

Appeal Decision

Site visit made on 14 July 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/W4325/D/17/3174218
35 Caldby Road, West Kirby CH48 2HF

- 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 Mrs Antonia Sara-Kelly against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/17/00054, dated 10 January 2017, was refused by notice dated 4 April 2017.
 - The development proposed is described as the erection of a front veranda.
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Procedural matter

1. The description of development given in the above heading is taken from the application form lodged with the Council. However, it is clear from the plans and accompanying details that the proposed development comprises the erection of a carport as well as a veranda at the front of the appeal property. The Council dealt with the proposal on that basis and so shall I.

Decision

2. The appeal is dismissed insofar as it relates to the erection of a carport. The appeal is allowed and planning permission is granted insofar as it relates to the erection of a front veranda at 35 Caldby Road, West Kirby CH48 2HF in accordance with the terms of the application Ref APP/17/00054, dated 10 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: 2016 159 001 Revision 01, 2016 159 002 Revision 03 and the Land Registry Plan, which shows the site edged red.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the local area.
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Reasons

4. The appeal property is a detached house that lies within a predominantly residential area wherein dwellings vary in style, size and general appearance. Notwithstanding this variety in built form, there is a noticeable pattern to existing development in the vicinity of the site, in which dwellings stand back from the road, often behind good-sized front gardens that are mostly free from significant built development. The appeal dwelling and those near to it exemplify this pattern. These features, coupled with the boundary vegetation that marks the highway frontages of properties near to the site, positively contribute to a spacious feeling and verdant quality within the local street scene to which No 35 belongs.
5. The proposed carport would be a freestanding timber framed structure with a dual pitched tiled roof. The carport would be open on three sides with external materials to match those of the new veranda. It would be sited within the front garden of No 35, just set back from the highway frontage of the site. In this position, there would be a sizeable gap between the new carport and the front of the existing dwelling. Consequently, this element of the appeal scheme would be out of keeping with the general layout and character of existing properties along the same side of Caldý Road.
6. Existing vegetation towards the front of No 35 and on either side of the site would partly screen the proposed carport and visually soften its appearance when seen from the road. However, the presence of soft landscaping cannot be relied upon to mitigate the harmful effect of the new carport, particularly as planting can be cut back and removed at any time. While the new carport would also stand behind a boundary wall and fence, this structure would provide only modest screening because the proposal would project above it. Consequently, it would be evident from Caldý Road in front of the site and just to each side, from which it would be obtrusive given the lack of any other significant buildings within the front gardens of nearby properties.
7. From what I saw, some properties further along Caldý Road and other nearby streets include frontage carports and garages including those to which the appellant has referred. Few background details have been provided of these cases and so I cannot be sure that their particular circumstances are the same as, or are very similar to, the proposal. I observed that properties with sizeable detached buildings well forward of the main front wall that were visible from the road were not a strong characteristic of Caldý Road. In any event, each proposal must be assessed on its own merits, as I have done.
8. On the main issue, I therefore conclude that the proposed carport would cause significant harm the character and appearance of the local area, in conflict with Policy HS11 of the Wirral Unitary Development Plan. An aim of this policy is to ensure that development does not adversely affect the appearance of the area. It is also contrary to the National Planning Policy Framework (the Framework), which states that development, amongst other things, should respond to local character and add to the overall qualities of an area.
9. In reaching this conclusion, I acknowledge that the new carport would provide shelter from the weather for vehicles parked within it than might otherwise be

the case if a car were left on the driveway. However, this matter does not outweigh the significant harm that I have identified.

10. The Council raises no objection to the proposed veranda at the front of No 35. I, too, find this element of the appeal scheme acceptable because it would be appropriate in scale and design, and modest in depth and height. It would be in keeping with the character and appearance of the host building and blend in with the mixed built form that is a common feature of the local area. As such, the new veranda complies with UDP Policy HS11 and the objectives of the Framework. As this part of the proposed development is clearly severable to the new carport, which is objectionable, I am able to issue a split decision that grants planning permission solely for it.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the veranda be carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the finished dwelling, a condition is imposed to require that the external materials used match those of the existing building.

Conclusion

12. For the reasons given above, and taking into account the absence of objections from others, I conclude that the appeal should be dismissed in part and allowed in part.

Gary Deane

INSPECTOR