



Appeal Decision

Site visit made on 9 December 2025

by K Mee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/Z4310/W/25/3373662

17 West Albert Road, Liverpool L17 8TJ

- 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 John Burns on behalf of Pear Tree Estates Limited against the decision of Liverpool City Council.
 - The application Ref is 24F/1130.
 - The development proposed is described as: to convert dwellinghouse to 4no. one bedroom units at lower ground, ground, first and second floors, replacement windows and installation of double doors/window in rear elevation at lower ground floor level, brick up existing side window in lower ground floor, creation of a ramped access to lower ground floor, steps up to ground floor level, low level garden wall and railings on existing front boundary wall.
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Decision

1. The appeal is allowed and planning permission is granted for development described as “to convert dwellinghouse to 4no. one bedroom units at lower ground, ground, first and second floors, replacement windows and installation of double doors/window in rear elevation at lower ground floor level, brick up existing side window in lower ground floor, creation of a ramped access to lower ground floor, steps up to ground floor level, low level garden wall and railings on existing front boundary wall” at 17 West Albert Road, Liverpool L17 8TJ in accordance with the terms of the application, Ref 24F/1130, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for Costs

2. An application for costs was made by the appellant Mr John Burns of Pear Tree Estates Limited against Liverpool City Council, and this is the subject of a separate decision.

Preliminary Matters

3. The description of the proposal differs from the application form to the decision notice. The above has been taken from the decision notice, which was suggested by the Council and agreed by the appellant, and adequately describes the proposal, however, it has been amended to remove reference to ‘retention of’ as this does not constitute an act of development.
4. During my site visit I observed that replacement upvc windows have already been installed along with some of the external alterations proposed. However, in terms of the internal layout, the property is currently laid out as 5 separate one-bedroom residential units. For the purposes of this appeal, I therefore consider the proposal to be part-retrospective and have dealt with the appeal on this basis.

5. In determining this appeal, as it involves a site located within a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

6. The main issues are:

- The main issue is the effect of the proposed development on the character of the area, with particular regard to the mix and balance of housing; and
- If harm arises, whether this is outweighed by other material considerations.

Reasons

Character, Mix and Balance

7. The appeal property lies within the Lark Lane Conservation Area which is characterised by imposing detached and semi-detached dwellings, in close proximity to Sefton Park. The appeal property comprises a large 4-storey semi-detached building, formerly a single dwellinghouse, as confirmed by the application form, which retains many of its distinctive architectural features and makes a positive contribution to the character and appearance of the conservation area.
8. The appeal property has recently been converted into 5 one-bedroom residential units, however, there is no evidence before me to confirm that this conversion benefits from any planning permission. The proposal is for the conversion of the appeal property into 4 one-bedroom residential units along with a number of external alterations.
9. Much of the proposed development would have a neutral impact on the significance of the conservation area such that it would preserve the character and appearance of the conservation area. The introduction of railings on top of the existing front boundary wall, and the planting of a beech hedge behind this wall, are positive alterations which would enhance the character and appearance of the conservation area. The Council have not raised any concerns with regards to the impact of the development on the significance of the conservation area and I agree with that finding.
10. However, I find that the proposed development would result in the harmful loss of a suitable dwellinghouse which would adversely affect the character of the area in terms of the mix and balance of housing in the wider area. Consequently, in this regard, the proposal conflicts with Policy H10 2. n. of the Liverpool Local Plan 2013-2033 (January 2022) which seeks to protect against the loss of dwellings which are suitable in size, design, layout and location for continued use as a family dwelling.

Is harm outweighed by other material considerations?

11. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 (the Act), as amended, sets out that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the appellant asserts that they will re-configure the internal layout to form a small house in multiple occupation (Use Class C4) under permitted development rights, should the appeal fail.

12. To support this, an application for a Certificate of Proposed Lawful Development (LDC) for the change of use from dwellinghouse (Use Class C3) to HMO for 3-6 persons (Use Class C4) was granted in September 2024 (reference 24LP/1845). The appellant has also provided a written explanation as to how the necessary internal changes could be made to the property to facilitate the change of use to a small HMO and confirmed that, given the expenditure incurred to date and the fact that physical alterations would still be required to change the use from the current layout to the 4 residential units proposed, the costs of making such changes would not be prohibitive. I have no strong reasons to doubt the appellant's claims.
13. The Council, when assessing the proposal, attached "no weight" to the stated fallback position. However, for the above reasons, I conclude that this amounts to a realistic fallback position, which is a significant material consideration. Like the appeal scheme, this would also result in the loss of a family sized dwelling and would therefore adversely affect the character of the area with regard to the mix and balance of housing.
14. Consequently, I find that, having particular regard to the circumstance of this case, the harm I have identified in association with conflict with the development plan in respect of the effect on the character of the area, in respect of the mix and balance of housing, is outweighed by the realistic fallback position which would result in the same impacts on the mix and balance of housing in the area. Consequently, this amounts to a material consideration of sufficient weight to make a decision other than in accordance with the development plan.

Other Matters

Planning Obligations

15. Policy GI 8 of the Local Plan requires new housing development to provide, or contribute towards the provision of, new trees and landscaping. In this instance, tree planting is not feasible within the appeal site and as such a financial contribution towards off-site tree planting, with associated monitoring costs, should be secured. A signed and dated unilateral undertaking, under Section 106 of the Town and Country Planning Act (S106), has been provided by the appellant to secure the relevant financial contributions.
16. I am satisfied that the provision of the financial contributions within the S106 agreement are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind of development. They would, therefore, meet the relevant tests and I afford them weight accordingly. I am also satisfied that the monitoring fee secured would be proportionate and reflect the actual costs of monitoring. I therefore find that the proposal accords with Policy GI 8 of the Local Plan in this regard.

Interested Parties

17. I have taken account of third-party objections, including in respect of other matters not related to the main issues. However, these do not lead me to an alternative conclusion.

Conditions

18. I have considered the Council's list of suggested conditions in light of the tests set out in paragraph 57 of the National Planning Policy Framework and the Planning

Practice Guidance and imposed them where I consider them to be necessary and reasonable.

19. It is necessary to define the plans for certainty. The railings to the front boundary wall and the regrading and provision of ramped access to the frontage have already been satisfactorily completed such that conditions relating to these are not necessary. However, in order to enhance the character and appearance of the area a condition to secure the planting of the beech hedge indicated on the approved plans is necessary. To safeguard the living conditions of future residents, and to maintain the character and appearance of the area, a condition is necessary to secure the bricking up of one window in matching materials.
20. The submitted details for the bin and cycle stores are unclear. A condition is necessary to require full details of these elements to be approved, along with securing their installation, to safeguard the living conditions of future residents, maintain the character and appearance of the area and support the use of sustainable modes of transport. However, I am not satisfied that the suggested requirement for further details of all ground surfaces not built upon, all new boundary treatments, gates and means of enclosure and external lighting to be submitted, approved and installed is necessary in order to make the development acceptable.

Conclusion

21. In accordance with Section 38 (6) of the Act, whilst the proposal would be contrary to the development plan as a whole, I find that material considerations in this case indicate a decision otherwise than in accordance with it. Therefore, the appeal should be allowed.

K Mee

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos 1288-02-02-002 Rev D Site Layout Plan Proposed; 1288-02-04-003 Rev B Front and Left Side Elevations Proposed; 1288-02-04-004 Rev C Rear and Right Side Elevations Proposed; 1288-02-03-004 First and Second Floor Plans Proposed; 1288-02-03-003 Lower and Ground Floor Plans Proposed; 1288-02-03-006 Rev B Bin Storage.
- 2) The beech hedging to be planted behind the front boundary shall be planted within the first available planting season following the date of this decision.
- 3) The ground floor window in the right side elevation shall be bricked up using a facing brick that matches that of the existing building, such works shall be completed within 6 months of the date of this decision.
- 4) (a) Notwithstanding the details shown on the approved plans within condition 1, details of the following external works shall be submitted to and approved in writing by the Local Planning Authority before they are implemented:
 - (i) Bin storage facilities
 - (ii) Design of covered cycle store(b) The development shall be carried out in accordance with the approved details within 6 months of the date of this decision.

End of Schedule