



Appeal Decision

Site visit made on 16 May 2025

by **J D Westbrook BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/Z4310/W/25/3359669

15-21 Lark Lane, Liverpool, L17 8UW

- 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 Brian McAnoy against the decision of Liverpool City Council.
 - The application Ref is 24F/2148.
 - The development proposed is a change of use of the upper floors to an 8-bed aparthotel (Use class C1), including a second-floor extension to the rear; alterations of windows and doors to the rear, and removal of fire escapes.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Brian McAnoy against Liverpool City Council and this is the subject of a separate Decision.

Procedural Matters

3. The description of the proposed development that I have used above is a composite from the description used by the Council and a proposed amended version suggested by the developer. Both clearly expressed the nature of the proposal, and the composite version that I have used has been used for the purposes of clarity.
4. It would appear that there has been a number of amendments to the proposal during the course of the determination of the application. I have taken the list of plans with revision numbers, as provided by the appellant, as definitive for those plans relating to which the determination was made by the Council.
5. Notwithstanding the above, the appellant has provided additional plans (ref TAJ/009 Rev C and TAJ/010 Rev D), which purport to show the position and visual impact of a brick chimney and a metal service chimney above the eastern rear outrigger. However, from other information provided to me and from my site inspection, both would appear to show the chimneys in an incorrect position on the outrigger roof, being closer to the rear elevation than is in fact the case. The position of the brick chimney is also shown incorrectly, in outline, on earlier revisions of the same plans. I shall refer to this further in my considerations below.

Main Issues

6. The main issues in this case are the effects of the change of use and alterations at the rear on:
- The nature and functioning of Lark Lane as a commercial area;
 - The character and appearance of the Lark Lane Conservation Area;
 - The living conditions of the occupiers of nearby residential properties by way of noise and disturbance;
 - The provision and operation of waste disposal facilities at and around the property.

Reasons

7. The appeal property occupies two adjacent units on the north side of Lark Lane. The ground floor is a restaurant, while the two upper floors are currently unused. It would appear that the previous use of the first floor was as a function room associated with the restaurant, while the second floor was used as a flat. Lark Lane is a one-way street, largely comprising commercial properties at ground floor level, and is a central spine road running through the middle of Lark Lane Conservation Area (CA).
8. The proposal involves the change of use of the two upper floors to become an aparthotel with 8 rooms, all ensuite, and two separate small breakfast rooms,, one on each floor. This would include alterations to doors and windows at the rear of the property; the construction of a second floor extension above the eastern of the two rear outriggers, to allow for an extended staircase; and the removal of fire escape stairs at both ground- and first-floor levels.

The nature and functioning of Lark Lane

9. There is some dispute between the parties as to the status of Lark Lane as a shopping centre. Policy SP1 of the Council's Local Plan 2013-2033 (LP), adopted in January 2022, indicates that Neighbourhood Centres consist of small clusters/parades of shops containing at least 5 units which serve their immediate catchment area for local convenience retailing, and it is important to protect their role in providing local neighbourhood shops and services. The appellant contends that Lark Lane should be considered a Neighbourhood Centre within the hierarchy of shopping centres in Liverpool. The Council contends that there are not 5 units in the area that serve the catchment area for convenience retailing.
10. Along Lark Lane there are three separate shops that sell day-to-day convenience items. These are the Mini Mart which occupies a single unit; the Coop which occupies two units; and the Britannia Stores, at the junction of Lark Lane with Linnet Lane, which appears to occupy a single unit. There is a reasonable argument, therefore, to support the contention of the Council in this case, that the area does not meet the criteria for a Neighbourhood Centre.
11. However, Lark Lane is a busy commercial street with a number of restaurants, cafes, coffee shops and independent retailers and service providers, in addition to the convenience stores. Moreover, the appellant has provided some examples of recent developments involving properties on Lark Lane where the Council has

acknowledged that Lark Lane is a Neighbourhood Centre. Whilst these examples are different in type from the current proposal, nevertheless, Lark Lane has much of the nature and appearance of a Neighbourhood Centre, and the Council has effectively accepted this in previous cases along the road. From my site visit, I am prepared to accept that Lark Lane could be considered a Neighbourhood Centre and that other policy matters relating to such a Centre should be applied in this case.

12. Policy SP2 of the LP indicates that proposals for Neighbourhood Centres will be permitted provided certain requirements are met. These relate to matters of design, and also require that the scale is appropriate to the role and function of the centre; that servicing issues are satisfactorily addressed, and that residential amenity is not adversely affected. Development which secures the use of upper floors within centres, including for residential development, will be supported. In this case, given that Lark Lane may be considered a Neighbourhood Centre, I find that the principle of the use of the upper floors is acceptable, but only subject to compliance with other relevant policies.
13. Policy EC4 of the LP indicates that the provision of ancillary facilities such as hotels and other types of ancillary accommodation will be supported where, amongst other things, it is located within a designated centre and is of high-quality design. In this case, the appeal property is not within a specifically designated centre, and matters related to design, along with issues raised by relevant other policies are considered below.

Character and appearance

14. The appeal property is situated within the CA. Policy HD1 of the LP relates to Heritage Assets, including Conservation Areas. The policy indicates that the Council will support proposals which conserve or, where appropriate, enhance the historic environment of Liverpool. It goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This follows the thrust of national policy on the historic environment as set out the National Planning Policy Framework (the Framework).
15. In this case, many of the works necessary to create the aparthotel are internal. The front elevation would not be altered and there would effectively be no significant impact on views of the property from the public realm at the front. At the rear of the property, there are two-storey outriggers with mono-pitch roofs and single-storey extensions projecting further to the rear boundary. There is a gate at the rear giving access to a rear service alley from a first floor fire escape staircase, and there is a further fire escape staircase between the two outriggers to the second floor of the property. The eastern outrigger has a brick chimney stack and a metal service chimney projecting above the roof.
16. The proposal as determined by the Council would involve the removal of both fire escape staircases; the conversion of the area formerly used by the lower staircase for storage of waste bins; alterations to windows; and the construction of a second floor extension above the eastern outrigger to house an internal staircase. The appellant contends that the alterations would improve the view of the rear elevation of the property from the public realm along Little Parkfield Road. However, while

the removal of the second floor escape staircase might result in a slightly less cluttered visual appearance, it is, in any case partly hidden by reason of its position between the rear outriggers, whilst the creation of the second floor extension above the eastern outrigger would add a prominent, uncharacteristic and incongruous feature to the rear elevation, harmful to the character and appearance of the rear of the row of properties around Nos 15 – 21, where no such other feature exists.

17. The appellant contends that the existing brick chimney would partially screen the second-floor extension. However, as noted in the Procedural Matters above, it would appear that the drawings that include the chimney have shown it incorrectly, and it is unclear from the information before me whether it would be possible to construct the extension in the space between the chimney and the existing rear elevation. Moreover, the chimney would have little impact on screening the extension when the main view is from Little Parkfield Road to the side, and it is unclear what would happen to the adjacent metal service chimney, which presumably would continue to serve the restaurant on the ground floor. The extension would also result in an imbalance across the rear elevation and would break up the symmetry of windows across that elevation.
18. On this issue, therefore, I find that the proposal would be harmful to the character and appearance of the appeal property and its surroundings, and although the harm to the CA would be less than substantial, nevertheless great weight must be given to harm to a heritage asset. Before granting permission for any such proposals, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
19. In this case, the appellant contends that the public benefits would involve the creation of an ambulant staircase within the property to enable easier access for customers with mobility problems, and that the proposal would allow for the use of two currently unused upper floors creating additional spending in the area and additional employment during the construction. However, there is no evidence before me to show that other viable uses of the upper floors would not be equally possible, and which could also result in additional employment and other social and economic benefits. Furthermore, it is not clear why provision for less mobile customers could not be created without the need for the second floor rear extension as shown. On this basis, I do not consider that any public benefits would clearly outweigh the harm to the character and appearance of the CA.

Living conditions

20. The aparthotel would have 8 rooms, each of which would appear to have the potential for double occupancy. The only access to the aparthotel would be from a door at the front of the property. The original application apparently also included an outside sitting area on the flat roof of the single-storey extension towards the rear of the property. This was, however, subsequently excluded from the proposal.
21. The appeal property lies within an area designated in the LP as a Primarily Residential Area. Policy H7 of the LP indicates that within the Primary Residential Areas, planning permission will be granted for changes of use, provided there is no adverse impact on residential amenity or the character of the area. Lark Lane is a busy retail and commercial centre with a significant number of restaurants and cafes that would appear to be open till late in the evening. The entrance to the aparthotel would be from a door opening onto the commercial area.

22. Whilst there are residential areas either side of Lark Lane, the proposed development would not be of a large scale, and the use of the entrance on Lark Lane itself, would be unlikely to result in significant noise or disturbance issues to residential properties in the vicinity. It is not intended that the area above the ground-floor rear extension should be used as an external seating/socialising area. However, from the submitted plans, it would appear that there would be access onto the flat roof from the first floor accommodation and there would not be any physical barrier to use of the area. Whilst a condition could be placed on any permission to prohibit use of this area, I consider that, given the physical arrangements, it would be very difficult, if not impossible, to enforce effectively. On that basis, there is a real possibility that unacceptable noise could emanate from this area, to the detriment of the living conditions of occupiers of nearby flats on Ivanhoe Road, to the rear.

Waste Storage and Disposal

23. Policy WM9 of the Sustainable Waste Management Design and Layout for New Development of the Joint Waste Plan for Merseyside and Halton (JWP) indicates that all new built developments and uses should provide measures to facilitate collection and storage of waste and provide sufficient access to enable waste and recyclable materials to be easily collected and transported for treatment. At the time of my site visit, the access alleyway at the rear of the properties on this side of Lark Lane was largely taken up with waste storage bins, including outside of the appeal premises. The alleyway itself is apparently an adopted highway.
24. Drawing TAJ/005 Rev B showed four large Eurobins to be stationed in the alleyway at the rear of the property, two for the restaurant and two for the aparthotel. A later drawing (Rev C) showed the rear escape staircase removed and two large Eurobins positioned in the small space created by that removal. Since it appears that four bins would be required to serve both businesses, the available space within the site would be inadequate for this joint purpose.
25. The Council's Recycling and Waste Management Planning Guidance Document (PGD) does not provide standards specifically for aparthotels, but I note that for multi-occupied properties with 8-15 beds there should be two 1100 litre bins provided (one each for general and recyclable waste). The Council contends that this bin storage area is not fit for purpose because it is arranged in tandem so that users would only be able to access one bin at a time. This would mean either general or recycling waste would be compromised as both could not be reached in the store. Nor could the front bin be taken out of the store to reach the rear bin. I concur with this viewpoint. Moreover, the PGD shows that any four wheeled bins would not be able to fit through the door to the storage area, meaning that bins would have to be left on the adopted alleyway to the rear of the site instead.
26. The PGD also indicates that where there is living accommodation combined with a business, as would be the case at the appeal property, then particular attention needs to be paid to how these two waste streams are managed. The appellant contends that cleaners associated with the aparthotel would be able to bring waste through the restaurant to the storage area for the aparthotel. However, this would mean bringing waste through the restaurant and food preparation area, which would restrict times at which such operations could effectively take place and would, in any case, only provide access to what would be an inadequate storage space. Furthermore, should the two businesses become separated at some time in

the future, access through the restaurant would not be possible, and all of the waste would have to be brought round to the back from the front of the building, which would be highly inconvenient.

27. The appellant argues that the drawing showing the internal bin storage area, is illustrative and that smaller bins may be appropriate. Nevertheless, I have no reason to suppose that an aparthotel that could conceivably accommodate 16 individuals at a time would not generate large amounts of waste – if not continuously, then at regular intervals when fully occupied – and the storage area would, at those times, require bins larger than could be sited and manoeuvred in the space available. In any case, this would still not accommodate the additional bins required by the existing restaurant.

Conclusions

28. In conclusion, I find that Lark Lane could be considered to be a Neighbourhood Centre, and that the principle of creating an aparthotel at the appeal site would be acceptable, subject to compliance with other policy requirements. The front elevation of the property would effectively not be impacted by the proposal, but the rear elevation would be altered by way of removal of a fire escape staircase and the construction of a second-floor extension above the eastern rear outrigger. The removal of the staircase would have minimal positive visual impact, but the extension would be harmful to both the character and appearance of the rear elevations of the appeal property and nearby properties along the row. On this basis, it would be harmful to the CA and the harm would not be outweighed by other minor public benefits that might accrue.
29. The proposal would result in an increased number of people using the front door to gain access to the aparthotel. This would have little impact on residential properties in the vicinity. However, there would be access to the rear flat-roofed area from the aparthotel, and I have concerns that any condition attempting to restrict use of this area would be difficult or impossible to enforce effectively, thereby offering the potential for noise disturbance to occupiers of nearby flats on Ivanhoe Road.
30. With regard to the issue of waste storage and collection, the provision for internal storage of waste bins for the aparthotel would appear to be inadequate in scale and inconvenient in location. As a result it is likely that the bins would be left outside in the adopted alleyway, leading to increased clutter and difficulties in dealing with collection and disposal of waste, including recyclable waste.
31. In the light of the above, I find that the proposal would be harmful to the character and appearance of the CA, and that it would be likely to result in some noise disturbance to occupiers of nearby dwellings as well as harmful impact on the collection and disposal of waste. It would conflict with Policies HD1, EC4 and H7 of the LP and with Policy WM9 of the JWP and guidance in the PGD. Because of these conflicts the proposal would also conflict with Policy SP2 of the LP. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR