



Appeal Decision

Site visit made on 8 September 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 October 2025

Appeal Ref: APP/Z4310/W/25/3368168

29 Hatherley Street, Liverpool L8 2TJ

- 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 Abdul Basit Qadir, Liverpool Muslim Society against the decision of Liverpool City Council.
 - The application Ref is 24F/1792.
 - The development proposed is a single storey prayer hall extension and new access
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw during my site visit that a single-storey extension has been largely constructed but is not yet completed. I also noted that an extraction flue has been erected. For the avoidance of doubt, I have considered the appeal on the basis of the submitted plans and drawings.
3. The Council refers to 27 Hatherley Street in their reason for refusal relating to living conditions. No 27 forms part of the application site and the appellant advises that it is part of the Al Rahma Mosque. It is included within the red edge on the site location plan and during my site visit I observed signage referring to the mosque affixed to the frontage of No 27. Furthermore, the Council has included No 27 within the location description on the decision notice. On this basis, I have assessed the effect of the development on the living conditions of only the neighbouring occupiers, Nos 23 and 25 Hatherley Street.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers of 23 and 25 Hatherley Street with particular regard to outlook and light.

Reasons

Character and appearance

5. The appeal site is part of a large, open area to the side of and associated with the three-storey Al Rahma Mosque. The mosque has a significant presence in the street scene owing to its scale, massing and design. Whilst the mosque fronts

Mulgrave Street, its side including the site of the appeal building, front Roseberry Street. The open space to the side of the mosque together with the open aspect boundary treatment appear to be designed in part, to enhance the presence and setting of the mosque within the street scene. An existing low-profile building covers only a small portion of the area, such that the setting and setback of the mosque is not significantly eroded.

6. The area on which the appeal building sits, was formerly a car parking area with bin storage associated with the mosque. An aerial photograph submitted with the appeal shows this area was hard-surfaced and enclosed by a metal railed fence. Whilst functional in appearance, it contributed to the setting of the mosque by way of its spaciousness.
7. The development introduces a long, low-profile building positioned close to the back of the pavement along a significant length of Roseberry Street, creating an oppressive tunnelling effect. Cumulatively with the existing low-profile building it subsumes almost all of the open space to the side of the mosque and obscures views towards it, as well as harmfully eroding the sense of space around it. The visual harm would be exacerbated by the utilitarian and modular appearance of the window and door openings. Whilst the building would be functional for its intended purpose as a prayer hall, its form, height, scale and massing would be incongruous in the street scene.
8. The building to the north at the junction between Roseberry Street and Mulgrave Street has a similar roof form. However, that building has space around it to the front and side and presents a relatively short side elevation to Roseberry Street. Unlike the appeal building, it sits comfortably within the street scene and thus is not comparable.
9. It is proposed to clad the building in textured brick panels. The sample image is of a brick effect that would jar with the harmonious brick detailing of the mosque and its decorative boundary wall. However, while this could be addressed by condition were I minded to allow the appeal, the exterior finish of the building would not mitigate for the overall harm of the length, positioning and massing of the proposal.
10. No details of any potential boundary treatments of fencing have been submitted with the appeal. However, while fencing might provide a degree of screening this could also exacerbate the harmful enclosing effect already caused by the development. As such, there is no comfort that this would provide adequate mitigation.
11. The appellant advises that the development is a temporary building and a period of four years for its retention has been suggested. The Planning Practice Guidance states that a temporary permission may be appropriate where it is expected that the planning circumstance will change in a particular way at the end of that period.
12. A project proposal document has been submitted by the appellant, which is dated 2023. The proposal is for a multi-use building to the side of the Mosque which incorporates the site of the appeal building. Whilst there has been communication to the Council's Property and Asset Management team, no evidence has been supplied to demonstrate that this proposal has advanced in any way, and there is no certainty that the planning circumstance will change at the end of the proposed four year period. Ultimately the development significantly harms the character and appearance of the area regardless of whether its presence were temporary.

13. The development is significantly harmful to the character and appearance of the area. As such it conflicts with Policies UD1, UD2 and UD7 the Local Plan. Amongst other things these policies require high design quality taking account of factors such as form, scale, active frontages and street character.

Living conditions

14. The appeal development is single storey with a low-profile roof and is set back 1.5 metres from the rear boundary of 23 and 25 Hatherley Street. The rear ground floor windows of Nos 23 and 25, including extension windows, have an outlook onto small, north facing yards, enclosed by tall boundary structures. As such, outlook from and light into ground floor windows is not eroded to a harmful extent. The first floor windows, including outrigger windows look over the appeal building with no obstruction, such that outlook and light are not affected.
15. The development does not have an unduly harmful effect on the living conditions of neighbouring occupiers with particular regard to outlook and light. As such, and in this regard, the proposal complies with the relevant provisions of Policies SP5 and H7 of the Local Plan. Amongst other things, these policies state that the living conditions of neighbours should not be adversely affected by new development.

Other Matters

16. The proposed building meets a local need for an all-weather overflow prayer hall facility as part of the mosque, and many attendees would walk to the site to pray. These are benefits of the development that weigh in its favour.
17. Its presence may also assist in crime reduction, as I am advised that the former car park was neglected and prone to vandalism. There is little evidence before me to substantiate this, which limits the weight I attribute to it.
18. The appellant states that there is no proposed increase in activity and the hours of usage would also be limited. These are neutral factors that do not outweigh the harm that I have found on the first main issue.

Conclusion

19. I have accepted that the local Muslim community has a need for the proposed prayer facility, and that the development would not have unduly harmful effects on the living conditions of neighbouring occupiers. However, it causes significant harm to the character and appearance of the area, and this cannot be overcome by imposing conditions. Nor is the harm outweighed by the aforementioned factors. The development conflicts with the development plan as a whole and there are no other considerations that outweigh that conflict. Therefore for the reasons given, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR