



Appeal Decision

Site visit made on 5 March 2025

by Susan Heywood BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/Z4310/D/24/3350608

18 Sefton Park Road, LIVERPOOL L8 3SL

- 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 Richard Worden and Professor Kate Black against the decision of Liverpool City Council.
 - The application Ref is 24H/0660.
 - The development proposed is the installation of two air source heat pumps to the front courtyard of the existing property.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of two air source heat pumps to the front courtyard at 18 Sefton Park Road, Liverpool L8 3SL in accordance with the terms of the application, Ref 24H/0660, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers 271-PL-100.
 - 3) The level of noise emitted from the air source heat pumps shall not exceed the existing background noise levels, measured within the external amenity space of the nearest noise sensitive property.

Application for costs

2. An application for costs is made by Mr Richard Worden and Professor Kate Black against Liverpool City Council. This is the subject of a separate decision.

Preliminary Matters

3. The development relates to the siting of two air source heat pumps (ASHPs) in the front courtyard of the property. Two ASHPs have already been sited within this courtyard. However, these are not as shown on the plans accompanying the planning application. In the application, the units are shown to be stacked one on top of the other with the bin store located to their right-hand side.
4. The development which has taken place involves the erection of two ASHPs sited side-by-side on a raised concrete plinth in the approximate location shown for the bin store on the plans. Comparing the size of the units in the plans to the height of the window in the adjoining single storey projection, it is apparent that the size of the units on the plans is also smaller than those installed.

5. The Council's Case Officer Report notes that work to install the ASHPs had been carried out at the time of writing that report. The report also included a photograph of the side of the ASHPs which have been installed. Further correspondence between the appellants' agent and the Council (dated 21st and 25th February 2025), and the Council's response to condition 3 above, demonstrates that they are aware that ASHPs have been installed at the property.
6. However, the Case Officer Report refers to the details on the submitted plans in considering the acceptability of the proposals. It appears therefore that the Council considered the development based on the submitted plans, rather than on the details of what has been installed, and they did not seek to regularise that discrepancy at application stage.
7. On examination of the application forms, I note that the appellants have answered 'no' to the question 'Has the work already been started without consent?'. I have therefore concluded the appellants did not apply to retain the units which have been installed, instead, they applied for the details on the submitted plans.
8. I have considered whether the appellants could have been requested to submit amended plans at appeal stage showing the actual size and siting of the installed units. However, this would have resulted in a substantially different proposal to that submitted to and considered by the Council in the application. To consider such a different proposal at appeal stage would have prejudiced parties who may have wished to comment upon them at the application stage. It has therefore been necessary for me to determine the appeal based on the plans submitted with the application.
9. The submitted plans also include a covered bin store, but these are not included in the description of development on the application forms nor on the Council's decision notice. I have not therefore considered the siting of the proposed bin store in this appeal.
10. The application was made on forms seeking both planning permission and / or Listed Building Consent. The Council's decision notice refuses planning permission only, and I have dealt with the appeal on this basis.

Main Issues

11. Having regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the main issues are as follows:
 - Whether the proposal would preserve the special architectural interest of the Grade II listed property at 16 and 18, Sefton Park Road and whether it would preserve or enhance the character or appearance of the Princes Park Conservation Area.
 - The impact on the living conditions of adjoining occupiers at No. 16 Sefton Park Road.

Reasons

Special Interest and significance of the building

12. No. 18 Sefton Park Road is included on the Statutory List at Grade II. Together with the adjoining property at No. 16, it forms one of a pair of semi-detached villas

dating from the 1860s. The villas are predominantly two storeys with attic rooms in the gable to each property. Both properties have pale stucco facing and slate roofs. First floor windows have prominent architraves above cill band and cornice. Attic windows are round headed above a further cornice above first floor. A single storey canted projection with hipped slate roof sits centrally to the front elevation of the two properties.

13. A tall red brick wall with entrance doors, including more modern garage doors to No. 16, lies along the front boundary of the properties. Two of these doors allow entry from Sefton Park Road into two separate outdoor courtyards to the front of No. 18. These spaces are separated from each other by a further tall brick wall.
14. Insofar as is relevant to the appeal proposals, the significance and special interest of the listed building derives from its architectural composition and use of materials. The significance of No. 18 is enhanced by it being part of a pair of semi-detached villas with unifying architectural features, particularly above ground floor level. These include first floor windows, gables and chimneys. The front boundary wall with entranceways and enclosed courtyards to the front of the properties form part of the significance and setting of the buildings at No. 16 and 18.

Impact on significance and special interest of No. 18

15. On entering the property curtilage from Sefton Park Road, through the garden door in the front boundary wall, the experience is of entering an enclosed and tranquil front garden which forms the route towards the main entrance door to the property.
16. The ASHPs would be located within the separate outdoor courtyard to the front of the dwelling. This separate courtyard, accessed from the second garden door, and through the secondary entrance to the property, has a more functional appearance to the front garden area. It is surrounded by high walls and as such, the proposed ASHPs would not be visible on entering the property curtilage to access the main front entrance to the property. The tranquil nature of the entrance garden would therefore be unaffected by the siting of the ASHPs.
17. The primary impact of the ASHPs would be experienced within the enclosed courtyard in which they would be sited. By their very nature, the units would be functional and utilitarian in appearance. In this respect they would contrast with the historic nature of the listed building and would cause some harm to the appearance of the courtyard and therefore the setting of the building.
18. However, they would be clearly separated from the listed building and would be of a size and scale which would not appear dominating in the context of the enclosed courtyard and tall surrounding walls. They would clearly be seen as part of the evolution of the building to ensure that the dwelling is heated to modern, sustainable standards.
19. Furthermore, the units would be substantially screened from Sefton Park Road by the existing boundary wall and garden door with its decorative ironwork. Only the narrow side face of the units would therefore be glimpsed from this road. The development would not affect the experience of the listed building from Sefton Park Road, nor would it harm any of the architectural features identified above as forming part of the significance of the listed building.

20. The Council have raised concerns that no pipework is shown on the plans. Any pipework would necessarily be located to the rear of the units and would therefore be largely screened from the courtyard by the units themselves. These would form part of the functional nature of the installation and would not cause significant additional harm above that already identified.
21. The Council consider that the units should be contained within an outbuilding to mask their industrial appearance. However, I have no information on the design of a possible enclosure or whether that would affect the operation of the units. I must therefore consider the appeal based on the plans submitted.
22. For the reasons set out above, I conclude that the harm to the significance of the listed building would be less than substantial.
23. Policy HD1 of the Liverpool Local Plan, adopted January 2022 (the Local Plan), seeks to ensure that the historic environment is conserved or enhanced. It reflects the requirement in the National Planning Policy Framework (the Framework) which requires the harm to be weighed against the public benefits of the proposal. I deal with this matter later in this decision.

Significance of the Princes Park Conservation Area

24. The property is located within the Princes Park Conservation Area. In so far as is relevant to this appeal, the significance of the Conservation Area includes the presence of large individually designed residential terraces and villas in stucco or brick.
25. As set out above, there would be very limited visibility of the ASHPs from outside the property. The significance and architectural composition of No. 18 as part of a pair of individually designed stuccoed villas would remain unchanged as a result of the development. The development would not therefore harm the character or appearance of the Princes Park Conservation Area, and it would comply with policy HD1 in this respect.

Living Conditions

26. Due to the siting of the ASHPs within the enclosed courtyard, their visibility from the adjoining property at No. 16 would be limited to the tops of the units which may be viewed from some of the upper floor windows at an oblique angle. They would not be overly dominant when viewed from that property, nor would they be of such a height as to cause overshadowing. Simply being able to see part of the units would not cause such harm that it would be likely to adversely affect the living conditions of the occupiers of that property.
27. Whilst ASHPs can, in some circumstances, cause noise issues, Sefton Park Road is a busy road with a steady flow of vehicles passing the front of the properties. As such, the front courtyards and windows of the properties already experience a certain amount of traffic noise. In this environment, it is unlikely that noise from the ASHPs would cause significant harm to the occupiers of the adjoining property. However, a condition is imposed to ensure that noise from the units does not exceed background noise levels to ensure that there is no harm to the living conditions of the adjoining occupiers due to noise from the units.
28. In relation to safety issues, the ASHPs would need to comply with the Building Regulations for such installations and with the relevant British Standards. There is

no reason to consider that these other regulatory regimes would not work effectively. This matter does not therefore weigh against the appeal.

29. I conclude on this matter that the development would not harm the living conditions of the occupiers of No. 16 Sefton Park Road. The development would therefore comply with Local Plan policy H7 which seeks to ensure that development causes no adverse impact on residential amenity, amongst other things.

Overall balance and conclusion

30. Given the scale and nature of the development, I have concluded that it would cause less than substantial harm to the significance of the Grade II listed building at 16 and 18, Sefton Park Road. Nevertheless, paragraph 212 the Framework sets out that great weight should be given to a heritage asset's conservation irrespective of the level of harm to its significance. At paragraph 215 the Framework states that the harm should be weighed against the public benefits of a proposal.
31. In this case, the public benefits of the proposal are the contribution the ASHPs would make towards the reduction in greenhouse gases and the Government's stated aim for the country's transition to net zero by 2050, as set out in paragraph 161 of the Framework. Paragraph 167 of the Framework states that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings, including domestic buildings.
32. Whilst the Council say that the contribution made by one dwelling would not be significant, the cumulative impact of such proposals must be considered. The Framework states, at paragraph 168, that local planning authorities should recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
33. Historic England's advice note *Installing Heat Pumps in Historic Buildings* advises that such installations can be suitable for listed buildings subject to consideration of visual and noise matters. Case studies within that document illustrate similar ASHPs as are proposed in this case. I have also had regard to the fact that the alterations would be reversible in the future if necessary.
34. Thus, I am satisfied that there would be wider public benefits of sufficient magnitude to outweigh the less than substantial harm to the heritage asset, and the considerable importance and weight this carries.
35. As such, the proposals would accord with the historic environment policies in the Framework, and the expectations of sections 66(1) and 72(1) of the Act. The proposal would therefore also comply with Local Plan policy HD1 and would be in accordance with the development plan as a whole.

Conditions and Overall Conclusion

36. In addition to the noise condition referred to above, I have imposed conditions specifying the time-limit and plans for certainty as to what is approved.
37. For the reasons given above the appeal should be allowed.

S Heywood

INSPECTOR