



Appeal Decision

Site Visit made on 18 May 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/W4325/W/21/3269381

Inchbroom, 4 Farr Hall Road, Heswall CH60 4SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
- The appeal is made by Mr Ian Durband against Wirral Metropolitan Borough Council.
- The application Ref APP/20/01717, is dated 13 November 2020.
- The development proposed is construction of 10no. apartments in dual (arts and crafts) blocks following demolition of existing 4 storey (inc basement) dwelling, together with associated landscaping / amenity space, parking, bin and cycle storage.

Decision

1. The appeal is dismissed and planning permission for construction of 10no. apartments in dual (arts and crafts) blocks following demolition of existing 4 storey (inc basement) dwelling, together with associated landscaping / amenity space, parking, bin and cycle storage is refused.

Procedural Matters

2. The Council have not issued a refusal notice. However, I have had regard to the Council's accompanying statement of case, in so far that it provides clarity in terms of the reasons why the Council would have refused planning permission had it been able to do so.
3. During the course of the application, the appellant provided revised plans to amend the scheme, particularly in regard to parking provision. The Council considered the application proposals on this basis and so shall I.

Main Issues

4. The main issues are (i) the effect of the proposal on the character and appearance of the area; (ii) the safe and efficient operation of the highway network in the vicinity of the appeal site, having regard to parking provision; and (iii) whether the proposal would provide acceptable living conditions for future occupiers, with regard to outlook.

Reasons

Character and appearance

5. The appeal site is an early 20th Century large two storey detached dwelling and is set in spacious grounds within a predominantly residential area. The property is set back from Farr Hall Road, enclosed by a sandstone wall and gated access with mature vegetation and trees along the opening and boundaries of the site. The grounds of the property are substantially landscaped with some change in garden levels due to the topography of the area.

6. The immediate area is characterised by detached residential properties within larger plots with extensive landscaped gardens. There is a mix of property types with buildings of variant designs and form with a mix of materials. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the spacious and verdant local character.
7. The development proposes to demolish the existing house, garage, outbuildings and replace with two properties containing ten residential apartments. The proposed development would fall within a primarily residential area and flatted developments are not inappropriate in such areas but are subject to an assessment of a proposals design and context.
8. Despite the proposed buildings having a lower ridge height than that of the existing, they would still appear overly large particularly with the monolithic appearance, and the two flatted blocks would be closer to each of the side boundaries. The amount of dominant building frontages within the plot would be significantly increased. Whilst the plan forms of the buildings would be articulate, the space between the two blocks forming an area of hardstanding for vehicular parking would be small in comparison to the overall width's and heights of the buildings. As a result, the scale, siting and appearance of the buildings would appear obtrusive and overly dominant in the street scene.
9. Notwithstanding, the photomontages provided by the appellant, I am not persuaded that there would be sufficient visual separation between the two buildings to prevent them from being perceived as one long frontage or that they represent a spacious and open feel. The retention of the trees/vegetation to the frontage of the site would assist to a degree, but this would not be sufficient to overcome the unacceptable increase in the built form within the appeal site resulting in overdevelopment. It would therefore be at odds with the spacious character of the area.
10. This would be further exacerbated by the introduction of vast amounts of hardstanding throughout the site to facilitate parking including the courtyard area between the buildings, frontage and extending beyond the rear building line. This would not represent good design and results in an excessive and dominant level of hardstanding and parking throughout the site which compromises the appearance of the development and the soft landscaped suburban character of the area. Whilst, adding significant bulk to the built form and introducing an intensive level of vehicular, people activity and unwelcome domestic paraphernalia, particularly throughout the middle and rear of the site.
11. There appears to be some disagreement between the Council and the appellant on the approach to the finer detail of the design of the buildings. Whereas, the Council maintain that the arts and crafts style of the proposed buildings does not offer any meaningful assessment of the context of the proposed development. I accept that the appellant has shifted away from a contemporary design ethos to focus on a traditional concept and there are examples of 'arts and crafts' buildings in the local area including a mix of sizes, styles, ages and materials.
12. However, the proposal would introduce two substantially large flatted buildings into the site that incorporate features that lack in aesthetic detail, particularly in regard to the fenestration, combination of roof forms, added on Juliette balconies and the bold finer pastiche detailing. It would therefore not respect or

preserve local distinctiveness and cause significant harm to the character and appearance of the area. Moreover, in consideration of the National Design Guide and the ten characteristics of well-designed places, the proposed development would not integrate well into its surrounding context or contribute to the local character and identity, resulting in discordant and poorly designed residential buildings.

13. In coming to my decision, I have had regard to the previous appeal decision at the site¹. I acknowledge that the appellant has considered the Inspectors decision to some degree, and aspects of the evidence heavily relies on addressing those concerns that were raised previously. Nonetheless, although there are some similarities with the development, the previous scheme was for one block of nine apartments, unlike the proposal before me which is for two blocks and is different in regard to design, site layout, hardstanding and parking. Moreover, the appellant has set out within the 'design and access statement' *"this is a completely fresh design and submission"*. In any event, the appeal needs to be determined on its individual merits.
14. For the reasons given above, I conclude that the proposed development would cause harm to the character and appearance of the area. It would conflict with Saved Policy HS4 of the Wirral Unitary Development Plan, 2000, Saved 2007 (UDP). Which requires proposals to be of a scale which relates well to surrounding property and does not result in a detrimental change in the character of the area. It would also be at odds with the guidance within the Council's supplementary planning document '*SPD2 – Designing for self contained flat development and conversions, 2006*', (SPD2) Section 5 design issues.
15. Furthermore, it would not accord with Chapter 12 of the National Planning Policy Framework (the Framework), and the National Design Guide in that they seek the creation of high quality buildings and places; good design is a key aspect of sustainable development; and takes account of the important characteristics of good places.

Highway Safety

16. Saved Policy TR9 of the UDP, requires amongst other things that in assessing the off-street parking provision, consideration should be given to the availability in the locality of alternative modes of transport; the operational minimum and maximum level of car parking requirement associated with the proposed development; road safety and traffic management issues in the locality of the proposal; and the likelihood of cars being parked on residential roads.
17. The Council's supplementary planning document '*SPD4 – Parking Standards, 2007*' (SPD4) sets out that the car parking (maximum) should be provided on the basis of 1 space per self-contained flat.
18. The proposal was amended at application stage to increase parking provision within the site from 14 spaces to 17 and I have had regard to the appellants transport statement. However, the Council's Traffic & Transportation Officer requires there to be a provision of 20 spaces within the appeal site to prevent

¹ APP/W4325/W/20/3250341

overspill concerns identified following their site visit at the 'school run' time in the morning. As such, they consider there would still be a deficit of 3 spaces.

19. I have considered the evidence before me, including that of photographs from third parties regarding the demand for parking along Farr Hall Road in relation to the nearby school dropping off and picking up times. The concerns of local residents of this causing obstruction, accidents, impacting on the safety of pedestrians and that the proposal would add to it. Whilst, I acknowledge these concerns and there is likely to be some disruption and inconvenience along Farr Hall Road at certain times of the day for local residents. This would be limited and restricted to times associated with the nearby school and it appears it is an ongoing problem whether redevelopment in the area takes place or not.
20. As I observed at the time of the site visit there was ample parking provision along the road, particularly where there is a pavement heading towards Delavor Road and there are no parking restrictions at this point. There was also ample parking available on the road leading off Farr Hall Road at Church Meadow Lane. Notwithstanding this, I accept that the road is narrow in parts, but at these points there are restrictions in place of double yellow lines, when approaching from Thurstaston Road and there are other mechanisms in place to deal with illegal parking and obstruction of the highway.
21. Therefore, it appears to me that the proposal would meet the Councils recommended parking standards for the proposed development and the proposed parking spaces go above and beyond what is required including parking provision for visitors. Furthermore, in this case a pedestrian linkage to Herberts Lane (PROW) is also proposed and the site is easily accessible for other more sustainable modes of transport other than cars and the site is within walking distance for local services and facilities.
22. Moreover, I have not been provided with any substantive technical evidence from the Council, other than that it had generalised concerns of overspill. As such, I am not satisfied that a deficit of 3 spaces would be so severe to the existing highway network, it should justify the dismissal of the scheme on this issue or that such a deficit would lead to overspill causing significant harm to highway safety, individually or cumulatively.
23. For the reasons given above, I conclude that there would be sufficient parking provision for the proposed development and there would be no harm to the safe and efficient operation of the highway network in the vicinity of the appeal site. The proposals would therefore comply with Saved Policy TR9 of the UDP, as I have already set out. It would also be in accordance with the guidance in regard to parking standards contained within SPD4.

Living Conditions of future occupiers

24. The Council have briefly set out that they have concerns over the position of two-bedroom windows, bedroom 2 (apartment 4) and bedroom 2 (apartment 1) as it has the potential for limited outlook. Nonetheless, it appears to me that sufficient outlook would be provided, and it would not be uncommon for ground floor apartments, having more than one room, for a window to face onto boundary treatments/landscaped or car parking areas. A suitably worded condition regarding landscaping and boundary treatments could be agreed to mitigate and ensure there is limited impact at that window position.

25. Furthermore, I have no substantive evidence to indicate that space standards within the apartments have not been met or there is not adequate distance between habitable rooms or private or communal space available. Therefore, I conclude there would be no conflict with UDP Policy HS4 or at odds with the guidance in the SPD2 - which requires main habitable rooms to have reasonable outlook. However, this issue does not outweigh the harm I have already identified.

Other Matters

26. I acknowledge the appellant's concerns and that they are dissatisfied with the planning application process and responses from the Council during the application stage. The Council have explained their pre-planning advice scheme, and I have no evidence before me that this was undertaken for the appeal proposal. Furthermore, the Council have indicated that due to the ongoing pandemic their offices had to be closed for a period of time due to an outbreak of Covid-19, I do not consider this to be unreasonable behaviour and it would of undoubtedly led to a delay in any response.

27. Moreover, it appears to me that previous discussions were in accordance with the planning practice guidance² (PPG), and pre-application advice provided cannot pre-empt the democratic decision-making process or a particular outcome, in the event that a formal planning application is made. Therefore, I have dealt with the appeal on the proposals I have before me.

28. My attention has been drawn to other developments within the area and a recent appeal decision³ at Farr Hall Drive. I have been provided with limited details of the circumstances of these developments or cases and so cannot be sure they represent a direct parallel with the proposals before me. In any event, the appeal is necessarily determined on its individual merits on the basis of the evidence before me.

29. I note that local residents have expressed additional concerns about the proposed development, including flooding, drainage, local capacity, loss of existing privacy, overlooking, protected species, loss of trees and landscaping. However, the Council did not raise these concerns or indicate these for reasons for refusal, if they could have done so. As such, I have no substantive evidence to support those concerns. Given my findings in relation to the main issues, it is not necessary to consider these matters in further detail.

Planning Balance

30. The Council cannot demonstrate a five-year supply of deliverable housing sites and the shortfall is described as 'substantial'. Consequently because of the provisions of footnote 7, paragraph 11 d) ii of the Framework should be applied.

31. The Local Plan dates from 2000, Saved by way of direction in 2007 but the weight to be attached does not hinge on its age. Rather paragraph 213 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.

² Paragraph: 001 Reference ID: 20-001-20190315, Revision date: 15 03 2019; Paragraph: 003 Reference ID: 20-003-20140306, Revision date: 06 03 2014; 004 Reference ID: 20-004-20180222; Revision date: 22 02 2018

³ APP/W4325/W/20/3253505

32. Although, I have found there would be no harm to highway safety, living conditions of future occupants, I have identified that there would be significant harm caused to the character and appearance of the area. As set out in the Framework, the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and good design is a key aspect of sustainable development. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, including taking into account local design standards, style guides or SPD's.
33. Therefore, even taking account of the objective of boosting significantly the supply of housing and the housing land supply position, the conflict between the proposal and Saved Policy HS4 of the UDP, which is consistent with the design principles of the Framework should be given significant weight in this appeal. It would therefore conflict with the development plan as a whole.
34. I recognise the appeal proposal would have some benefits and the provision of the 9 additional residential units would make a positive contribution to the under supply of housing in the Borough, and would do so by making effective use of land within an accessible location. However, given the quantum of development proposed this would not make a significant difference in the overall shortfall. There would be modest economic benefits with the contribution to construction employment opportunities, and any future occupiers would make to the local economy in Wirral.
35. The proposals would make efficient use of land, in an accessible and sustainable location for local services, facilities and public transport. However, whilst these are benefits to environmental objectives, it would not be achieved due to the significant harm that would be caused to the character and appearance of the area.
36. In taking into account of these matters, although I have found the proposal would provide moderate social and economic benefits, the adverse impacts of the proposed development on the character and appearance of the area would significantly and demonstrably outweigh the identified benefits, when assessed against the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

37. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

KA Taylor

INSPECTOR