



Appeal Decision

Site visit made on 26 September 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th October 2025

Appeal Ref: APP/Z4310/W/25/3369139

17 Croxteth Road, Liverpool L8 3SE

- 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 JK Sefton Park Limited against the decision of Liverpool City Council.
 - The application Ref is 25F/0507.
 - The development proposed is conversion of existing basement to provide two one-bed apartments, including excavation of lightwells, and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether adequate living conditions would be provided for future occupiers of the proposed development, with particular regards to light, outlook and privacy;
 - the effect of the proposed development on the character and appearance of the host property and area, including whether it would preserve or enhance the character or appearance of the Princes Park Conservation Area; and
 - whether the proposed development makes satisfactory provision for cycle parking.

Reasons

Living conditions

3. 17 Croxteth Road (No 17) is a large 2.5-storey detached property which has been divided into flats on the upper floors. It has an existing unused basement which has lightwells to the front, side and rear, although the windows to these have been boarded up.
4. The guidance in the Council's 'Supplementary Planning Guidance Note 7: Conversion of Buildings into Flats and Bedsits' (SPG) is that basements are not acceptable for use as habitable rooms (kitchens, living rooms and bedrooms) if the finished floor level would be more than 1m below the existing outside level. Where a depth of 1m is exceeded, the SPG advises that basements should only be used for storage, or for bathrooms in conjunction with floors above. It is proposed to extend the existing lightwells to the front and rear of No 17, and construct stairs down to two 1-bedroom apartments within the basement. In conflict with the SPG

guidance, these would have a floor level of around 1.29m below the surrounding ground level.

5. The front bedroom of each apartment would have three full height windows, but because of this difference in levels, a significant proportion of them would be below ground. There would be some outlook upwards and the well-spaced metal railings to the top of the lightwells affords some intervisibility. However, whilst I appreciate that outlook is often reduced in basement apartments, the outlook from these windows would be for the most part into the proposed lightwells, towards the retaining walls which would be in very close proximity. This limited outlook would be further restricted by the proposed staircase and cycle parking in the lightwell, as well as cars parked close-by on No 17's forecourt.
6. To the rear, although at a similar ground level, the proposed lightwells would be wider and deeper than those to the front. The windows and door to each apartment would be full height and glazed with the outlook from the open plan dining and living area mostly towards the retaining wall of the lightwell. However, unlike the bedrooms, because of the depth of the lightwells, there would be reasonable outlook at head height level, upwards through the metal railings of the balustrade and towards the trees in No 17's rear garden.
7. From the pavement on the northern side of Croxteth Road, there would be very limited, if any, perceptible views into the front bedroom windows of the apartments because of the distance from the road. Such views would also be largely obscured by cars parked on the forecourt. Other occupiers and visitors to No 17 would be able to look down into the front lightwell of each apartment with ease, particularly when using the two sets of steps to enter or exit the other apartments, or when crossing the shared forecourt. However, because of the narrow depth of the lightwells, and the difference in ground levels, views into the bedroom of each apartment would be limited and at an acute angle. Whilst there would be a degree of overlooking, it would be fleeting or transient and it would not result in an unacceptable level of privacy.
8. However, the rear garden is a communal space, and given their more generous depth, it would be possible for other occupiers of No 17 to look down into the lightwells with relatively clear views into the external amenity space, and part of the main living space of the proposed apartments. I accept other occupiers may be respectful of these neighbours, and future occupiers would be aware of the shared garden. Nevertheless, other occupiers could use the garden for a long period of time, and this living space would not therefore be afforded a satisfactory level of privacy. The installation of sheer curtains, blinds, or other window treatments would not be sufficient to mitigate this without also restricting outlook.
9. The kitchen would be in the middle of the floor plan and would have no windows, and therein no outlook or access to natural light. Policy H10 of the Liverpool Local Plan 2013-2033 (2022) (LP) relates to conversions into self-contained flats and, amongst other things, requires that living rooms, kitchens and bedrooms shall not be lit solely by rooflights. Although not explicit, and irrespective of whether it is defined as a habitable room, the requirement of this policy infers that kitchens should benefit from natural light and outlook over and above the level a rooflight would provide. Although designed only for the purposes of food storage, preparation and cooking, the kitchen would fail to achieve this and would be a somewhat gloomy and uninviting space.

10. The 'Internal Scheme Performance' (ISP) prepared by Sunlight Assessments UK outlines that a kitchen is generally deemed to be a habitable room if it is large enough to accommodate a dining area. However, if the kitchen is small, or if the property has a separate dining area, then it states that it is accepted practice to treat the kitchen as a non-habitable room. Using the daylight factor method, which allows for different daylight targets for different locations, the ISP shows that the proposed apartments would meet BRE guidance¹. It would further accord with this guidance in that at least one habitable room in the dwelling would receive the required level of sunlight exposure, albeit the living rooms have been assessed as receiving very little or none.
11. Overall, I find that the cumulative impact of the lack of any natural light to, or outlook from the kitchen, the poor outlook from the bedrooms and lack of privacy for the main living space would result in a poor standard of living accommodation. The apartments would feel unwelcoming and oppressive for occupiers. This would not be sufficiently mitigated by the generous size of the apartments, which I acknowledge would significantly exceed the 'Technical housing standards – nationally described space standard' (2015) for a one-bedroom, two-person single storey dwelling.
12. I therefore conclude that adequate living conditions would not be provided for future occupiers of the proposed development, with particular regards to natural light, outlook and privacy. Consequently, it would conflict with LP Policy H10 in so far as it requires that premises are suitable for a full or part conversion in terms of the provision of amenities and that living rooms, kitchens and bedrooms shall not be lit solely by rooflights.

Character and appearance

13. No 17 is a substantial late C19th detached property, which is one of three on the northern side of Croxteth Road which are similar in age and appearance. It is within the Princes Park Conservation Area (the CA). Therefore, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
14. In so far as relevant to this appeal, the historic interest of the CA is largely derived from the expansive Princes Park, which is located to the south-west of the appeal site, and was the first public park designed by eminent park designer, Joseph Paxton. However, its significance is also derived from its architectural interest and notably the terraces and villas, many of which are listed, which face the perimeter drive of Princes Park. Despite differing in size, context and prominence, I observed that lightwells and black metal railings, used as a balustrade or boundary treatment, are commonplace and form part of the character and appearance of Croxteth Road and the wider CA.
15. Although not one of the original building plots or planned villas, the Council's evidence is that No 17 is part of the original residential development between Princes Park and Sefton Park. It also has architectural interest as a later Victorian villa in the gothic style, and it contributes positively to the character and appearance of the CA. The appellant's map regression shows that at the turn of the

¹ BRE 'Site layout planning for daylight and sunlight: A guide to good practice' (2022)

- 20th century, No 17 would have had a main drive and secondary service path to the front, and a rear garden laid out with a central lawn and trees on the boundaries.
16. Although there would have originally been a landscaped setting to the large Victorian villas in the area, in this case, the proposed lightwells to the front of No 17 would extend into an existing forecourt. To the rear, the lightwells would project into the garden, but they would not be visible from the road, or particularly discernible from neighbouring properties, and most of the characteristic lawn and boundary trees would be retained. The lightwells would not therefore result in a harmful visual disconnect between No 17 and the remaining garden space.
 17. From the forecourt, and in passing views of the building close-by from Croxteth Road, the lightwells, including the metal railings and external staircases, would be clearly visible. However, the alterations would appear modest and sympathetic in scale to the host property, largely confined to basement level, and the focus of attention would remain on the architecture of the upper floors, notably the characteristic pointed arches and columns to the ground floor windows and porch. In longer views from either direction, the lightwells and balustrade would be largely screened by the boundary walls and piers on the Croxteth Road frontage, and the eye would continue to be drawn to the height and scale of No 17 and the similar properties on either side of it.
 18. Accordingly, the proposal would not detract from the architectural interest of No 17 as a late Victorian villa in the gothic style, or from the significance of the CA. I therefore conclude that the proposed development would not cause harm to the character and appearance of the host property or area, and it would preserve the character and appearance of the CA. Consequently, it would accord with LP Policy HD1 and UD1 which require that development take into account designated heritage assets and that proposals affecting a CA should preserve or enhance those elements which contribute to its character and appearance.
 19. It would further accord with LP policies H7, H10 and UD7 which together require new development to protect the character of an area, and that alterations and extensions to existing buildings should ensure that the scale, proportion, form, materials and character of the existing building are considered, and that distinctive historic features on the existing building are retained.

Cycle parking

20. The proposed plans show that one cycle parking space per apartment would be provided which would meet the minimum standard set out in the 'Ensuring a Choice of Travel Supplementary Planning Document' (SPD). The cycle parking would be within the front lightwell of each apartment, accessed via the external stairs. Given that most modern cycles are made of lightweight materials, I do not consider it unreasonable for the occupiers of the apartments to carry the cycles up or down the external stairs, and a ramp could easily be installed to improve accessibility. I am therefore satisfied that the cycle parking would be accessible and would be in a relatively secure location, which benefits from a good level of natural surveillance.
21. Moreover, the SPD recognises that there is a variety of cycle and cycle equipment storage options available and the detailed design, including methods of access, could be managed and controlled through a suitably worded planning condition.

22. However, irrespective of the storage option, the limited space within the lightwell and the location of the front door means that the cycle parking could only feasibly be located to the front of two of the bedroom windows of each apartment. Such a location would be visually intrusive and, for the reasons I have given above, would contribute to the poor outlook from the proposed bedrooms.
23. Therefore, I conclude that the proposed development would not make satisfactory provision for cycle parking. Consequently, it would conflict with LP policies TP1 and TP5 which requires that all developments should address the accessibility of cyclists and provide appropriate cycle access and sufficient, secure cycle parking facilities. The decision notice cites a conflict with LP Policy H10 but as it does not explicitly require cycle parking, I do not find it to be determinative to this main issue.

Other Matters

24. No 17 is opposite the Grade II listed buildings known as 14 Croxteth Road² and 16 and 18 Croxteth Road³. The significance of these buildings primarily stems from their historic association with Princes Park to the rear. Based on the official list entry, No 14 is a mid C19 house constructed in a rock faced stone with a central bay to Croxteth Road with round-headed attic window. Its garden front to the park has an iron verandah flanked by bays with round-headed windows. No 16 and 18 is earlier than No 14, built as two houses and finished in stucco with 11 bays, the 2nd to 7th bays recessed.
25. The architectural interest of these buildings can be appreciated from Croxteth Road. However, they are set well back from the northern side of the road behind four lanes of the carriageway and are afforded some screening by landscaping along their frontage. Consequently, there is a physical and visual separation from the appeal property. Given this, and the location, scale and nature of the proposals, I am satisfied that the setting of these listed buildings would be preserved. This would meet the requirements of Section 66(1) of the Act, and I note that the Council raised no concerns in this respect either.
26. Whilst the appellant has submitted a Unilateral Undertaking which would make a financial contribution to the planting of street trees, it is not necessary to look at this in detail given that the proposal is unacceptable for other reasons.

Planning Balance and Conclusion

27. The proposal would deliver two additional dwellings in a location which is in proximity to bus services and within walking distance of convenience stores, medical facilities, parks and other public spaces. Whilst benefits of the scheme, they are not however sufficient to outweigh the harm that I have found above.
28. I am satisfied that the proposed development would not cause harm to the character and appearance of the area, and it would preserve the character and appearance of the CA. Nevertheless, for the reasons given, I conclude that the proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal is dismissed.

R. Gravett, INSPECTOR

² List Entry Number: 1356317

³ List Entry Number: 1068271