
Appeal Decision

Site visit made on 7 January 2020

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 29 January 2020

Appeal Ref: APP/W4325/W/19/3236603

Hollins Hey Hotel, 191 Victoria Road, New Brighton CH5 0JY

- 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 Derek Bowden against the decision of Wirral Metropolitan Council.
 - The application Ref 18/01443, dated 7 November 2018, was refused by notice dated 1 May 2019.
 - The development proposed is proposed demolition of existing hotel and replacement with 14 no apartments and associated car parking.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I am aware of the history of the site and that the design of the proposed development has evolved during the application process. However, I have determined the appeal on the basis of the plans which were before the Council when the planning application was determined. Nevertheless, I have identified some inconsistencies within the plans. As I am dismissing the appeal, I have not pursued this matter further.
3. The hotel has not been identified by the Council as a heritage asset.
4. The appeal site is identified in the Wirral Unitary Development Plan Saved 2007 (UDP) as falling within a Primarily Residential Area. As such the principle of housing is not a matter of dispute between the parties.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the street scene and the effect of the proposed development on the living conditions of neighbouring residents at no 189 and 195 Victoria Road, with particular regard to overlooking and outlook.

Reasons

Character and appearance

6. New Brighton is predominantly characterised by Victorian buildings, with a significant element of developments from other periods. Examples include the substantial brick and concrete Portland Court which was built in the 1930's and

which sits on a large corner plot around a mile from the site, and other more modern redevelopments such as Victoria View and the flats close to the railway station.

7. The existing three and a half storey, brick built Victorian hotel is characteristic of the Victorian resort. It is substantially larger than its immediate neighbours, which appear to have been built later. It lies well back off the road and like many of the properties along Victoria Road, and in New Brighton itself, is highly visible in the street scene as the land slopes up steeply from the road.
8. The proposed development would sit almost on the same footprint of the hotel. However, the lower ground floors would be slightly wider at the rear of the property fronting Victoria Road. The proposed development would be marginally shorter than the hotel, if the height of the existing chimney stacks is taken into account. Significantly, the upper floors at the front of the property would be closer to Victoria Road than those of the original building. This is because they would be built over the footprint of the existing, single storey, ground floor extension to the hotel. This ground floor projects appreciably forward of the main body of the building, which when viewed from the road, reads as broadly consistent with the building line of the neighbouring properties.
9. As a consequence, irrespective of the details of the proposed design, whilst I understand that in terms of volume the proposed development is marginally smaller than the existing building, the substantive visual impact of bringing the bulk of the built form forward would be significant when viewing the proposal in the context of the neighbouring properties and the wider streetscape. This is particularly the case given the topography of the area which would accentuate the dominance of the appeal proposal within the street scene.
10. The proposed development clearly articulates five floors of flatted developments. However, there is no discernible relationship between these balconied five floors and the neighbouring properties which appear to have clearly differentiated elements of ground floor, first floor and roof space. As a consequence, the appeal proposal would read as a discordant element in the street scene which appears alien in this particular context. Having come to this conclusion, I am aware that the ground floor element of the hotel appears lower than the ground floor level of the neighbouring properties.
11. This discordant aspect is further accentuated by the proposed construction of the development with materials which have little direct link to the immediate area, such as light brick and concrete style white render. These together with the use of large areas of fenestration would not overcome the lack of meaningful articulation in the proposed development. Moreover, the use of reflective glass for the balconies would appear both flat, and incongruous in the street scene, rather than providing for a positive juxtaposition of design styles and materials. Indeed, rather than enabling the building to sit '*quietly*' within the street scene it would draw attention to the flats. Nonetheless, I note that alternative modern designs and the use of contemporary materials would not be necessarily contrary to Policy HS4 of the UDP.
12. I have carefully considered the appellant's Design and Access statement. However, the objective to provide modern living space does not obviate the requirement set out in Policy HS4 of the UDP, which remains consistent with the policies of the Framework, to achieve well- designed places and the

understanding that good design is a key aspect of sustainable development. I fully accept that the internal design of the proposed development would be attractive to customers. However, attractive internal and external design is not mutually exclusive.

13. I took the opportunity to visit the examples of modern developments to which I have been referred within New Brighton. However, I am not familiar with all the details of the developments and therefore am unable to conclude if they are directly comparable. Moreover, some of these developments rather than supporting the appellant's case, underline the importance of ensuring that such developments are sympathetic to local character and relate well to the immediate and wider context.
14. I have also considered the example, to which I have been referred, in West Kirby. This appears to be set within a significantly different context. In any case, I have determined the appeal on its individual merits. Had I concluded that the appeal proposal was consistent with policy HS4 and the design provisions of the Framework, outstanding issues relating to the provision of landscaping could have been overcome through the imposition of an appropriate condition.
15. Therefore, for the reasons outlined above, the proposed development is contrary to Policy HS4 of the UDP, the Supplementary Planning Document 2- Designing for Self- Contained Flat Developments and Conversions. These remain broadly consistent with the provisions of the Framework set out in Paragraphs 122, 124, 127 and 130, in relation to the principles of good design, with particular reference to ensuring that developments are sympathetic to local character, whilst taking into account the objective to make efficient use of land.

Living conditions

16. It is clear that the proposed development has been designed to include expansive views out over the sea, not only from the balconies but also from the large windows serving the front bedrooms and lounges. I have taken into account that the residents of 195 Victoria Road have taken to spending more time in their front garden following the construction of the housing at the rear of their property, and that both properties have a garden wall along the pavement which provides additional privacy, albeit at the time of my site visit the gate at 195 was open, affording me views in from a public vantage.
17. However, given that the 1.8 m obscure glass on the side of the balconies would reduce the possibility of anyone looking down on the front gardens, and as neither property's front garden would lie in the direct line of vision of future residents, I am content that there would be no additional overlooking from the proposed apartments. Indeed, as the front façade of the proposed development would sit further forward than that of the upper floors of the existing hotel, the area of front garden which could be potentially overlooked would be reduced.
18. The impact of this on outlook when viewed from the front gardens of the neighbouring properties would be to appear more substantial than the existing hotel. However, in the case of no 189 Victoria Road due to the distance between it and the proposed apartment block, the outlook enjoyed at the front would not be significantly adversely affected. Similarly, when viewed from the front of no 195 Victoria Road the appeal proposal would not appear unduly

overbearing. Indeed, the side elevations of the upper floors, closest to Victoria Road, would be marginally further away than those of the existing property.

19. Moreover, given that the properties sit high within their plots, it would seem reasonable that anyone enjoying the front gardens would be drawn to look out rather than to the side.
20. As such, I conclude that the proposed development, in relation to impact on living conditions, is consistent with Policy HS4 of the UDP 2000 and the provisions of the Framework and would not result in harm to the living conditions of neighbouring residents as a result of harm from overlooking or adverse impact on outlook.

Other matters

21. The appeal proposal would result in a likely significant effect on the following: Mersey Narrows and North Wirral Foreshore SPA; Mersey Narrows and North Wirral Foreshore Ramsar; Dee Estuary SAC; Dee Estuary SPA; and Dee Estuary Ramsar. However, there is no need for me to consider the implications of the proposal in any greater detail because the scheme is unacceptable for other reasons.
22. Had I been mindful to allow the proposed development, issues relating to an up to date bat survey could have been covered through the use of a condition.
23. I have carefully considered the third-party representations which have been made which include both those in support and those which object to the scheme.
24. I note the appellant's concern as to how the Council had determined the application. However, I have restricted myself to my consideration of the planning merits of the case.

Planning Balance and Conclusion

25. I have found that the proposed development would be contrary to saved policy HS4 of the UDP which remains consistent with the design principles of the Framework and therefore is not out-of-date. I consider that the proposal conflicts with the development plan as a whole.
26. It is not a matter of dispute that the Council cannot demonstrate a five-year supply of deliverable housing, and that the proposed development would contribute some 14 additional dwellings to the supply. Therefore, paragraph 11 d of the Framework is engaged, and I must determine whether any adverse impacts of granting permission would significantly outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
27. I understand the housing shortfall to be significant and therefore accord this benefit significant weight. I note that this contribution, in theory, could partially obviate the need to identify additional land for housing within the Green Belt. However, matters such as the location of future allocations of land for housing are matters for any future examination of the Local Plan. Therefore, I accord this benefit little weight in my determination of the appeal.
28. It has been put to me that the hotel is not viable and that there are issues with maintenance costs. However, I have not been provided with any evidence to substantiate this claim and at the time of my site visit it appeared to be open

and trading. Therefore, Policy URN1 to which my attention has been drawn is not of relevance to my determination of this appeal. Moreover, given that the principle of housing is not a matter of dispute, such considerations, including the undisputed fact that the site is located in a location well served by public transport and close to local facilities, are not pertinent to the determinative issue of the quality of the design of the proposed development, and I accord them marginal benefits. Any economic benefits, of the redevelopment of the site for housing, including New Homes Bonus revenue, or additional council tax, would be applicable to other schemes for new build housing which could come forward on the site and therefore I accord these benefits minimal weight. Similarly, I accord little weight to the improved energy efficiency of new build developments.

29. I have concluded that the proposed development would significantly and adversely impact on character and appearance of the street scene, contrary to Policy HS4 of the UDP and I afford this conflict very significant weight.
30. The proposed development would be consistent with the Government's objective of significantly boosting the housing supply, and the efficient use of land, but would be contrary to the design policies of the Framework. This is a key aspect of sustainable development. Overall, the adverse impact on the street scene would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole. Therefore, the proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11 d).
31. As such, the development should be considered in accordance with the development plan. I conclude that the conflict with the development plan in relation to adverse impacts on the street scene is not outweighed by other material considerations. For the reasons, set out above, I conclude that the appeal should be dismissed.

L. Nurser

INSPECTOR