



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: 19th January 2026

Appeal Ref: APP/Z4310/W/25/3373922

1st Floor, 123-123a Walton Breck Road, Liverpool L4 0RD

- 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 C Serban against the decision of Liverpool City Council.
 - The application Ref is 24F/2511.
 - The development proposed is described as “Change of use of 1st floor from ancillary storage space to residential to provide 1b1p flat. Replacement of external staircase to make it Building Regs compliant. Replacement of windows associated with the new flat with like for like products”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property address on both the application form and decision notice incorrectly refer to Walton Break Road. For clarity, I have amended the address in the heading above to the correct address, and as shown on the appeal form, which is Walton Breck Road.
3. The description of the proposal differs from the application form to the decision notice. The above has been taken from the application form, which adequately describes the proposal.
4. The Council has indicated that the proposed external staircase has already been installed. During my site visit I observed that an external staircase was indeed in place at the appeal site. However, the appellant has confirmed that the current staircase would be removed and replaced with one of a different design, as shown on the submitted plans. I have therefore proceeded with the appeal on the basis of the proposed plans before me.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area; and
 - Whether the development would provide acceptable living conditions for future occupiers with particular regard to access, privacy and security; and
 - The effect of the development on the living conditions of neighbouring residents with particular regard to privacy, noise and waste storage.

Reasons

Character and Appearance

6. The appeal property comprises a traditional two-storey end-of-terrace commercial unit used as a betting shop on the ground floor with ancillary storage on the first floor. The surrounding urban area is mixed in character with a variety of commercial uses fronting onto Walton Breck Road with traditional terraced housing alongside and to the rear.
7. The proposal includes the change of use of part of the first floor into a one-bedroom self-contained residential unit along with external alterations including replacement windows and an external staircase to the rear elevation. The residential unit would be accessed from a side gate off Pulford Street leading to private enclosed yard area to be used for cycle parking and refuse bin storage.
8. The proposed residential use aligns with the residential uses alongside and to the rear and is acceptable in principle, subject to compliance with relevant planning policies and material considerations. However, the external staircase, including its perforated metal partial cover, would be highly visible from public vantage points. It would form a contrived, intrusive and incongruous addition within the context of the surrounding terraced properties. This harm arises notwithstanding the limited, distant views available from Gilman Street beyond the enclosed cleared land to the side.
9. I find therefore that the proposal would have a significant harmful effect on the character and appearance of the area. Consequently, the proposal would conflict with Policy UD7 of the Liverpool Local Plan 2013-2033 (January 2022) (Local Plan) which seeks to ensure that alterations to buildings are of the highest quality, reflecting the character of the existing and adjacent buildings.

Living Conditions – future occupiers

10. The proposed new dwelling at first floor level would provide adequate levels of internal floorspace, light, outlook and privacy for future occupiers. The accommodation would be accessed via a secure gate on the side boundary off Pulford Street and an external staircase, with an 'L' shape perforated metal cover over part of the external staircase. No other means of access would be provided. The appellant confirms that this gated access, and the rear yard beyond, would be for the sole use of the future occupiers of the proposal. Furthermore, the evidence before me demonstrates that the rear yard area would be of a sufficient size and layout to accommodate two refuse bins and cycle parking.
11. Although the perforated metal cover represents an attempt to improve access to the new residential unit, it would not enclose the staircase and would fail to provide adequate protection from the elements. As a result, future occupiers using this sole access, and on a frequent basis, could be exposed to unsafe conditions, particularly during winter when the steps may become wet or icy. In addition, the bottom of the staircase sits beyond a high boundary treatment, meaning that any incident occurring there would be obscured from view, thereby heightening concerns regarding the safety of future occupiers.
12. I therefore find that the proposal would result in poor quality living conditions for future occupiers. Accordingly, the proposal would conflict with Policies UD7, H10

and H12 of the Local Plan which, amongst other things, together seek to promote high quality design that provides safe and secure external spaces.

Living Conditions – neighbouring residents

13. The proposed dwelling with rear access would generate only limited noise and disturbance, given its modest scale and the area's context. Whilst a small number of residential properties along Pulford Street and Burnand Street may view the proposed development from their rear elevations and amenity spaces, the distance and siting ensure that it would not result in any harmful effect on outlook. The partial metal cover to the external staircase would further mitigate potential impacts on privacy for neighbouring residents. Secure waste storage within the rear yard would ensure that refuse would not need to be stored on the public highway, such that no adverse impacts would arise in relation to waste management.
14. I therefore find that the proposal would not harm the living conditions of neighbouring occupiers. Consequently, it would comply with Policies UD7, H10 and R1 of the Local Plan insofar as they seek to ensure that the impact on neighbouring properties is minimised and that there is sufficient provision for waste facilities.

Other Matters

15. My attention has been drawn to a number of other applications, which the appellant considers supports their case, for which limited information has been supplied. However, despite being similar, the circumstances of these decisions are not directly comparable with those which apply in this appeal, in particular regard to the existing conditions. Furthermore, rather than providing justification for the development in question, if anything, they point to a need for such proposals to be carefully controlled if the character and appearance of the area, along with the living conditions of future occupiers, are to be safeguarded. I have, in any case, reached my own conclusions on the appeal proposal on the basis of the evidence before me.
16. The appellant contends that the existing external staircase, serving only as a secondary access to the existing first floor ancillary storage area, is immune to enforcement action. However, its exposed nature raises concerns regarding safety during inclement weather and the potential for overlooking if relied upon as the sole access to an independent residential use. Therefore, its presence does not lead me to a different conclusion.
17. An executed Unilateral Undertaking (UU) has been submitted which aims to secure financial contributions towards the provision of new trees and landscaping in accordance with Policy GI 8 of the Local Plan. I consider that the provisions in the UU are necessary, related directly to the development and are fairly and reasonably related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the National Planning Policy Framework.
18. However, I have some concerns about the drafting of the document itself, and thus whether the Council could rely on it to secure the contributions. For example, it

includes an incorrect appeal reference, an erroneous monitoring-fee payment period and references to non-existent clauses.

19. As I intend to dismiss the appeal for other reasons, I have not pursued this matter further with the main parties. Nonetheless, as it stands, and for the reason given in the previous paragraph, I am not satisfied that the submitted UU would secure development which would accord with Policy GI 8 of the Local Plan.

Conclusion

20. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

K Mee

INSPECTOR