
Appeal Decision

Site visit made on 23 June 2020

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 26 June 2020

Appeal Ref: APP/W4325/W/19/3244446

10 The King's Gap, Hoylake, Wirral CH47 1HE

- 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 Peter Nicholas against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/01560, dated 14 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is the erection of a two-storey detached dwelling to the rear of No 10 with access via Lighthouse Road.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant agreed to a change in the description of development and submitted revised plans before the application was determined. I have considered the appeal on the basis of the revised description and amended plans.

Main Issues

3. The main issues are:
 - (1) whether the proposal would preserve or enhance the character or appearance of the King's Gap Conservation Area (Conservation Area); and,
 - (2) the effect on the living conditions of the occupiers of No 8 The King's Gap, with particular reference to privacy and visual impact.

Reasons

Conservation Area

4. The Conservation Area lies between the Royal Liverpool Golf Course and the sea. The area developed following the linking of Hoylake and Liverpool with the railway and the Mersey Tunnel in the second half of the 19th century, providing a pleasant location of some status for those working in the city. The significance of the Conservation Area is derived from the Victorian and Edwardian houses and villas spaced along avenues on generously sized plots. From what I observed there is something of a hierarchy of streets with most acting as principal boulevards with prestigious houses facing onto them. However, others are more secondary in nature with most dwellings backing

onto them and built form being generally smaller scale and ancillary in character.

5. Lighthouse Road is characteristic of a secondary street, particularly along its central section, with Nos 4-10 King's Gap and properties in Queen's Road backing onto it. The street is bounded by sandstone and brick boundary walls with some secondary access points and a smattering of garages and outbuildings close to the road at the foot of the rear gardens. The proximity of the road to the centre of Hoylake and some significant generators of traffic and footfall, reflected in the comings and goings along its length, does not fundamentally alter its physical character or appearance.
6. The proposal for a two-storey detached house would be out of character with the central section of this lower ranking street. It would result in a scale of development which would appear incongruous in comparison to the smaller ancillary buildings nearby and opposite. Whilst it would be of lesser scale than the existing houses in the Conservation Area, it would to an extent compete with their status. Although the house would be set back from the road behind the sandstone wall and two existing trees, it would still be a readily apparent feature in Lighthouse Road.
7. The design of the house seeks to incorporate some features of a property of status with its two-storey height, symmetrical front elevation and use of traditional materials. However, it would have a squat appearance not comparable with the grander scale of most of the frontage houses. Nor would the design reflect that of a mews cottage adjacent to a secondary street, examples of which I saw nearby in Barton Road. It does not seem to me that the design derives from an assessment, or reflects the historic and architectural interest, of the Conservation Area, and in particular, the characteristics of a secondary street.
8. The appeal site is on the edge of the Conservation Area, not at its heart. Therefore, it is influenced by some built form which lies beyond the designated heritage asset and is not characteristic of it. This includes some of the substantial buildings at either end of Lighthouse Road, in particular the flats complex and former police station to the east and the nursing home to the north.
9. The hotel to the west has a large modern rear extension which is sited close to Lighthouse Road. However, the hotel occupies one of the largest plots in the Conservation Area with roads on three sides. It is not typical of the grain of development in the Conservation Area.
10. The former police house to the east is the only building which fronts onto Lighthouse Road but has also been excluded from the Conservation Area and is not characteristic of the dwellings found within it due to its design and tight plot.
11. The proximity of these other developments, most of which are beyond the Conservation Area and not characteristic of the area's historic and architectural interest, does not justify harmful development within it.
12. I saw the other recent developments within the Conservation Area drawn to my attention. As referred to above, Barton Road also has some of the features of a secondary street with most of the established properties backing onto it or

being side on. However, it has a different character than Lighthouse Road, being long and straight and with cottages and substantial outbuildings on its southern side. The recent new houses in Barton Road, including that being constructed to the rear of No 38 Stanley Road, whilst different in appearance to the cottages, are seen in this context. The development to the rear of No 26 King's Gap forms an extension to that property, replacing an outrigger, and is on a corner plot. Both these developments are not directly comparable to the proposal before me.

13. The Conservation Area has not been subject to a recent appraisal or a management plan. However, it remains a designated heritage asset and development within it must be considered in the context of the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the National Planning Policy Framework (the Framework) and development plan policies.
14. I conclude that the proposal would not preserve or enhance the character and appearance of the Conservation Area. The development would be contrary to Policy CH2 of the Wirral Unitary Development Plan (UDP) adopted in February 2000 as it would not preserve the distinctive characteristics and layout of the Conservation Area. There would also be conflict with Policy HS4 of the UDP as the development would not be of a scale which relates well to surrounding property and would result in detrimental change in the character of the area. The proposal would not sustain and enhance the significance of the designated heritage asset or make a positive contribution to local character and distinctiveness as referred to in the Framework.

Living conditions

15. The rear elevation of No 8 King's Gap is orientated to an extent towards the rear garden of No 10. However, the rear elevation of the new house would not directly face the rear of No 8 or its rear garden, being angled towards No 10. In any event there would be a separation distance in excess of 21m between rear facing windows in the new dwelling and those in Nos 8 and 10.
16. There would be some sense of enclosure for residents of No 8 when at the foot of their garden due to the proximity of the side elevation. However, most of the large garden of No 8 would be relatively unaffected. In this respect the visual impacts for the residents of No 8 would be within acceptable bounds.
17. Accordingly, the proposal would have an acceptable impact on the living conditions of the occupiers of No 8 King's Gap, with particular reference to privacy and visual impact. There would be compliance with Policy HS4 of the UDP in this regard as there would be adequate separation between main elevations.

Other matters

18. There is some limited inter-visibility between the Grade II listed former lighthouse and the adjoining keeper's house in Valentia Road, and the appeal site. However, I do not consider that the visual connections are sufficient to demonstrate that the appeal site forms part of the setting of the listed building. Nor have I been made aware of any historical or functional relationships. The proposal would not affect the setting of the listed building.

19. The proposal would give rise to some economic and social benefits through, for example, providing construction jobs, contributing to the supply of housing and increasing local spend. I also note the appellant's personal reasons for development.

Conclusions

20. The development would lead to harm to the character and appearance of the Conservation Area. I have not found any other material harm. The harm would be less than substantial applying paragraph 196 of the Framework. However, this harm would not be outweighed by the public benefits of the proposal. The personal reasons for building the house are not a significant factor in the planning balance as such circumstances are transitory whereas the building would be permanent.
21. The appellant refers to the lack of both an up-to-date local plan and a five-year supply of deliverable housing sites. This is not disputed by the Council. That said, no analysis of the most important development plan policies has been undertaken to consider their degree of consistency with the Framework. Nevertheless, as the proposal would involve the provision of housing, paragraph 11 d) of the Framework would be triggered. However, this is case where the policies of the Framework protect the heritage asset and provide a clear reason for refusal.
22. In arriving at my conclusion, I have given considerable importance and weight to the desirability of preserving the character and appearance of the Conservation Area.
23. For the above reasons the appeal should be dismissed.

Mark Dakeyne

INSPECTOR