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## Appeal Decision

Site visit made on 8 September 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

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**Appeal Ref: APP/Z4310/W/25/3367532**

**172 Rice Lane, Walton, Liverpool L9 1DG**

- 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 Hayley Murtagh against the decision of Liverpool City Council.
  - The application Ref is 25F/0373.
  - The development proposed is described as “The proposed development expands the Bonnie Bear Daycare pod by adding an additional floor.”
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During my site visit I observed that a flat roofed building with two storeys had been constructed on site and that the fenestration does not match that shown on the submitted drawings. For the avoidance of doubt I have determined the appeal on the basis of the plans before me, not on what has been constructed on site.

### Main Issues

3. The main issues are the effect of the development on:
  - the character and appearance of the area; and
  - the living conditions of neighbouring occupiers with specific regard to overlooking, noise and disturbance; and
  - highway safety with specific regard to pedestrian safety.

### Reasons

#### *Character and Appearance*

4. The appeal site lies to the rear of a daycare centre in a commercial street of mixed building scales and types. The daycare centre is a former public house identifiable by way of an inscription. Its distinctive design incorporates several tall chimneys, gabled elements, a central clock tower and decorative architectural features. There is spaciousness around the building due to its road junction position, its relationship with a subservient smaller building on its north side and the depth of the appeal site to the rear. This spaciousness, together with the backdrop of trees to the rear, serve to frame the building and enhance its distinctiveness within the street scene.

5. Planning permission has been granted for a single storey daycare centre within the appeal site<sup>1</sup> (the approved scheme). This would be wholly subservient to the former public house due to its height, and views towards it from public vantage points would be limited.
6. The proposed upper storey would be elevated and would be viewed from Rice Lane behind the former public house. Its elongated flat roof form would jar with the architectural form and style of the former public house, and it would erode the spaciousness around that building. For these reasons, the proposal does not accord with paragraph 135 of the National Planning Policy Framework. This requires development to be sympathetic to local character and history, including surrounding built environment.
7. Consequently, I conclude that the proposal would harm the character and appearance of the area, and as such it would conflict with the relevant provisions of Policies UD1, UD2 and UD7 of the Liverpool Local Plan, 2013 – 2033 (the Local Plan). Amongst other things, these policies require the demonstration of good design in respect of the character of the area, scale, form and massing.

#### *Living Conditions of Neighbouring Occupiers*

8. The Council state that the proposal is approximately 9 metres from the closest residential gardens, and 16 metres from the closest habitable room windows of the nearest dwellings. These are located on Joules Close. The aforementioned dwellings back onto a commercial rear yard, and the southernmost dwelling shares a boundary with a large supermarket car park. During my site visit I observed background noise relating to vehicle movements on Rice Lane and within the car park.
9. The main noise generating use different to the approved scheme would be the upper floor playroom. It would be located indoors, which means that noise would be dampened by walls and windows, unlike the outdoor play area. It would also not be used during evenings and weekends. These are times when background noise levels would generally be lower when general daytime activities cease.
10. Moreover, the approved scheme incorporates a playroom albeit at ground floor level, as well as an outdoor play area. There is no substantive evidence before me to demonstrate that the proposal would lead to significantly more noise than this development, or that the dwellings on Joules Close are noise sensitive properties. I am also satisfied that such matters could be dealt with via planning conditions, for example noise insulation measures. Such conditions could be imposed were the appeal to be allowed.
11. The windows of the upper floor of the building would be at an oblique angle to the closest dwellings and their outlook would be over the commercial yard rather than towards gardens and dwelling windows. The windows would also be narrow, such that views out would be restricted, regardless of whether opaque or clear-glazed.
12. For these reasons I conclude that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers with specific regard to overlooking, noise and disturbance. As such, and in this regard, the proposal would accord with the relevant provisions of Policies SP2, SP5 and H7 of the Local Plan. These

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<sup>1</sup> Application reference 24F/1860.

policies seek to ensure that residential amenity is not adversely affected, amongst other things.

### *Highway Safety*

13. Visibility westward for pedestrians exiting the site, including those with pushchairs and prams pushed in front of them, would be impeded by a fence. Exiting the site would put pedestrians in direct conflict with vehicles. I note that the Highway Authority objected for this reason. However, the site plan that forms part of the approved scheme shows an identical exit arrangement. There is no evidence presented to me that the approved scheme is not extant, and I have therefore taken it into account.
14. The approved scheme did not include an increase in staff and child places. Whilst I note the application form states there would be no increase in employees, there is no evidence that the appeal scheme limits numbers of child places, or that there would be no increase in comings and goings to drop off and pick up children. As such, I cannot be certain that there would be no increased risk of conflict between pedestrians and vehicle users compared with the approved scheme.
15. Therefore, I conclude that the proposal would have a harmful effect on highway safety, having particular regard to pedestrian safety. As such, and in this regard, the proposal would not accord with the relevant provisions of Policies TP1 and TP6 of the Local Plan. These policies require development to provide appropriate access for pedestrians and make a positive contribution to road safety amongst other things.

### **Conclusion**

16. I have not found harm in respect of the living conditions of neighbouring occupiers, and I acknowledge that the proposal would enhance a local early years' service. However, I have found that this does not outweigh the harm in respect of the effect of the appeal development on the character and appearance of the area, and highway safety. In this case, I consider there would be conflict with the development plan overall. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*E Heron*

INSPECTOR