



Appeal Decision

Site visit made on 2 April 2026

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal Ref: APP/Z4310/W/25/3374440

Builders Yard, Bowden Road, Liverpool L19 1QN

- 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 AJ Owens Builders Ltd against the decision of Liverpool City Council.
 - The application Ref is 24F/0785.
 - The development proposed is described as: "Proposed Construction of 2-storey B8 class storage shed on the land adjacent to 6 Bowden Road L19 1QN".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address and postcode on the planning application form differ slightly from those on the Council's decision notice. For the avoidance of doubt, the address details used in the banner heading of this decision are taken from the planning application form.
3. The description in the banner heading refers to a 2-storey building, as set out on the planning application form. However, during the Council's consideration of the planning application, the plans were amended to reduce the building to single-storey. The description on the Council's decision notice reflects this amendment, namely: *"To erect a storage unit/warehouse (use class B8) with associated hard standing and boundary treatment incorporating additional access from Bowden Road"*. Taking the amended plans into account, I am satisfied that this accurately reflects the development proposed, and I have determined the appeal on that basis.
4. The evidence before me includes extensive submissions regarding the alleged lawfulness, or otherwise, of the appeal site's use as a builder's yard. However, this appeal is against the refusal of planning permission for the erection of a building to be used for Class B8 purposes, together with associated hardstanding, boundary treatment and access. My determination is therefore confined to the assessment of that development as described.
5. This appeal does not relate to an application for a certificate of lawfulness, and it is therefore not for me to determine the existing lawful use of the site. Any evidence concerning past activities, whilst a material consideration, is relevant only insofar as it provides background context for the development proposal before me. The relevant issues in this appeal are limited to the effects of the proposed development, including its use, and any decision does not establish or disprove the lawful use of the wider site.

Main Issues

6. The main issues are the effect of the proposed development on:
- the character and appearance of the area;
 - the living conditions of the occupiers of nearby properties, with regard to noise, disturbance and vehicle movements; and
 - street trees.

Reasons

Character and appearance

7. The appeal site is a parcel of land to the south of Bowden Road. It lies adjacent to residential properties to the east, a children's nursery housed within a demountable building to the west, and residential properties on the opposite side of the road to the north. To the south, the land falls steeply towards a railway line, adjacent to which is a playground and multi-use games area.
8. The Liverpool Local Plan 2013-2033, Adopted January 2022 (the LP) identifies the site within a "Primarily Residential Area" (PRA). LP Policy H7 states that industrial and business development will be granted within a PRA where there will be no detrimental effect on the amenities and character of the residential area and no adverse impact on traffic generation and car parking.
9. The submitted amended plans indicate that the proposed building would not exceed the height of the adjacent bungalow at No 6 Bowden Road. However, even in its amended form, the appeal building would extend along a considerable length of the site frontage, presenting a large, continuous built form parallel to the road. Its scale, footprint and elongated, utilitarian form would be clearly perceived from the public realm and the opposite dwellings, appearing as a substantial commercial structure within an otherwise predominantly residential street. Whilst the reduction in height lessens its impact to a degree, there remains fundamental concern regarding the building's overall massing, function and relationship to its surroundings.
10. At the time of my visit, the site was largely surfaced with hardstanding and in active use, and a frontage fence had been erected which largely obscured views into the site. However, the presence of enclosure in itself does not mitigate the visual effects of the proposed development. When read alongside the access arrangements and associated infrastructure, including the large timber gates, lighting and CCTV columns, and the expected pattern of vehicular movements, the development would present as a visibly commercial site, rather than one reflective of its residential surroundings.
11. In particular, the scale and design of the access gates, together with their solid appearance and prominence along the frontage, would reinforce a distinctly industrial and commercial character. This would result in a more enclosed and defensive streetscape, contrasting with the generally softer and more open character of nearby residential frontages. Whilst the evidence indicates a form of boundary treatment has previously existed in this location, the cumulative effect of the proposed development, including the access arrangements and associated

features, would contribute to the visual impression of an industrialised site within a PRA.

12. Whilst I note reference to neighbouring non-residential use in the form of the adjacent nursery, this is enclosed by mesh fencing, retaining a greater degree of visual permeability, and the proposed boundary treatment would be noticeably more dominant by comparison. The appellant also refers to other commercial or institutional uses nearby. However, these appear to be long-established and embedded into the urban form. They do not alter the prevailing residential character of Bowden Road or justify the form, function or scale of the development proposed in this location.
13. The appellant also cites affidavit evidence describing historic use of the land. Whilst this indicates that the site was historically associated with builder's yard activity, it also suggests that such use ceased many years ago. Moreover, the evidence does not indicate the past presence of built development comparable in scale, permanence or visual prominence to that now proposed, nor does it establish a pattern of development that informs the present character of the street. My assessment must therefore be based on the development proposed and its relationship with the site's current surroundings, rather than historic land use patterns.
14. Overall, I find that the proposal would appear as an isolated, utilitarian and inherently commercial structure within a predominantly residential streetscene. Its scale, form, and associated boundary treatment would be visually incongruous and would neither reflect nor enhance the character of the area. For these reasons, I therefore conclude that the proposal would harm the character and appearance of the area and would conflict with the aims of Policies H7, UD2 and UD5 of the LP, which collectively seek to ensure that the layout, form and function of development is appropriate to its surroundings.

Living conditions

15. The appellant submitted a Noise Impact Assessment (NIA) at appeal stage, which I have taken account of. This concludes that the operational noise associated with the proposed development would give rise to increases of around 3dB above background levels in a worst-case scenario, which is described as imperceptible or giving rise to no more than a slight effect. The submissions also argue that vehicle movements would be limited and that any potential impacts could be adequately controlled through conditions, including restrictions on hours of operation.
16. The NIA was based on a survey undertaken during the anticipated operational hours of the proposed development. It makes allowance for activities external to the building, including vehicle movements and loading and unloading within the yard. These activities are assessed based on defined assumptions of frequency, duration and operating practices, and the resulting impacts are expressed largely through averaged noise metrics.
17. The NIA does not clearly identify monitoring locations or a detailed description of their relationship to the nearest sensitive receptors. Consequently, while the NIA provides an indication of potential noise levels, this limitation reduces confidence that the predicted impacts would accurately reflect the experience of nearby occupiers, which consequently reduces the weight that can be afforded to its conclusions.

18. Furthermore, it does not fully capture the qualitative characteristics of noise typically associated with commercial yard activity, such as impulsive or irregular sounds arising from loading, unloading and vehicle manoeuvring, nor the potential effect of other repeated short-duration noise events over the course of the working day. Such characteristics are of particular relevance in a predominantly residential environment, where even modest increases in noise may be perceived as intrusive when they arise from a distinctly commercial activity.
19. The appellant's submissions rely on comparisons with baseline conditions at the site. While I do not discount the relevance of observed or described activity as background context, I can give limited weight to any baseline position as being representative of an established lawful use. The assessment must focus on whether the proposed development, taken on its own terms, would safeguard the living conditions of nearby occupiers.
20. The site lies within a clearly residential setting, with dwellings and sensitive receptors nearby. In such circumstances, the 'agent of change' principle within the National Planning Policy Framework (the Framework) is particularly relevant. As development introducing a potential source of noise and disturbance, it is incumbent on the proposal to demonstrate that it would not give rise to adverse impacts on existing occupiers. For the reasons set out above, I am not persuaded this has been demonstrated. Whilst planning conditions could, in principle, be imposed, I am not satisfied that they could meet the relevant tests in the Framework, given the identified shortcomings in the NIA and the uncertainty as to whether effects of noise and disturbance could be adequately controlled.
21. Taking all matters into account, I conclude that the proposed development would be likely to result in undue noise and disturbance from vehicle movements and associated activity, and this would harm the living conditions of nearby occupiers. Accordingly, the proposal would conflict with LP Policies H7 and R1, which collectively seek to ensure that development does not result in unacceptable noise impacts that would harm residential amenity.

Street trees

22. A line of mature street trees along Bowden Road makes an important contribution to the character of the street and the visual quality of the area. These trees are prominent in public views and form a defining element of the streetscape, and the evidence confirms they are protected by Tree Preservation Orders.
23. The proposal is supported by an Arboricultural Impact Assessment (AIA) and Arboricultural Method Statement (AMS). These documents identify the trees, acknowledge that they lie outside the site boundary, and propose a construction approach intended to minimise impacts on their root protection areas, including the use of pile and beam foundations, reduced excavation and arboricultural supervision.
24. The AIA and AMS demonstrate an awareness of arboricultural constraints and an intention to avoid impacts on the street trees. However, the key issue is whether the evidence demonstrates with sufficient certainty that the development as proposed can be implemented without causing them harm.
25. The evidence before me indicates that the roots of several trees extend beneath areas where engineering works are proposed to facilitate both the building and the

access. The submitted drawings provide an indication of the structure on which the building and access arrangement is said to rely. However, they do not demonstrate with sufficient clarity how those works would be undertaken in practice, or whether they could proceed without excavation or other operations that would result in the severance or disturbance of roots that contribute to the health and stability of the street trees.

26. The appellant suggests that these matters could be addressed through planning conditions. However, conditions are not an appropriate mechanism for resolving matters where there is uncertainty as to whether harm could be avoided. In circumstances such as this, where trees are of high public value and form an integral part of the streetscape, the development plan requires sufficient clarity at the decision-making stage that harm has been avoided by design, rather than deferring such matters to a later stage.
27. In the absence of detailed structural and engineering evidence demonstrating how the development would be implemented without affecting the trees' root systems, I cannot conclude, with sufficient certainty, that the works could be undertaken without damage to the street trees' root systems or any harm to their long-term health and stability, notwithstanding the appellant's stated intention to protect the trees.
28. For these reasons, I conclude that the proposal fails to demonstrate that it would safeguard the adjacent street trees. As such, the development would conflict with LP Policy GI9, which seeks to protect existing trees and requires development proposals to be informed by, and appropriately respond to, arboricultural constraints from the outset.

Other Matters

29. The appellant and interested parties have cited several matters which they consider to be benefits of the proposed development, including economic benefits arising from job creation and retention, the reuse of previously developed land, and improvements to site condition and security. Whilst I acknowledge that these considerations attract some limited weight, they do not alter my findings on the main issues or the overall planning balance.
30. Reference is also made to historic email correspondence with Council officers which suggests some level of indicative support for development proposals. However, those exchanges appear to have been informal in nature and without prejudice to the determination of any subsequent planning application. As such, I attach limited weight to this correspondence, and it does not alter my previous findings.

Conclusion

31. For the reasons given above, the proposed development would conflict with the development plan as a whole, and there are no other considerations to indicate it should be determined other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR