
Appeal Decision

Site visit made on 14 August 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 18th August 2017

Appeal Ref: APP/W4325/W/17/3175087

Westways, 16 Lingdale Road, West Kirby CH48 5DQ

- 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 N Cowley against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/17/00195, dated 20 February 2017, was refused by notice dated 11 April 2017.
 - The development proposed is the subdivision and extension of the existing dwelling to create 5 No. apartments and off street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are whether or not the proposal would:
 - preserve or enhance the character or appearance of Meols Drive Conservation Area and the host property; and
 - provide adequate living conditions for the future occupiers of flat 4 with particular regard to privacy.

Reasons

Character and appearance

3. The appeal property is a large detached late Victorian house that is located within Meols Road Conservation Area. S72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (the Act) requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area.
4. The conservation area is characterised by properties of a similar age, scale and mass. Whilst each house is unique, there is a consistent design approach with high quality architectural detailing evident on the properties, projecting canted bays on both front and side elevations, and interesting roof planes created by features such as dormers, gables, turrets, and decorative chimneys. The architectural quality of the houses, and the spacious character created by the generous plots within which the houses sit, are key characteristics of the conservation area, and form part of its special interest.

5. The appeal property with its steeply pitched roof, small pane casement windows, projecting turrets at the front and rear of the western elevation and other decorative features, is identified within the *Meols Drive Conservation Area Appraisal (January 2004)* as a building that makes a positive contribution to the conservation area. Whilst 2-storey canted bay windows are a feature on the front and side elevations of many of the houses in the immediate vicinity, the property is one of a small number of houses on the road to have 2 storey hexagonal turrets at the front and rear corners of the side elevation. These form a particularly distinctive feature on these houses.
6. The existing single storey flat roof extension, which I understand from the Council predates the designation of the conservation area, is situated between the turrets, and projects further out than they do. As such, it detracts from the contribution the turrets make to the character of the building, and the wider area. Nevertheless, the stepped front elevation of the adjacent property, means that both the front and rear turret are visible at first floor level within the street scene.
7. Although the proposed first floor extension would utilise various architectural details found on the original dwelling, its size and position would further detract from the turrets. Given these are significant and distinctive features of the house this would be to the detriment both of the character of the property, and the street scene. Moreover, in removing views of the rear turret from the road the visual interrelationship between this pair of features would be lost, adversely affecting the contribution the turrets make to the character of both the house, and the conservation area.
8. I accept that other houses in the area have been extended but observed that these normally took the form of rear extensions that are less visible from the public realm and so had a minimal impact on the character and appearance of the conservation area, which would not be case here. It has also been highlighted that the turrets at the rear of No 18 have been demolished as part of the renovation and extension of this property. However, I do not have the full details of the circumstances that led to this proposal being accepted, and so cannot be sure that it represents a direct parallel to the appeal proposal, particularly in terms of the location, visibility and contribution the turrets make to the character of the house and conservation area. In any case, I have determined the appeal on its own merits.
9. Overall, I consider that the proposal would not preserve or enhance the character or appearance of Meols Drive Conservation Area. Accordingly, it would conflict with Policy CH2 of the *Unitary Development Plan for Wirral (adopted February 2000)* (UDP) which seeks to ensure that within a conservation area development preserves, or enhances, the character and setting of buildings, and other features that make a positive contribution to the appearance and special character of the area.
10. Having regard to paragraph 134 of the *National Planning Policy Framework* the harm caused to the conservation area would be less than substantial, and therefore needs to be weighed against the public benefits of the proposal.
11. I understand that the proposal would enable the creation of a 2 bedroom rather than a 1-bedroom flat, which would improve the viability of the scheme. However, I am not persuaded that this is the only way this could be

achieved. Nevertheless, even if this were to be considered a benefit of the scheme, as Section 72(1) of the Act indicates the desirability of preserving or enhancing the character or appearance of a conservation area is a matter of considerable importance and weight, I consider that it would be insufficient to outweigh the less than substantial harm.

Living Conditions

12. The proposed extension would have a balcony area at the rear. This would be immediately adjacent to a window serving the living/dining room of another flat. However, I am satisfied that the use of a condition to ensure the use of obscure glazing in the part of the window closest to the proposed balcony would be sufficient to ensure there was no loss of privacy to the occupiers of this adjacent flat. In addition, given the relatively limited size of the balcony, I consider that the potential for unacceptable noise and disturbance to be created from its use would be minimal.
13. Consequently, I consider that the proposal would provide adequate living conditions for future occupiers of flat 4. Therefore, it would not be contrary to Policy HS13 of the UDP which requires that proposals for the conversions of buildings into self-contained flats ensure privacy for neighbours and occupants.

Conclusion

14. Notwithstanding the fact that the proposal would provide adequate living conditions for future occupiers, it would not preserve or enhance the character or appearance of Meols Drive Conservation Area. For this reason, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR