
Appeal Decision

Site visit made on 18 August 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal Ref: APP/W4325/D/20/3249571

6 Palm Hill, Prenton CH43 5SP

- 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 Mark Green against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/01563, dated 15 October 2019, was refused by notice dated 14 January 2020.
 - The development proposed is described as retrospective application for the demolition of a section of boundary wall in Conservation area.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a section of boundary wall in Conservation area at 6 Palm Hill, Prenton CH43 5SP in accordance with the terms of the application, Ref APP/19/01563, dated 15 October 2019, and the plans submitted with it.

Procedural Issues

2. The development has already taken place and therefore I am considering the appeal retrospectively.
3. The description of development is taken from the Council's decision notice. This is also the description used by the appellant on the appeal form. I consider this to be a succinct description of the appeal proposal and I have therefore used this description as set out in my decision.
4. The site address 'Town/City' is incorrect on the application form, I have therefore amended this as necessary.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the Oxton Conservation Area.

Reasons

6. The appeal site is a two-storey semi-detached property. The site lies within the Oxton Conservation Area (CA). The buildings in the area are a mix of residential and commercial and are of a variety of period buildings, including terraces, stone-built cottages and detached stuccoed villas. The CA boundary reflects the extent of the early Victorian commuter settlement from the 19th century.

7. Palm Hill is a narrow one-way street and properties range from post war, period terraces and villas with the majority having enclosed front garden areas with boundary walls/treatments. It has a harmonious appearance from the use of similar architectural features and materials. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.
8. The Oxton Village Conservation Area Management Plan, Final version 09-2011, refers to boundary walls. It advises that throughout the CA the loss of or alteration of boundary walls could affect a significant feature of the character of the conservation area and detract from its integrity. It recommends that all existing historic boundary walls should be retained. Alterations should only be permitted in exceptional circumstances and when fully justified and mitigated and a strong presumption in resisting the loss in order to create accesses.
9. The wall itself ran along the entire boundary to the appeal property including gateposts, gates and along the side alleyway. The wall is constructed of stone, including adjoining pillars.
10. I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
11. The appeal development, which has already been completed, is the removal of a small section of the sandstone wall to facilitate a larger opening for vehicle access and egress with the re-alignment of gate posts. Whilst the development would create a small break in the otherwise continuous wall, albeit larger original opening. To my mind, the previous works including installation of gates and attached raised flower beds, is a further evolution of the alterations to the wall which have taken place over time.
12. The works themselves appear to have been undertaken in a sympathetic manner with the making good of the sections either side of the opening and gate posts appearing as a natural part of the wall. The overall line of the wall is maintained including its height with the alleyway, which is one of its characteristics. Taking the works undertaken as a whole, it is my view that the alterations undertaken have preserved the overall character of the wall, and the wider Conservation Area.
13. Furthermore, it was apparent from my site visit that there is a wide variety of front boundary treatments in this part of the CA, and no overall consistency. The neighbouring terraced brick properties at No's 8, 10, 12 were fronted by modern brick walls with railings above, whilst No's 1, 2, 3 also had low altered brick walls and large openings for vehicle parking. All these sites are in close proximity to the appeal site. Elsewhere along Palm Hill I noticed close-boarded timber fences of various heights, low brick and stone walls topped by planting, and hedges. Similarly, there are other examples of a contrast of boundary walls nearby in the CA, including wide openings for vehicle access. Whilst I have no information concerning the planning background of these cases, and some may pre-date the designation of the CA, they nevertheless now contribute to its character and appearance.
14. For the reasons given above, the development would preserve the character and appearance of the area, including the CA, and would not be in conflict with Policy CH7 of the Wirral Unitary Development Plan (Including Minerals and

Waste Policies), 2000. Which amongst other matters seek to protect the historic environment by retaining the character and retaining unifying features of the area. It would also accord with the heritage aims of the Framework.

Other Matters

15. My attention has been drawn to other developments allowed by the Council. However, I do not have the precise details of the case so cannot be sure it is directly comparable to the scheme before me. In any case, I must deal with the appeal on its own merits
16. I acknowledge the comments of the Council, the appellant has provided at Appendix 3 and 4 in regard to the works and that a part reinstatement of the wall would be a compromise. However, I have not been provided with any substantive evidence to justify this would be reasonable, given the difference in size between the opening in the wall of the development already carried out and what the Council suggests. Notwithstanding this, I have found that the development is acceptable for the reasons stated above.

Conditions

17. Given that the development has already been carried out and no other alterations are proposed, I consider that it is not necessary to impose any other planning conditions.

Conclusion

18. Taking all matters into consideration, including comments from the Oxton Society, I conclude the appeal should be allowed.

K A Taylor

INSPECTOR