
Appeal Decision

Site visit made on 16 July 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2019

Appeal Ref: APP/W4325/W/19/3227518
29 Delavor Road, Heswall CH60 4RW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Williams against the decision of Wirral Metropolitan Borough Council.
 - The application Ref OUT/18/01594, dated 21 November 2018, was refused by notice dated 15 April 2019.
 - The development proposed is the demolition of the existing dwelling and construction of a two storey apartment block with 4 self-contained apartments and two 5 bed detached dwellings to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Outline planning permission is sought with all matters reserved. A number of plans accompany the application which provide an indicative site layout for the proposals which are of assistance in helping to understand and appreciate the context and form of the development that the applicants' desire. However, these can only be considered as indicative, as all matters relating to access, appearance, landscaping, layout, and scale would be agreed at a later stage. Accordingly, I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site currently contains a large detached 2 storey dwelling and is located in a predominantly residential area. The house is set within extensive grounds with a very long, gradually sloping rear garden that is contained by shrubs and hedgerows, interspersed with a variety of trees. A number of other properties on this side of Delavor Road share this characteristic of having unusually long gardens and when looking out from the rear garden of the site, it is evident that a number of other rear gardens nearby have had dwellings constructed in them.
5. The proposal would see the existing large dwelling on site demolished to make way for a 2 storey apartment block containing 4 apartments and 2, 5

bedroomed detached houses. The indicative plans submitted with the application show the apartment block at the front of the site on the approximate footprint of the existing dwelling. The access and driveway are shown as remaining in the same position as at present, then extending down the side of the garden, to serve the 2 further dwellings. These dwellings are shown as being of a similar size to the apartment block, with one positioned mid-way down the rear garden and the other located towards the bottom.

6. Whilst it is clear from these plans that the site would be capable of accommodating 3 buildings of this size, this would not be comparable with the pattern of other nearby rear garden development, which typically comprises of only a single additional dwelling built towards the bottom of a garden. Such arrangements still allow for each plot to enjoy a significant garden size, and for very long separation distances to be maintained between the dwellings which is a characteristic of the area.
7. The introduction of a 4 unit apartment block and 2 dwellings on the appeal plot on the appeal site would not allow for such generous separation to be maintained. As shown on the indicative plans, it would be likely that in order to achieve adequate separation distances between all 3 of the buildings that one of these would have to be located midway down the garden. Such an arrangement would make this unit in particular appear incongruous and out of place in the middle of the rear garden area.
8. Furthermore, as the proposal would be delivering a total of 6 self-contained units of accommodation, the overall site density of development would be far greater than that of the surrounding plots in the area, which at the most appear to deliver 2 dwellings per site. The appellant has suggested that the current site density is an inefficient use of land and that the site density proposed would be similar to that south, west and north west of the site. Whilst the housing density in these areas does appear to be higher than that of the appeal site, this is due to the dwellings and plots in these areas not having the unusual characteristic of very long gardens that the appeal property and its neighbours on this stretch of Delavor Road enjoy. As such, the pattern of development in the other areas that the appellants' have referred to is not directly comparable to the proposal that is before me and as such, I attach limited weight to this argument.
9. For the above reasons, I therefore find that the delivery of a 4 unit apartment block and 2, 5 bedroomed houses would result in an overdevelopment of the site that would be harmful to the prevailing character and appearance of the immediate surrounding area. Consequently, the proposal would be contrary to Policy HS4 of the Wirral Metropolitan Borough Council Unitary Development Plan (UDP) (2000) and the Framework. Policy HS4 requires proposals to be of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development and to not result in a detrimental change in the character of the area.

Other Matters

10. The appellants' have referred to other planning applications¹ that have been approved by the Council nearby and a number of planning appeals², all of

¹ Council reference no's: APP/18/01627, APP/19/00167

which have allowed an increase in housing density on their respective sites. Whilst it is inevitable that comparisons be made between developments, each will have its own particular site-specific circumstances and merits upon which it will be considered. From the limited information before me, it is clear that the other developments referred to differ to the appeal proposal due to the plots' shapes and sizes and also because of the form and amount of development that each seeks to deliver. As such, these other proposals are not directly comparable to that which is before me.

11. The appellants' have also referred to the Council's emerging Local Plan, which they have advised proposes areas of Green Belt to be released in order to increase housing delivery and have suggested that the proposal would be a more appropriate location in which to build houses. Whilst the Council is silent on such matters, from the limited information before me it appears that the Local Plan is still at an early stage and as such, I only attach limited weight to this argument.
12. Objections have also been raised by local residents relating to drainage on site and that badgers have been seen in the area. However, as the appeal is dismissed for other reasons, I do not need to consider these issues at this time.

Overall Planning Balance

13. The appellants' have highlighted that the Secretary of State has previously written to the Council raising concerns regarding the status of their Local Plan and the lack of a 5 year housing land supply. In the absence of this, the relevant policies for the supply of housing cannot be considered to be up-to-date. In these situations, paragraph 11 of the Framework allows permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or when there are specific policies in the Framework which indicate that proposals should be restricted.
14. The appellants' have suggested that as the site is small, it could be built out quickly to meet housing need and would provide a variety of housing in an accessible location, with access to local services and transport links. Even though the proposal would deliver these relatively modest benefits, it would nonetheless be unsympathetic to the local character and appearance of the area and would not fit in with the overall form and layout of its surroundings, which are important requirements of Chapter 12 of the Framework. As a result, I therefore find that the adverse impacts would significantly and demonstrably outweigh the benefits that the proposal would bring.

Conclusion

15. For the reasons set out above, and having had regard to all other matters raised, the appeal is dismissed.

Jamie Reed

INSPECTOR

² Planning Inspectorate reference no's: APP/W4325/W/18/3202643, APP/Y0435/W/17/3169314, APP/W4325/W/16/3149743