



Appeal Decision

Site visit made on 22 September 2020

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal Ref: APP/W4325/W/20/3254486

Wirral Point, 37 Stanley Road, Hoylake CH47 1HN

- 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 Blueoak Estates Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/01602, dated 21 October 2019, was refused by notice dated 18 December 2019.
 - The development proposed is the demolition of the existing building and erection of a part 4, part 3 storey building comprising 9 apartments (Use Class C3) with associated basement parking, servicing, landscaping and infrastructure.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (a) whether the proposed development would preserve or enhance the character or appearance of the Meols Drive Conservation Area (MDCA); and (b) the effect of the proposed development on the living conditions of the occupants of 35 Stanley Road, with regards to private amenity space.

Reasons

Meols Drive Conservation Area

3. The appeal property is a large two and a half storey dwelling set within a generous landscaped plot. The property is at the end of Stanley Road which extends along the northern boundary of a significant area of open land at The Royal Liverpool Golf Club. The site is within a Primarily Residential Area and the MDCA which includes the Golf Course and nearby development. The MDCA is part of the north-west corner of the Wirral Peninsula between Hoylake and West Kirkby. The MDCA stems from its role as a fashionable suburb, providing the latest styles of housing to wealthy people, wishing to escape the bustling and polluted urban areas of Liverpool and Birkenhead for a healthier lifestyle.
4. Over time there was a gradual move towards designs inspired by the Arts and Crafts Movement. Houses at the western end on the southern side of Stanley Road are reminiscent of this movement. This well-preserved group dating from the early 20th century includes the appeal property. The group demonstrates a return to traditional methods of craftsmanship with high quality detailing and materials. The properties are characterised by a consistent size and massing along with an interesting roofscape comprising of steeply pitched roofs

punctuated with hips, gables, dormers, turrets and decorative chimneys. The properties back onto the Golf Course and form an attractive skyline to it. The north side of Stanley Road has a mixed range of properties of varying ages. Red Rocks Nursing Home faces the site.

5. The site also abuts the geological feature of Red Rocks that marks the point at which the Wirral's western shoreline turns from the Dee estuary through ninety degrees to face the Irish Sea. The wide-angled views available from here take in the west and north Wirral shorelines and extend along the North Wales and Lancashire coasts. The Golf Course, dunes, and sands across to Hilbre Island provide a landscape and seascape of defining significance to the Wirral and are important in the context of the North West's Irish Sea coastline. This context enables views into, out of, and through the MDCA.
6. I consider the existing dwelling makes a positive contribution to the MDCA. Even if I were to agree with the appellant company about other buildings in the road, the existing building displays numerous 'typical features' of the Arts and Crafts style found on Stanley Road at a prominent headland location. The loss of the existing dwelling would result in harm to the MDCA, and regardless of the appellant company's assessment, this would still amount to 'less than substantial' harm in the context of paragraph 196 of the National Planning Policy Framework (the Framework).
7. It is common ground between the main parties that the site lies in Stanley Road, Hoylake Zone 5 where new purpose-built flat development will not be permitted according to saved Policy HS5 of the Wirral Unitary Development Plan (UDP). Although Framework paragraph 123 explains that planning decisions should avoid homes being built at low densities if there is an existing or anticipate shortage of land to meet identified housing needs, the Framework still seeks the creation of high-quality buildings and places.
8. The appeal scheme would make good use of the site's topography, minimise surface clutter and maximise the site's potential for complimentary landscaping to be introduced. The proposed building's footprint would also essentially be a large building in a large plot. That said, its scale and massing would not be a proportionate response to existing properties on Stanley Road. The stacked and rounded nature of the building together with its recessed upper floor would not reduce its mass to the extent necessary to respond to neighbouring built form. As a result, the proposed building would not assimilate with the linear row of buildings on the road, and it would stand out, especially when viewed from the south and east. Given the suburban feel that the appeal property and the Nursing Home have with the coastline, there is not a necessarily a need for a landmark building on this site. The proposal would harm the well-preserved cohesive group of properties on the southern side of the road.
9. Even though a different design style should not automatically be ruled out given the wider variety of styles found on the northern side of the road, the appeal scheme would be a stark contrast to the Arts and Crafts style found in the road. Despite the proposed use of materials, and the evolution of the proposed building through a design process, this does not alter my view that the proposal would harm distinctive views in and out of the MDCA from each direction due to its form, scale, massing and design. Landscaping would not change this harmful detrimental effect to the character of the area. As a result, the proposal would not be of a high-quality design nor a good precedent for

other development. The appellant company's points about a conversion scheme do not change my view as it is open to them to find a suitable design solution.

10. While I have found the loss of the existing property and the proposed building each to be harmful, my overall assessment is that the appeal scheme would lead to less than substantial harm to the MDCA. Even so, this is still a harmful impact which adversely affects the significance of the MDCA as a heritage asset which is an irreplaceable resource.
11. The proposal would make a moderate contribution to the quantum of dwellings suitable for a range of occupiers and widen the type of accommodation available, which in turn, may allow for movement elsewhere in the housing market, particularly in terms of family sized units. The proposed building would also be built to mitigate the effects of climate change and to reduce long-term energy demands. The appeal scheme could deliver these aspects relatively quickly if built out, while future occupants would spend within the local economy and the development's construction would result in benefits in the form of jobs and the supply chain. Due to the site's location, future occupants would be able to make use of the local environment for leisure and experience a high-quality standard of accommodation with views across the Dee Estuary to North Wales and towards the Mersey Estuary. However, the harm to the MDCA would, to which I attach considerable importance and great weight, in my view, clearly outweigh these public benefits.
12. Accordingly, I conclude that the proposed development would not preserve or enhance the character or appearance of the MDCA. The proposal would not accord with saved UDP Policies CH2, HS4 and HS5, Supplementary Planning Document 2 – Designing for Self Contained Flat Development and Conversions, and Framework paragraphs 124, 127, 130, 184 and 196. Jointly these, among other things, do not permit new flatted development and for development to preserve or enhance the special character of a Conservation Area, having regard to its distinctive characteristics, including important views into and out of the designated area; the general design; scale; massing; the character and setting of period buildings which make a positive contribution to the appearance and special character of the area.

Living conditions

13. The ground and first floors of the appeal property and No 35 broadly line up. Wirral Point also has a modest dormer window and two roof lights in the rear roof plane. Thus, views between the properties and their generous rear gardens are possible. This relationship is not uncommon between neighbouring properties in the area.
14. The proposed building would be closer to No 35 than the existing property, while its scale and design would mean that the duplex apartment on the second and third floor nearest to No 35 would be raised above this property. This apartment would have terraces on both floors to the side/rear and glazed openings on both floors. Hence, views into No 35's rear garden could be achieved from this apartment to a greater extent than the existing situation. The pine tree on the boundary may partly mitigate the view, but it would not prevent an unneighbourly form of development being formed that would harm the provision of adequate individual private garden space to No 35. Thus, the high standard of amenity for existing users sought by Framework paragraph 127 would not be achieved.

15. I conclude on this issue that the proposed development would harm the living conditions of the occupants of No 35, with regards to private amenity space. As such, the proposal would not accord with saved UDP Policy HS4 and Framework paragraph 127; which jointly seek, among other things, development to ensure each dwelling has adequate provision of individual private garden space so that users have a high standard of amenity.

Other matters

16. It is common ground between the main parties that the Council is not currently able to demonstrate a five-year supply of deliverable housing sites as required by Framework paragraph 73. The Council do not dispute the appellant company's assessment of the current level of supply. I also note the date when the policies in the UDP, now saved, were adopted by the Council. Nevertheless, and even though a new Local Plan is some way off, my conclusion on the first main issue means that there are policies in the Framework that protect assets of particular importance which provide a clear reason for dismissing the appeal.
17. The appeal site is next to the Dee Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar, and the Dee Estuary and Red Rocks Sites of Special Scientific Interest (SSSI). The Mersey Narrows and North Wirral Foreshore Ramsar and SPA is around 95 metres to the north of the site, while the Liverpool Bay SPA is roughly a mile to the north-west. However, given that the appeal scheme is unacceptable for other reasons, there is no need for me to consider the proposal's implications upon these designations.
18. The proposal would not in my view affect access along the road or to the beach. I have also had regard to the appellant company's willingness to engage with the Council and their points about the Council's handling of the planning application, however, neither matter alters or outweighs my findings on the proposal before me, which I have considered on its merits.

Conclusion

19. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR