact would be exacerbated due to the depth and bulk of the proposal.

13. My attention has been drawn to other extensions in the SPCA which have been built with contrasting materials. However, I am not aware of the considerations that applied in each case, and I have determined this appeal on its individual planning merits and specific site circumstances. The examples of other extensions in the locality do not lead me to alter my conclusion regarding the harm that would arise as a result of the proposed extension.
14. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the SPCA. As a result of its depth and materials, the proposal would neither preserve nor enhance the character or appearance of the SPCA, although the harm would be less than substantial.
15. Paragraph 208 of the National Planning Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset (in this case the SPCA) should be weighed against the public benefits of the proposed development. The proposal would provide accommodation and contribute to a mix of housing. The accommodation would be in a sustainable location, close to local services, nearby employers and public transport facilities. However, these limited public benefits do not outweigh the great weight to be given to the heritage asset's conservation.
16. I therefore conclude that the proposed first and second floor extension would fail to preserve or enhance the appearance of the SPCA, thus failing to satisfy the requirements of the Act and the Framework. As such, it would conflict with Policies H7, UD1, UD2, UD7 and HD1 of the LP which, amongst other matters, together seek to ensure that development has no adverse impact on character, takes account of the scale and proportion of buildings, that materials are appropriate to the character of the area, and that proposals affecting a CA should preserve or enhance elements which contribute to its character and appearance.

Living conditions

17. The appeal property forms part of a tight-knit terrace of dwellings with close relationships between adjacent windows, doors and built form. Intervisibility between properties is a common feature in built up areas, and occupiers of neighbouring properties would already view existing extensions and outriggers from their windows and rear gardens.
18. However, the scale, depth and bulk of the proposed first and second floor extension, which would extend further out than that of neighbouring rear extensions, would create a considerable extent of built form. The proposal would have an overbearing impact, and dominate the outlook from rear

windows and garden areas of adjacent properties. The additional built form would be oppressive and give an unacceptable sense of enclosure, particularly for the neighbouring residents at either side of No 77.

19. I therefore conclude that the proposed first and second floor rear extension would harm the living conditions of neighbouring occupiers with regard to outlook. As such, it would conflict with Policies UD2 and UD7 of the LP which, amongst other matters, seek to ensure that proposals provide a good outlook for existing development, and that their impact is minimised on neighbouring properties in terms of overshadowing.

Other Matters

20. I have noted the concerns raised by interested parties. However, as I have found the proposal to be unacceptable on the main issues, it is not necessary for me to explore these matters further.
21. The proposal would provide economic benefits through the construction phase, and local spend from future occupiers. There would be environmental benefits as a result of the proposed landscape plan and due to the proposal's sustainable location. Social benefits would be provided in the form of the provision of low-cost housing to suit an identified need. However, these benefits do not outweigh or alter my overall concerns regarding the effect of the proposal on the CA and on the living conditions of neighbouring occupiers with regard to outlook.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

L C Hughes

INSPECTOR