



Appeal Decision

Site visit made on 25 March 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 May 2025

Appeal Ref: APP/Z4310/W/24/3356282

98 - 100 St. Mary's Road, Liverpool L19 2JG

- 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 Azadi Properties against the decision of Liverpool City Council.
 - The application Ref is 24F/0156.
 - The development is the erection of rear dormer.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with a further minor revision on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. I observed during my site visit that the development has been carried out, which appears to accord with an amended plan submitted as part of the appeal. The amended plan illustrates the rear dormer slightly set in from the side elevation to Clifton Street, and not flush as shown on the plans submitted with the planning application. Whilst the amended plan does not involve a substantial difference or fundamental change, it has not been subject to public consultation. However, due to the nature of the amendment, the representations made on the application, and that the Council considered the application on the basis that the development has already taken place, I am satisfied that taking it into account would not cause procedural unfairness to anyone involved in the appeal. As such, I have accepted the amended plan and considered the appeal on the basis that the development has already taken place.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building and the surrounding area.

Reasons

5. The appeal site is a 3-storey corner property located within a District Centre as designated by the 22 adopted Liverpool Local Plan 2013-2033 (LLP). The building has commercial units fronting St Mary's Road to the ground floor and residential

accommodation to the upper floors. The side elevation faces Clifton Street, which is a predominantly residential street consisting mainly of 2-storey terraced housing positioned to the back of the pavement. There is an institutional building to the immediate rear of the appeal site on Clifton Street.

6. The rear dormer, which has a shallow mono-pitch roof, occupies much of the roof slope to a rear 2-storey wing and retains the staggered brick step feature to the side elevation. The additional mass results in a dominating, bulky, top-heavy appearance to the rear roof slope that is at odds with the host building. The visual impact has also been compounded by the windows within the dormer failing to reflect the vertical proportions of the windows to the original building. These factors have harmed the character and appearance of the existing building. Moreover, as the rear dormer is highly visible from Clifton Street, it also detracts from the character and appearance of the surrounding area.
7. I have considered the argument that dormers are common features on residential properties and in many cases, additions can be made to a roof that alter its shape and do not require planning permission. However, the appellant acknowledges that the dormer could not have been constructed under permitted development in this case, as it related to an existing flat. Therefore, I have considered the appeal on the basis of what is before me and its consequent effects.
8. The rear elevation of the appeal property does not hold the same level of architectural detailing as the front or side elevations. Notwithstanding that, the rear of the property, including its rear wing and roof design, is visible and does contribute to the character and appearance of the existing building as well as the surrounding area. Whilst the dormer is not prominent when viewed from St Marys Road, it is particularly noticeable from Clifton Street.
9. There is a similar and equally visible rear dormer at the corner building to the opposite side of Clifton Street, which the Council states has neither planning permission nor a Lawful Development Certificate. My attention has also been drawn to a dormer at the rear of 49 Moss Street, which is visible between a gap in the terraced housing to the northern end of Clifton Street. I do not know the circumstances under which this dormer was constructed or its status with regards to planning permission. Therefore, I cannot draw any direct comparison with the development that would weigh in its favour. The presence of these does not overcome the harm that I have otherwise found.
10. For the above reasons, the rear dormer results in harm to the character and appearance of the host building and surrounding area. This conflicts with Policy SP3 of the LLP, which requires new development within the City Centre and District, Local and Neighbourhood Centres to be, amongst other things, designed to reflect the specific characteristics of the centre within which it is located. It is also contrary to Policy UD7 of the LLP, which seeks to ensure that proposals for alterations and extensions to existing buildings include the consideration of the scale, proportion, form, materials and character of the existing building and retain the overall character of the area.

Other Matters

11. I acknowledge that the appeal site is not a listed building or located in a Conservation Area, nor is it located within the setting of a listed building. These are

not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the main issue.

12. I recognise that the rear dormer has provided additional floorspace to an existing flat within a District Centre, which it is claimed now achieves the Nationally Described Space Standards. However, I consider this benefit to an existing flat alone does not outweigh the harm I have identified from the proposed development.
13. I note that the Council considers that no enforcement action can be taken in respect of the rear dormer as the time to take such action has expired. However, this appeal is made under Section 78 of the Town and Country Planning Act 1990 (the Act) and it is not within my remit to examine whether the rear dormer is lawful. It is open to the appellant to apply to have such matters determined under section 191 or 192 of the Act. The determination of such an application would be unaffected by my determination of this appeal.
14. I acknowledge the appellant's concerns over the Council's handling of the application, as well as the associated enforcement case. However, this is not a matter that I can consider under a Section 78 planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the development.

Conclusion

15. The development conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR