
Appeal Decision

Site visit made on 28 November 2016

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 1st December 2016

Appeal Ref: APP/W4325/D/16/3160894
135 Park Road North, Birkenhead CH41 8AA

- 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 Malcolm Formston against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00636, dated 29 April 2016, was refused by notice dated 27 July 2016.
 - The development proposed is the demolition of existing garage and removal of one tree to facilitate a new proposed garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has raised concerns regarding the Council's handling of the case, and especially the lack of communication and opportunity to amend the proposal. These are matters that would need to be taken up with the Council in the first instance, and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

3. The main issue in the appeal is whether or not the proposal would preserve or enhance the character or appearance of Birkenhead Park Conservation Area, and whether it would preserve the setting of the Grade 1 Listed Victorian park.

Reasons

4. The appeal site forms one of a number of dwellings that are located around the edge of Birkenhead Park. Whilst the houses vary in design, they are characterised by being large properties, in substantial plots, and set back some distance from the road. Together with the mature trees and vegetation in the gardens and the park, this gives the area a sense of spaciousness and openness that is a key characteristic of the conservation area, and which stands in marked contrast to the densely developed streets surrounding the park.
 5. Whilst most of the houses have garages and outbuildings to the side of the main dwelling, both the appeal property and the adjacent property (No 137) have a double detached garage in the front garden. This is located in close proximity to the house, and so a generous space remains between the road
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frontage and the buildings on the plot, and the sense of openness is maintained.

6. The proposed garage and workshop building would be located close to the front boundary of the site. Although, the building is smaller than that first proposed by the appellant, it is still a substantial size. As a result of both its position and size, the proposal would significantly erode the openness between the house and road. Given that this spaciousness is a characteristic feature of the area, this loss of openness would be detrimental to the character and appearance of the conservation area.
7. Whilst the hedge to the road frontage, and other vegetation in the front garden would help to screen the proposed building from view, I observed that the more limited vegetation along the boundary with No 133, means that it would be visible when approaching in a north-westerly direction along Park Road North, and at the light controlled junction with Cavendish Road. In such views it would appear an uncharacteristic and incongruous feature.
8. Consequently, I consider that the proposal would not preserve or enhance the character or appearance of Birkenhead Park Conservation Area, nor would it preserve the setting of the Grade 1 Listed Park. Therefore, it would conflict with Policies HS11, CH2 and CH6 of the *Wirral Unitary Development Plan (adopted February 2000)* which require that extensions are of an appropriate size, and that proposals should preserve or enhance the distinctive characteristics of a conservation area, and preserve the character and appearance of Birkenhead Park. Having regard to paragraph 134 of the *National Planning Policy Framework*, whilst the harm caused to the conservation area would be less than substantial, there are no public benefits which would outweigh the harm caused.
9. The appellant has indicated that the workshop would be used to teach practical skills to his children. Whilst this desire is accepted, I am not persuaded that the appeal scheme represents the only way that this could be achieved. Moreover, personal circumstances will seldom outweigh more general planning considerations, and it is likely that the building would remain long after the current personal circumstances cease to be material.
10. In support of the appeal, my attention was drawn to some other large traditional, and non-traditional buildings, in the area. However, only one of these relates to a domestic outbuilding, and although visible from the highway due to its corner location, this was located in the rear garden not the front garden. As such, the circumstances of this, or the other non-domestic examples, are not directly comparable to the appeal scheme. I have, in any case, reached my own conclusion on the proposal on the basis of the evidence before me.
11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR