



Appeal Decision

Site visit made on 15 April 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/Z4310/W/25/3358445

27 Alexandra Drive, Liverpool L17 8TB

- 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 Rob Pritchard against the decision of Liverpool City Council.
 - The application Ref is 23F/2428.
 - The development proposed is demolition of existing garage and replacement with new coach house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal proposal would:
 - preserve or enhance the character or appearance of Lark Lane Conservation Area (LLCA); and,
 - provide an acceptable standard of accommodation for future occupiers, with particular regard to internal space.

Reasons

Character and appearance

3. The appeal site is within LLCA. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The significance of LLCA in part relates to the 19th Century planned development of a medieval deer park, including the construction of many large villas to the north of Lark Lane. Most of the villas in this part of LLCA are set in spacious grounds and are often well screened from the road by dense, mature vegetation. Despite being split into apartments, externally 27 Alexandra Drive (No 27) is a good example of one of these large villas, as the external grounds have not been subdivided. The spacious, verdant quality of the site contributes to LLCA's suburban character.
4. There is a detached, double garage located close to the boundary with 29 Alexandra Drive (No 29). The garage spans most of the gap between the apartment building and the site's boundary. No 29 has also been extended close to the joint boundary. When viewed from the road, the garage and the extension to No 29 have largely infilled the gap between the original buildings and have created a terracing effect. Consequently, the garage appears incongruous to the spacious character of the area. Furthermore, the garage appears as a modern addition and

its design does not assimilate with surrounding buildings. As such, the garage negatively contributes to the character and appearance of LLCA.

5. The construction of a gate and subdivision of the grounds with tall timber fencing would create a boundary between the proposed dwelling and existing apartment building, including its grounds. This would result in two buildings with a much smaller footprint to plot ratio than nearby properties. The proposed dwelling would be much smaller than nearby buildings, it would be built up to the boundary with No 29, and there would only be limited separation between it and the apartment building. As such, it would appear cramped when viewed from the road. The cramped appearance of the proposed dwelling and the subdivision of the existing plot would erode the spacious character of this part of LLCA.
6. The proposed dwelling would replace the existing garage. Due to its massing and siting, it would largely infill the gap between Nos 27 and 29. It would be taller and have a greater massing than the garage. The terracing effect created by the proposed dwelling would be contrary to the spacious character of LLCA. However, due to the orientation of the proposed dwelling with the gable end facing toward the road, the terracing effect created by its massing, scale, and siting would be no worse than the existing garage. Therefore, this would be a neutral factor and would neither weigh in favour nor against the proposal.
7. The proposed dwelling's traditional coach house form and the inclusion of external materials to match the apartment building would be positive features. The inclusion of large openings that would provide ample light to internal areas would be a positive aspect of the design. Nevertheless, these positive features would not outweigh the harm caused to the spacious character of LLCA.
8. The appellant has highlighted several other examples of ancillary outbuildings within LLCA. Some of these outbuildings front onto Little Parkfield Road. However, those outbuildings are located to the rear of larger properties fronting Parkfield Road. Therefore, all of the highlighted examples are materially different as they are located to the rear of large villas. As such, they do not set a precedent for the appeal proposal. Moreover, during my site visit I did not observe any outbuildings of significant scale and massing sited in line with or in front of a large villa.
9. I conclude that the proposal would not preserve or enhance the character or appearance of LLCA. The proposal would be contrary to policies HD1, H13, UD1, and UD2 of the Liverpool Local Plan 2013-2033, January 2022 (LP). These policies indicate that the Council will support proposals which conserve the historic environment of Liverpool, and all new residential development should demonstrate that the buildings and spaces maintain the overall character and appearance of the local environment, amongst other matters.

Living conditions

10. Whilst the appellant would accept a condition ensuring that the proposed dwelling would be ancillary to one of the apartments, it would be physically separate from the apartment building and would have its own kitchen, bathroom, and bedroom. Therefore, it would include facilities required for a day-to-day private domestic existence. Accordingly, it should be assessed as a standalone dwelling.
11. LP Policy H12 indicates that all new homes should meet the Government's Nationally Described Space Standard (NDSS). Technical Requirement 10d of the

NDSS indicates that a bedroom must have a floor area of at least 11.5m² to provide 2 bedspaces. The precise floor area of the proposed bedroom is not before me. Therefore, I cannot definitively conclude on whether to assess the proposal against the minimum gross internal area (GIA) for a 1 bed, 1 person dwelling (1b1p) or 1 bed, 2 person dwelling (1b2p), as specified within the NDSS.

12. The GIA of the proposed dwelling would exceed the minimum specified for a 1b1p dwelling but would be less than the minimum specified for a 1b2p dwelling. Even if I were to accept that the proposed dwelling should be assessed against the 1b2p standard, the proposed GIA would only be 4m² below the minimum required by the NDSS. Furthermore, the policy states that new homes should meet the NDSS, rather than specifies that they must. Given the large open plan living area, high ceilings, and private external space, the proposal would result in a good standard of accommodation. Whilst the proposal may not comply with the NDSS, the proposed amount of internal space would be acceptable, due to the good standard of the accommodation.
13. Paragraph 20 of the New Residential Development SPG¹ advises that the depth of rear gardens for bungalows should be 10m. The proposed rear garden would have a depth of 9.8m but would be narrow and much smaller than the gardens of nearby properties. Nonetheless, the appeal site is in proximity to two large parks. These parks would provide an alternative space for some external activities. Given the proposed dwelling would have a private garden and its depth is just below the minimum required by the SPG, the proximity of these parks would compensate for the modest depth of the rear garden.
14. I conclude that the proposal would provide an acceptable standard of accommodation for future occupiers, with particular regard to internal space. In this regard only, the proposal would comply with LP policies UD2, H12 and H13. These policies indicate that proposals for new homes should provide quality living environments for occupants both now and in the future, amongst other matters.

Other Matters

15. The first reason for refusal on the Decision Notice refers to LP Policy H8 which concerns house extensions. Given the description of development this policy is not strictly relevant to the appeal proposal.

Planning Balance

16. Due to the scale of the proposal compared to the size of LLCA, the proposal would result in less than substantial harm to the CA. Regardless, paragraph 212 of the National Planning Policy Framework (the Framework) is clear that great weight should be given to a heritage assets' conservation. I therefore ascribe substantial weight to the harm caused by the proposal to LLCA.
17. Paragraph 215 of the Framework indicates that less than substantial harm to the conservation area should be weighed against the public benefits. The proposed dwelling would comply with Building Regulation M4(2) and would provide suitable, independent accommodation for the appellant's relative. In addition, the proposal includes the demolition of the garage which is harmful to the character and appearance of LLCA. Given the scale of the development and considering the

¹ Liverpool Unitary Development Plan, Supplementary Planning Guidance Note 10, New Residential Development

appellant's personal circumstances, I ascribe moderate weight to the benefits. In this instance, the benefits do not outweigh the less than substantial harm to LLCA.

Human Rights Act and Public Sector Equality Duty (PSED)

18. The appellant has indicated that the proposed dwelling would be constructed to a specification which would be suitable for wheelchair users. They have advised that an elderly relative would live in the proposed dwelling which would enable the appellant to care for them. I have had regard to the rights of the appellant and their family under Article 8 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. Article 8 affords the right to respect for private and family life and home. This is a qualified right, and interference may be justified where that is lawful and in the public interest. The concept of proportionality is crucial.
19. Dismissing the appeal would interfere with the appellant and their family's rights under Article 8, as the consequence might be that their relative would need to seek alternative care as they would not be able to live nearby. However, the interference would be in accordance with the law and in pursuance of a well-established and legitimate aim of the protection of a conservation area.
20. It has not been demonstrated that there is a lack of nearby accommodation which is suitable for the appellant's relative. It has also not been demonstrated that suitable accommodation which is not harmful to the character and appearance of LLCA could not be constructed. It is therefore proportionate and necessary to dismiss the appeal. The protection of the public interest cannot be achieved by means that are less interfering with the appellant and their family's rights.
21. I have also had due regard to the PSED as set out within the Equality Act 2010, but the harm caused to the character and appearance of LLCA outweighs the proposal's benefits in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others.

Conclusion

22. The proposal conflicts with the development plan when considered 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.

J Hobbs

INSPECTOR