



Appeal Decision

Site visit made on 26 November 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th December 2024

Appeal Ref: APP/Z4310/W/24/3347662

55 Saxony Road, Liverpool L7 8RU

- 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 Mr Joseph Robert MacGregor, My World Property Limited against the decision of Liverpool City Council.
 - The application Ref is 24F/0301.
 - The development proposed is to retain single storey extension at rear, roof extension at rear, and dormer extension at rear.
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Decision

1. The appeal is allowed and planning permission is granted to retain single storey extension at rear, roof extension at rear, and dormer extension at rear at 55 Saxony Road, Liverpool L7 8RU in accordance with the terms of the application, Ref 24F/0301, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 1:1250; SR55 – O3B Block Plan 1:200; SR55 01A Existing Elevations and Floor Plans 1:100; SR55 02C Proposed Elevations and Floor Plans 1:100.

Preliminary Matters

2. I have taken the description of development from the Decision Notice, as this more accurately describes the proposal.
3. I was able to see at my site visit that the development had taken place, and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the host property and whether it would preserve or enhance the character or appearance of the Kensington Fields Conservation Area (CA).

Reasons

5. The appeal property is a mid-terrace dwelling in a row of similar properties located within the CA. The terraced properties are consistent in their traditional Victorian detailing, design and scale and are set in a grid pattern layout in long rows, fronting roads with alleys running between the terraces at the rear. The front elevations of the terrace have not been substantially altered, giving a consistency and rhythm to the street scene.

6. The significance of the CA, as it relates to this appeal, derives from the architectural consistency and strong frontages of the terraces, the clear distinction of the area as a planned development away from the city centre, and the impact of 19th century public health and building legislation. The appeal property, 55 Saxony Road (No 55), has been constructed in buff brick and is one of a number of properties which have retained their brick frontage unpainted. As such, the building makes a positive contribution to the character and appearance of the CA.
7. The rear dormer extension abuts the top of the ridge of the property, and as such the rear extensions cannot be seen from Saxony Road. There is therefore no adverse impact on the traditional features and detailing on the front elevation which contribute to the significance of the CA. Due to the layout of the terraces, the extension can only be seen from vantage points along the alley which runs to the rear of the property and from the rear of a number of dwellings along Albert Edward Road. Moreover, the alleys themselves are not visible from any street frontages and are gated with restrictive access. As such, the extensions are not visible in the public realm to any extent and do not detract from the street scene.
8. The roof and dormer extensions are an appreciable addition to the property. However, the roofscape at the rear of Saxony Road does not have a long, interrupted or uniform appearance. I observed a number of roof and dormer extensions at the rear of neighbouring properties. Whilst their planning status is not clear, they nevertheless are present in the street scene such that they form part of the local character and appearance. The design, materials, height and depth of No 55's rear extensions are very similar to those in proximity. Given this context, although the rear dormer extension is not set back from the main rear elevation of the host property, and despite their scale, the extensions are not unduly prominent, incongruous or out of keeping with the host property or surrounding area.
9. My attention has been drawn to a recent appeal decision for roof dormers at 54-56 Kensington, also within the CA, which was dismissed.¹ Whilst it is inevitable for comparisons to be made, each case will have its own site-specific circumstances and merits upon which it is considered. I note, for example, that the rear roofscape of the dismissed appeal site was visible from public vantage points, and that the rear terrace of the appeal site had an uninterrupted roof slope with no nearby extensions. As such, the scheme is not directly comparable to that which is before me.
10. The Council did not raise concerns regarding the single storey extension, which is similar to a number of other single storey extensions at neighbouring properties. Having regard to its height, scale, materials and design, and its relationship with surrounding properties, I also find it acceptable.
11. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. I do not consider that the proposal harms the character or appearance of the host building, and as such it would have a neutral effect on the significance of the CA.

¹ APP/Z4310/W/23/3323143

12. As such, the proposed development would not cause harm to the host property, and would preserve the character and appearance of the CA. The proposal would therefore meet the statutory test set out in the Act, and accord with Policies H8, HD1, UD1 and UD7 of the Liverpool Local Plan 2013-2033 (2022) which together seek to ensure that developments take account of designated heritage assets; are in keeping with the original dwelling and surrounding area; and that proposals affecting a CA preserve or enhance those elements which contribute to its character.

Other Matters

13. Concerns have been raised relating to the continued use of the property as a House of Multiple Occupation and potential issues relating to parking, anti-social behaviour and noise and disturbance. However, there is no substantive evidence that would lead me to conclude that there are any existing issues in this regard that would be exacerbated by the proposal, and a Certificate of Existing Lawful Development for a 6 bedroomed House of Multiple Occupation was granted in 2023².

Conditions

14. As the development has been undertaken it is not necessary to impose a condition requiring the development to commence within 3 years. In the interests of certainty, I have imposed a condition listing the approved plans.

Conclusion

15. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
16. As a result, the appeal is allowed.

L C Hughes

INSPECTOR

² 23LE/1006