
Appeal Decision

Site visit made on 29 May 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/W4325/W/20/3244285
714 Borough Road, Birkenhead CH41 9JE

- 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 John Snell of J S Build against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/00608, dated 17 April 2019, was refused by notice dated 10 July 2019.
 - The development proposed is the change of use of the property to a domestic bed sit residence from a café restaurant.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the vitality and viability of the area and the availability of local shops.
 - The effect of the proposal on the character and appearance of the surrounding area.
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook.

Procedural Matter

3. The Council's decision notice refers to the proposal as retrospective. However, during my site visit I entered the property, and could see that the internal layout appeared materially different to the submitted plans.
4. Amended plans were also submitted with the appeal. It is not clear that the amended plans have been subject to consultation and as such I cannot be satisfied that no party's case in the appeal would be prejudiced by my consideration of them.
5. Therefore, for certainty I have determined the appeal on the basis of the plans upon which the Council made its decision.

Reasons

Vitality and Viability

6. Borough Road is located within a suburban area that has a mix of commercial and residential properties. No 714 is within a designated Traditional Suburban Centre (TSC) in the Wirral Unitary Development Plan (2000) (UDP), and forms part of a terrace containing a variety of commercial premises on the ground floor including retail, hair, beauty, food and drink establishments.
7. Saved Policy SH2 of the UDP states that proposals falling within Class A1, A2, A3 and small scale uses falling within D1 will be permitted subject to satisfying certain criteria, and other policies. Saved Policy SH3 ensures that opportunities for new businesses are not reduced by the conversion of vacant units at the ground floor level. And that the only exception to this occurs as part of an overall strategy for the contraction of the centre.
8. The proposal does not fall within any of the permitted uses above, and there is no evidence before me that its change of use to residential would form part of a wider strategy for the contraction of the centre.
9. There are a number of national retailers providing convenience shopping, there are also a number of independent stores, food and drink establishments, and professional services. Whilst some were not open for business during the site visit, there was a sense of vitality, only one marketing board was evident on the terrace, and the buildings appeared in good condition and not deteriorating.
10. Overall there is no substantive evidence before me that the appeal unit was under-utilised, or that the TSC is no longer viable. The conversion would cause the loss of a retail unit, which would undermine the plan led approach which is to promote the long-term vitality and viability of retail centres.
11. Retail habits have changed in recent decades, and the Framework recognises the importance of allowing retail centres to diversify, however, for the reasons outlined above the residential use is not appropriate in this case.
12. The proposed development would be harmful to the vitality and viability of the Traditional Suburban Centre. It does not accord with saved Policies SH2 and SH3 of the Wirral Unitary Development Plan (UDP) (2000), that collectively seek to promote the long-term vitality and viability of retail centres.

Character and Appearance

13. The appeal property is located within the middle of a parade of commercial units. The prevailing character and appearance consists of traditional shop fronts, with large floor to ceiling windows and fascia signs above. In contrast, the proposal would have a high level widow with brickwork above head height.
14. The design and choice of materials used to construct the front elevation would appear in plain contrast to the surrounding buildings. It would be an incongruous feature within the street scene, that would not respect the prevailing character and appearance of the area.
15. Therefore, the proposal would harm the character and appearance of the area. It does not accord with saved Policy SH2 of the Wirral Unitary Development Plan (UDP) (2000) and paragraph 127 of the Framework which promote high quality design to reflect the character and distinctiveness of an area.

Living Conditions

16. The proposed residential accommodation would comprise of a bedsitting room, with a separate kitchen and a bathroom. The bedsitting room would be the only living space provided for occupiers. Therefore, residents would likely spend a significant amount of time in there.
17. The proposed high level window to the front of the property would be the only window serving the room. Its position above head height and would not provide any functional outlook. This would result in a stark environment, that would not be conducive to the quality of life and wellbeing of the occupiers.
18. For these reasons, I conclude that the proposal would fail to provide suitable living conditions for the occupants of the flats, and the proposals do not accord with saved Policy HS13 the Wirral Unitary Development Plan (UDP) (2000), and is inconsistent with the guidance contained in the Metropolitan Borough of Wirral Designing for Self-Contained Flat Developments and Conversions Supplementary Planning Document (2006) insofar as they relate to the living conditions of the occupants of the development.

Other Matters

19. The appellant considers the relevant saved UDP policies to be out of date. However, the policies are consistent with the Framework insofar as they relate to retail centres and their long-term vitality and viability, ensuring quality of design and providing suitable living conditions.
20. I note the appellant's submission with regard to the contribution to the Council's 5 year housing land supply in the borough. However, the contribution of one additional dwelling would have a limited effect on the supply of housing, which does not outweigh the harm identified above.
21. The Council has approved other similar conversions. However, I have not been provided with the full details of each case. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
22. I note the frontage was designed for privacy, to prevent crime and antisocial behaviour, and that the appellant considers it to provide sufficient daylight. However, this does not overcome the harm I have identified above.
23. I have considered the appellants' submission in relation to the use of permitted development rights. However, there is no evidence before me of the likelihood of the alterations needed being carried out, or a prior approval for such works. Therefore, this fallback is given limited weight.
24. The additional home and local spending would provide limited social and economic benefits, the site is sustainable, close to local shops and services. However, these matters would not outweigh the harm identified above.
25. I note the nearby bus layby and parking restrictions within the area, however there is no substantive evidence before me that this hinders access to the site affecting its viability.
26. I understand that the appellant feels the Council not acted in a proactive and positive manner and has experienced stress from the situation. This is a matter between both parties and does not affect my findings on the main issues.

27. I have considered the imposition of a condition requiring revised elevations. However, this would result in a material change in the proposal that would be prejudicial from a public consultation point of view and is therefore unreasonable.

Conclusion

28. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR