
Appeal Decision

Site visit made on 7 November 2017

by Katie McDonald MSc MRTPI

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

Decision date: 13th December 2017

Appeal Ref: APP/W4325/W/17/3180111

Land between 36 & 52/54 Stanley Lane, Eastham CH62 0AG

- 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 B Evans against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/01237, dated 9 September 2016, was refused by notice dated 16 January 2017.
 - The development proposed is described in the planning application as a detached new dwelling on "in fill" waste land.
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Decision

1. The appeal is dismissed.

Main Issues

2. The site is within the Green Belt and the Eastham Village Conservation Area (EVCA). Accordingly, the main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - ii) The effect of the development upon the character and appearance of the area, with specific reference to the EVCA and trees.

Reasons

Whether the proposal is inappropriate development within the Green Belt

3. The site is an undeveloped parcel of land that sits between 36 and 52/54 Stanley Lane, which the appellant details was a former garden associated with No 54. The proposal is for a two storey detached 4 bedroom dwelling. Policy GB2 of the Wirral Unitary Development Plan (February 2000) (UDP) sets out that there is a general presumption against inappropriate development, exceptions to that include the limited infilling in existing villages, subject to Policy GB6 (and GB7). The Framework details that the construction of new buildings is inappropriate in Green Belt, an exception to this is limited infilling in villages.
4. Policy GB6 details that development filling a small gap within the defined built-up envelope of the village is acceptable, providing the village is listed in Policy GB7. Policy GB7 excludes EVCA from the limited infilling set out in Policy GB6, and the proposal would be in conflict with these policies. However, the UDP

which includes Policies GB2, GB6 and GB7, pre-dates the Framework.

Paragraph 89 of the Framework has no requirement for limited infilling in villages to be outside of conservation areas. Having due regard to paragraph 215 of the Framework; given this degree of inconsistency with national policy, I give limited weight to the conflict with Policies GB2, GB6 and GB7.

5. The Council refer to Policy CS3 of the Proposed Submission Draft Core Strategy Local Plan. The purpose of a Local Plan examination is for the Examiner to consider whether the plan is 'sound'. Accordingly, it is possible that a policy could be amended or deleted as a result of the examination or that the plan is withdrawn or found unsound. As the plan has not yet been submitted for examination, Policy CS3 is not adopted development plan policy and this significantly limits the weight I can give it in my assessment.
6. Therefore, in reference to the Green Belt assessment, I shall determine the appeal in accordance with national policy.
7. By reason of its setting and context, the location of the proposal is quite clearly within a village, bounded on either side by dwellings, with dwellings opposite, and a church and public house in close proximity. The site has all the characteristics of an infill plot, being on a built up road frontage between properties. The curtilage proposed is not dissimilar to that of No 36 and the proposal would fill a clear gap between dwellings. It would also be for one dwelling, which I consider to be limited.
8. Thus, the proposal would fall within the exceptions set out in Paragraph 88 of the Framework, and would not be inappropriate development. Since there is no Green Belt harm, there is no need to identify very special circumstances or assess the effect of the development upon openness.

Character and appearance

9. The EVCA is a designated heritage asset. Paragraph 132 of the Framework requires that great weight should be given to the asset's conservation. The significance of the EVCA is delivered from its mediaeval street pattern and group value of a rich variety of irregularly clustered period buildings, interspersed with open spaces and woodland. Opposing the site are 3 Grade II Listed Buildings.
10. The proposal would be constructed in an 'L' shape, being two storeys in height with a dual pitched roof, numerous projecting gable details and chimneys. The property would have the first floor contained within the roof, the gables providing additional headroom. It would be set back from Stanley Lane, the foremost front elevation being in line with the rear elevation of No 36.
11. A distinctive characteristic of the EVCA is the haphazard relationship of buildings and the open spaces between. Whilst the site is overgrown and rather unkempt and may have been a former private garden, it does contribute to the character of the EVCA by providing an open space. Despite its considerable setback from the road, 'cottage' style height and suitable material choice; the proposal would ultimately develop the majority of the site's width and consequently remove the open space. Furthermore, the building's footprint is substantial when compared to the modest scale buildings in the immediate area. As a result, it would appear out of keeping in this location.

12. The development of the open space with the scale of dwelling proposed would harmfully affect a distinctive characteristic of the EVCA, and thus its significance. In this setting, it would introduce an incongruously modern and large built form that would fail to preserve or enhance the character and the appearance of the EVCA.
13. Notwithstanding their proximity to the site, the opposing Listed Buildings are across the road, and I find that the proposal would have no significant effect upon their setting which would be preserved.
14. The appellant's statement details that the proposal would seek to retain the stone boundary wall and the trees to the front, and develop more hedging and shrubbery. Whilst the retention of the boundary wall and trees would be favourable, and would help to screen the development somewhat; this would not outweigh the effect of the overall development upon the character and appearance of the area.

Conclusion

15. Having regard to the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the EVCA. The proposal would harm the significance of EVCA, leading to 'less than substantial harm' as set out in the Framework. The proposal would remove the rather unkempt appearance of the site and would provide one dwelling; however these would not be public benefits sufficient to outweigh the harm.
16. Consequently the proposal conflicts with Policies CH2 and CH10 of the UDP, which seeks to ensure that developments in conservation areas preserve or enhance the distinctive characteristics, character and setting of period buildings, and general design and layout of the area. I also find conflict with paragraph 132 of the Framework, which requires that great weight should be given to the conservation of a designated heritage asset.
17. Accordingly, the proposal would not represent sustainable development and for the reasons given above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR