



Appeal Decisions

Site visit made on 4 November 2019

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal A Ref: APP/W4325/W/19/3233107

Masonic Temple, 27 Clifton Road, Birkenhead, Wirral, CH41 2SF

- 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 Masonic Temple Birkenhead Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/18/01021, dated 31 July 2018, was refused by notice dated 4 June 2019.
 - The development proposed is alterations to existing fire escape staircase and the formation of a new ramp to provide access for the disabled.
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Appeal B Ref: APP/W4325/Y/19/3233116

Masonic Temple, 27 Clifton Road, Birkenhead, Wirral, CH41 2SF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Masonic Temple Birkenhead Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref LBC/18/01022, dated 31 July 2018, was refused by notice dated 4 June 2019.
 - The works proposed are alterations to existing fire escape staircase and the formation of a new ramp to provide access for the disabled.
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Decisions

1. Appeal A is allowed and planning permission is granted for alterations to existing fire escape staircase and the formation of a new ramp to provide access for the disabled at the Masonic Temple, 27 Clifton Road, Birkenhead, Wirral, CH41 2SF, in accordance with the terms of the application, Ref APP/18/01021, dated 31 July 2018 and the plans submitted with it, subject to the conditions in the attached schedule.
2. Appeal B is allowed and listed building consent is granted for alterations to existing fire escape staircase and the formation of a new ramp to provide access for the disabled at the Masonic Temple, 27 Clifton Road, Birkenhead, Wirral, CH41 2SF, in accordance with the terms of the application, Ref LBC/18/01022, dated 31 July 2018 and the plans submitted with it, subject to the conditions in the attached schedule

Main Issue

3. The main issue is whether the proposed development and works would preserve the listed building or its setting or any features of its special architectural or historic interest.

Reasons

4. In considering proposals for planning permission, the statutory duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Act also has the same requirement under section 16(2) for proposals for listed building consent. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
5. The development plan includes policies CH1 and HS15 in the Wirral Unitary Development Plan (2000) (UDP). Policy CH1 seeks to protect heritage assets and broadly reflects the statutory duty. It accords broadly with the Framework although it fails to acknowledge the need to weigh any less than substantial harm against the public benefits of the proposal as sought in the Framework. Policy HS15 seeks to ensure that proposals for small-scale built development are of a scale appropriate to surrounding development and do not result in a detrimental change in the character of the area. The Framework has similar objectives.
6. The property is a Grade II listed building which is slightly raised above and set back some distance from the road together with its large car park behind a stone wall and gate piers and railings along a wide frontage. It has historical significance, built around 1845 as a substantial villa which formed part of Clifton Park which was designed by the architect Walter Scott as a villa estate. Its imposing and detailed principal front, western elevation has a classical style and contributes strongly to its architectural significance. Both my own site visit impressions and the listing description confirm that the assertion in the Council's statement that the front of the building is rendered stucco is incorrect and is in fact of ashlar.
7. The proposed development and works would be sited on the southern, side elevation, adjacent to the car park. That elevation is of predominantly of brick and has already been altered by a small single storey, flat roofed extension and by the addition of an existing cast iron steel external fire escape staircase and door opening at first floor level. Although that elevation can be clearly seen from the surrounding area, apart from the corner treatment of a stone pilaster and quoins which wrap around from the front elevation, by reason of its brick materials and utilitarian appearance with an absence of detailing, it is very clearly a secondary elevation that contributes little to the significance of the listed building.
8. The lower section of the existing external staircase would be re-positioned, in order to create a new doorway in the existing brickwork. The new access ramp would be attached to the same elevation and would provide wheelchair access into the building through the new doorway. The agent has confirmed that the

new ramp would be constructed from reclaimed hand-made bricks with stone copings.

9. Although the proposals would project forward of the principal elevation very slightly and would obscure to a very small degree the stone pilaster and quoins on the corner of both elevations, the small scale of the ramp and staircase would appear sufficiently subservient when seen against the much larger scale of the building. The proposals would not be unduly prominent in the street scene given their set back from the road and the wide frontage of the appeal site. The proposed brick materials could be subject to a condition to ensure a satisfactory external appearance similar to that of the side elevation on which the ramp would be sited. The siting, scale, design and materials of the proposals would therefore be acceptable and would preserve the listed building and its setting, in accordance with policy CH1. In regard to Appeal A only, the proposed development would also be appropriate to its surroundings and would not result in a detrimental change to the character of the area, in accordance with policy HS15.
10. I have noted that the Council considers that alternative siting on the eastern elevation or behind the quoins would be acceptable but as I have found that no harm would be caused, there is no need for me to consider those alternatives. For the same reason, there is no need for me to consider whether or not there are any public benefits as required by the Framework such as the provision of disabled access and the duty under the Equality Act 2010.

Conditions

11. The conditions suggested by the Council have been considered against the tests of the Framework and the advice provided by the Planning Practice Guidance (PPG). I find them to be reasonable and necessary in the circumstances of this case, although amendments to the wording of some have been necessary in the interests of clarity and the advice of the PPG.
12. In addition to the standard commencement condition, a condition is necessary requiring that the development and works are carried out in accordance with the approved plans, in order to provide certainty. Conditions relating to materials are necessary in the interests of the listed building and its setting.

Conclusion

13. For the reasons given above, I conclude that the proposals would preserve the listed building, its setting and the features of its special architectural and historic interest. They would accord with the development plan and the Framework as a whole and there are no other material considerations that warrant determining the appeals otherwise. Both appeals should be allowed.

Sarah Colebourne

Inspector

Schedule of conditions

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 6396/07.
- 3) No development shall take place until samples of the brick and coping materials to be used in the external construction of this development have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

Appeal B

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plan: 6396/07.
- 3) No works shall take place until samples of the brick and coping materials to be used in the external construction of this development have been submitted to and approved by the local planning authority in writing. The works shall be carried out in accordance with the approved details.

End of conditions.