
Appeal Decision

Site visit made on 26 October 2016

by V Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th November 2016

Appeal Ref: APP/W4325/D/16/3159327

26 Upton Road, Moreton, Wirral, Merseyside, CH46 0PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Hughes against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00176, dated 18 December 2015, was refused by notice dated 24 June 2016.
 - The development proposed is 'removal of front garden, pathway, hedgerows and borders and replace with hard standing pressed concrete. Also to create gated vehicular access with dropped kerb to the roadway. Borders to be moved to opposite side of driveway and front wall to be brought to same height as hedgerows currently are'.
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Decision

1. The appeal is allowed and planning permission is granted for 'removal of front garden, pathway, hedgerows and borders and replace with hard standing pressed concrete. Also to create gated vehicular access with dropped kerb to the roadway. Borders to be moved to opposite side of driveway and front wall to be brought to same height as hedgerows currently are' at 26 Upton Road, Moreton, Wirral, Merseyside, CH46 0PA in accordance with the terms of the application, Ref APP/16/00176, dated 18 December 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PH1 'Development area of site'; PH2 'Entire site'; PH3 'Hedgerow removal and kerb lowering'; PH4 'Overview of site works'; PH5 'Plan existing conditions'; PH6 'Plan proposed changes'; 'Elevation'.
 - 3) Prior to the commencement of development details of a drainage scheme to include a method of surface water run-off required within the site to prevent flooding shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be provided prior to the driveway being brought into use and retained thereafter.
 - 4) Prior to their use in the development, details of the materials to be used in the construction of the wall and gates shall be submitted to and agreed in writing by the Local Planning Authority. The approved materials shall be
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used in the construction of the wall and gates unless otherwise agreed in writing with the Local Planning Authority.

Main Issues

2. The main issues are:

- The effect of the development proposed on the character and appearance of the area; and
- The effect of the development proposed on surface water flooding.

Reasons

Character and appearance

3. The appeal dwelling is a semi-detached dwelling situated on Upton Road which is a busy, wide thoroughfare with a regular stream of traffic passing along it. The front boundary of No. 26 is currently defined by a low brick wall with a hedgerow above it and a small gate that provides access to the property.
4. Whilst this form of front boundary treatment is common in the area, the height of the walls and hedgerows vary. There are also some dwellings which have front boundary treatments formed entirely of high brick walls with metal fencing above and also some properties that have high, close boarded wooden fencing enclosing their front boundary. I note that the Council states that some of these boundary treatments may not benefit from planning permission. However, the fact remains that there are numerous examples of them visible in the streetscene close to the appeal dwelling. There is also a church next to No. 26 which has a sandstone wall along its front boundary that is higher than the boundary wall at the appeal dwelling. Therefore, in summary, the appearance of front boundary treatments along Upton Road is mixed and this creates some diversity in the streetscene which forms part of the character of the area.
5. The appeal proposal would see the creation of a driveway at the front of No. 26 and the replacement of the existing front boundary treatment with a brick wall with two metal gates set within it, providing pedestrian and vehicular access respectively.
6. The brick wall proposed would be approximately the same height as the existing hedgerow at No. 26. I accept that this would result in the front boundary wall being somewhat higher than that of the adjoining neighbouring property's wall. However, given the diversity of front boundary treatments that exists in the area and the fact that the proposed wall would only be approximately 15cm higher than the boundary wall of the neighbouring church, I consider that the visual appearance of the proposal would be acceptable.
7. Accordingly, I conclude on this main issue that the development proposed would not be harmful to the character and appearance of the area. The proposal would therefore not conflict with HS11 of the adopted Wirral Unitary Development Plan (2000) and Supplementary Planning Guidance 11 (2004) which together seek to ensure that new development reflects, and is sympathetic to, its context.

Surface water flooding

8. During their determination of the original application, the Council identified concerns that the proposed driveway would be formed of an impermeable area and this could have implications for surface water drainage in the event that permission had been granted.
9. The appellant has since confirmed that the proposal will utilise Aquavoid crates and that these systems are designed to collect diverted rain water and store it until it drains slowly into the ground. A central area of shrubs and soil would also absorb some run off. Additionally it is proposed to construct a drainage channel.
10. Whilst I acknowledge the Council's concerns that no specific drawings or cross sections were provided, there is no specific evidence before me to indicate that this matter could not be addressed via a suitably worded condition requiring a drainage scheme to be submitted for approval prior to the commencement of development. Furthermore, paragraph 203 of the National Planning Policy Framework (Framework) is clear that it should be considered whether otherwise unacceptable development could be made acceptable through the use of conditions.
11. Accordingly, I conclude on this main issue that the development proposed would be unlikely to result in harmful levels of surface water flooding. The proposal would therefore not conflict with paragraph 93 of the Framework which seeks to ensure, among other things, that development minimises vulnerability to climate change.

Conclusion and Conditions

12. For the reasons given above, I conclude that the appeal should be allowed.
13. I have considered the Council's suggested conditions in line with the advice in the Framework and the Planning Practice Guidance (PPG).
14. I have attached a commencement condition and a condition requiring the development to be carried out in accordance with the submitted plans, to define the terms of this permission and for the avoidance of doubt.
15. A condition is required regarding the submission of the details of a drainage scheme for the development hereby permitted for the reasons set out in my Decision above.
16. I have also attached a condition requiring the submission of details of the materials to be used in the construction of the development to ensure there will be no harm to the character or appearance of the area as a consequence.

V Lucas-Gosnold

INSPECTOR