



Appeal Decision

Site visit made on 11 July 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 July 2025

Appeal Ref: APP/Z4310/W/25/3364068.

72 Kings Drive, Liverpool, L25 8RH.

- 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 Ray Prayle against the decision of Liverpool City Council.
 - The application Ref is 24F/3177.
 - The development proposed is the erection of a two-storey dwelling with 4 No solar panels, air source heat pump and associated landscaping works following demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey dwelling with 4 No solar panels, air source heat pump and associated landscaping works following demolition of existing garage, at 72 Kings Drive, Liverpool, L25 8RH, in accordance with the terms of the application, Ref 24F/3177, subject to the conditions set out in the Schedule appended to this decision.

Preliminary Matter

2. The development description above is taken from the decision notice as best identifying the development proposed.

Main Issues

3. The main issues are the effect the proposed development would have on the character and appearance of the site and surrounding area, with particular reference to the size of the plot and the local street scene; matters related to existing and proposed trees; and policy compliance with respect to the availability of level access.

Reasons

Character and Appearance

4. The existing house is a detached, two-storey dwelling with an attached single-storey side garage, situated on an odd-shaped, approximately triangular plot at the eastern end of a regular row of mainly semi-detached or terraced two-storey houses. There is a side garden with frontages to both Kings Drive and Out Lane. The existing curtilage of No 72 Kings Drive is thus larger than those of other dwellings to the west and departs from the otherwise rectilinear development pattern. The roof of the single-storey garage steps down from that of the house, such that it appears to round off appropriately the street frontage.

5. The two-storey dwelling, proposed in place of the present garage, would maintain the same eaves line of the existing main house, whilst the ridge would step down, in practice perpetuating the current visual rounding off effect in the street scene.
6. The triangular appeal site is significantly smaller than the mainly rectangular curtilage that would remain to the existing house. Importantly, however, I consider that there would be sufficient space in front of and behind the proposed dwelling to provide reasonably sized gardens and a forecourt adequate for car parking, equivalent that to be retained in front of the existing house.
7. The new house would stand quite close to the Out Lane flank boundary. However, it does not appear to me that the dwelling would over-dominate either street scene, in particular due to its lower roof profile compared with its neighbour
8. Moreover, I am satisfied that, despite its relatively modest plot size, the proposed dwelling would not depart unacceptably from the local development pattern, where other corner or end plots appear to be comparably developed.
9. Overall, I consider that the proposed development would have no unacceptably harmful effect on the character or appearance of the site or surrounding street scene.
10. In this respect, I find that the appeal proposal is compliant with the relevant Policies UD1-2, H7 and H13 of the adopted Liverpool Local Plan (LLP).

Trees

11. Where the proposed house would stand relatively near to the Out Lane boundary, there is a mature tree and other vegetation within the site. The tree is not protected by Order, and I consider that it could be retained and either safeguarded or replaced in a full landscaping scheme, secured by planning condition, satisfying Policy G19 of the LLP.
12. That same landscape scheme could also include the planting of a new tree as required by Policy G18 of the LLP.

Level Access

13. Given the relatively generous forecourt to be enjoyed by the proposed dwelling, I see sufficient scope for level access, in line with LLP Policies UD4 and H12, to be incorporated within the implementation of the development and ensured by planning condition.

Planning Conditions

14. Conditions are necessary as suggested without prejudice by the Council, save that I do not understand the need for suggested condition 6 imposing noise limits on construction plant, which is subject to other legislation in any event. I do not therefore make this stipulation.
15. In addition to suggested condition 4 for a new tree to meet Policy G18, a further condition requiring full landscape details is necessary, in particular to include the protection or retention of the Out Lane boundary tree.
16. Suggested conditions 2, 3 and 5 are appropriate respectively to: require compliance with the approved drawings; remove permitted development rights for

additional buildings in order to protect the local development pattern and character; and to secure highway accommodation works to form a vehicle access to the new dwelling via the existing gateway.

17. Finally, a further condition is appropriate to secure level access details.

Conclusions

18. All the local policy provisions cited above are essentially consistent with national planning policy and, with the conditions I have outlined in place, the development will be compliant with the development plan as a whole.

19. I therefore conclude that this appeal should be allowed on those terms

B J Sims

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out only in accordance with the following approved drawings, received 12 December 2024:

Proposed Site Plan	Drg No.103
Proposed East Elevations	Drg No.504 Rev B
Proposed West Elevations	Drg No.503 Rev B
Proposed Rear Elevation	Drg No.502 Rev B
Proposed Front Elevation	Drg No.501 Rev B
Proposed First Floor Plan	Drg No.402 Rev B
Proposed Ground Floor Plan	Drg No.401 Rev B
Location Plan	Drg No.101 Rev B

3. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E and F of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any equivalent Order following the amendment, revocation and re-enactment thereof, the dwelling hereby approved shall not be altered or extended, and no buildings, structure, gates, fences or walls shall be erected within its curtilage except with the prior written approval of the local planning authority.
4. A tree of species *liquidambar styraciflua* must be planted to the front of the site no closer than 2m from any boundary to avoid future impact. The tree must be of a planting size not less than 12-14cm girth and planted within the first available planting season following the commencement of the development hereby permitted. Any proposed change to the species must be agreed in writing by the local planning authority. All works are to be carried out to BS 8545:2014 Trees: from nursery to independence in the landscape. If within a period of two years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted, destroyed or dies, another tree as above shall be planted at the same place or in accordance with any variation for which the local planning authority gives its written consent.
5. Except for site clearance and remediation, no development shall commence until a scheme for the design and construction of highway improvement works has been submitted to and approved in writing by the local planning authority. The highway works shall be completed before the first occupation of the dwelling and shall include the installation or amendment to current standards of vehicle crossovers (drop kerbs) at the footway of Kings Drive associated with the existing dwelling at 72 Kings Drive and the new dwelling hereby permitted.
6. No development shall commence until there shall has been submitted to and approved in writing by the local planning authority a scheme of landscaping for the site which shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the

first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

7. No construction work shall commence until details of measures to ensure level access to the dwelling hereby approved, compliant with Part M4(2) of the Building Regulations or equivalent regulation, have been submitted to and approved in writing by the local planning authority and the development shall be carried out only in accordance with the approved details and the level access shall permanently maintained.

- *End of Schedule* -