
Appeal Decision

Site visit made on 24 July 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2020

Appeal Ref: APP/W4325/W/20/3250341

Inchbroom, 4 Farr Hall Road, Heswall CH60 4SD

- 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 Ian Durband against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/00885, dated 29 May 2019, was refused by notice dated 3 March 2020.
 - The development proposed is the demolition of the existing dwelling, garages and outbuildings, and the erection of a single apartment building containing 9 apartments, with associated parking, pedestrian access paths, amenity space, bicycle and bin storage areas.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal was amended at planning application determination stage. Consequently, the description of development on the planning application form does not reflect the proposal which was the subject of the Council's refusal notice. The description of development in the banner heading above has been taken from the appellant's appeal form. It precisely reflects the proposal which formed the basis of the Council's refusal notice.

Main Issue

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

Reasons

4. The appeal site comprises a large two storey detached dwelling which is set well back from the main road and positioned within very spacious grounds. There is mature landscaping to each of its boundaries and in particular along Farr Hall Road. Glimpses of the existing property are available through the gated entrances. I do not doubt that the existing property would be more conspicuous in the street-scene in the winter months when some of the deciduous frontage vegetation was without leaf.
5. Whilst there are some exceptions in the area, including the very imposing three storey Axholme apartment building at the junction of Farr Hall Road and Thurstaston Road, the above site characteristics are not uncommon as one

travels along Farr Hall Road. Most of the dwellings are set within spacious (albeit that spaces are not identical) and landscaped grounds with some lower in height than others. The area has a very verdant feel and the dwellings, whilst generally large, are mainly of traditional appearance with their overall effects softened by the existence of mature trees and frontage vegetation.

6. The proposed building would be three storeys in height (slightly higher than the existing property on the site) and when compared to the existing dwelling would be of considerable width when seen within the plot. Owing to a combination of its position, width, height and large expanse of unbroken massing to a single building, the development would detract significantly from the overall sense of spaciousness, modest scale and massing that exists in respect of most of the other properties in the immediate area. The main parties have referred me to various appeal decisions and planning permissions in the area, but I have formed an overall view about the character and appearance of the area and the positive contribution made by the existing appeal site. I have determined this appeal on its individual planning merits.
7. The above identified harm would be compounded by the fact that some existing vegetation is to be removed from the frontage of the property. Any new planting would take some time to grow and consequently the out of keeping building would appear even more dominant and intrusive to passers-by. Its adverse effects would be particularly apparent in the winter months when some frontage vegetation was without leaf. Furthermore, the proposal would include a number of design features which are not so prevalent in the immediate setting including the combined use of balconies, glazed gables and zinc cladding. Overall, the building would appear bulky and dominant in the street-scene and in terms of its more contemporary appearance it would fail to assimilate well into the design context of the immediate setting.
8. I conclude that the harm caused to the character and appearance of the area would be very significant. The proposal would not therefore accord with the design requirements of saved policy HS4 of the Wirral Unitary Development Plan 2000 (UDP) or with Chapter 12 of the National Planning Policy Framework (the Framework). I do not consider that policy HS4 is inconsistent with the Framework in so far that it also seeks to promote good design. It may not include the more prescribed and detailed design assessment criteria in the Framework, but that does not mean that it is inconsistent and hence out of date with reference to paragraph 213 of the Framework.
9. In reaching the above conclusion on the main issue, I acknowledge that the existing dwelling on the site is not listed and that it does not fall within a conservation area. However, that does not in itself justify allowing harmful development.
10. I have also considered comments made by the appellant in terms of the consideration of other recently consented development in the local area including that built at No 53 Farr Hall Drive. Whilst I accept that the latter development is conspicuous in the street-scene, this is not reflective of the position, scale and landscaped setting afforded to other properties between Axholme and the appeal site. Furthermore, the passer-by does not appreciate No 53 Farr Hall Drive as being elevated above the highway whereas this is very apparent in terms of the appeal site. I would also point out that the

development at No 53 Farr Hall Drive is not the same as proposed as part of this appeal.

11. My character and appearance concerns are based on a combination of factors relating to the appearance, height, position, massing and width of the single proposed building within the appeal plot. Overall, the proposal would look particularly out of place when seen in the context of existing development falling between Axholme and the appeal site.
12. I acknowledge the point made by the appellant about the difference in terms of the gaps between properties in Farr Hall Road and Farr Hall Drive. Nonetheless, I have considered the appeal proposal in the context of a range of design characteristics in the area as a whole. For the reasons outlined, I consider that material harm would be caused to the character and appearance of the area.

Other Considerations

13. There is no dispute between the parties that the local planning authority cannot demonstrate a deliverable five year supply of housing sites. The appellant's reference to a worst case scenario 2.6 years, as outlined in the Council's Housing Monitoring Report 2018, has not been disputed. Consequently, paragraph 11d of the Framework is engaged.
14. The provision of nine residential units would make a positive contribution to the aforementioned housing under supply position. Furthermore, in housing numbers terms, the proposal would make efficient use of the site. In addition, there would be some benefits associated with construction employment and from the occupiers of the proposed apartments supporting local facilities and services. I afford these social and economic matters positive weight in the overall planning balance.
15. I note that there are objections to the proposal from neighbouring residents in respect of overlooking. As part of my site visit, I was asked to view the appeal site and consider the proposal from Nos 1 and 4 Herberts Lane. However, it has not been necessary for me to consider these and other representations in detail as a potential finding relating to the acceptability of the proposal in respect of living conditions, or indeed in respect of other matters raised by other interested parties, would not overcome or alter my overall conclusion below.

Planning Balance and Overall Conclusion

16. The proposal would lead to the provision of additional dwellings in the area at a time when there is an undersupply of housing sites. Furthermore, the proposal would make efficient use of land and lead to some social and economic benefits.
17. However, the identified adverse harm caused to the character and appearance of the area would significantly and demonstrably outweigh the identified benefits, when assessed against the policies in the Framework taken as a whole. In addition, there would be conflict with saved policy HS4 of the UDP, a policy which is consistent with the design requirements of the Framework.

18. I therefore conclude that the proposal would not deliver a sustainable form of development and hence the appeal should be dismissed.

D Hartley

INSPECTOR