



## Appeal Decision

Site Visit made on 9 November 2020 by Hilary Senior BA (Hons) MCD MRTPI

**Decision by Susan Ashworth BA (Hons) BPL MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 December 2020**

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**Appeal Ref: APP/W4325/W/20/3257481**  
**34 Dingle Road, Tranmere, CH42 0JW**

- 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 Mick Piercy against the decision of Wirral Metropolitan Borough Council.
  - The application Ref APP/20/00589, dated 30 April 2020, was refused by notice dated 24 July 2020.
  - The development proposed is erection of two/three-storey building with four self-contained apartments.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - the effect of the proposal on the character and appearance of the surrounding area, and
  - the effect of the proposal on the living conditions of the occupiers of neighbouring properties

### Reasons

#### *Character and appearance*

4. The appeal site is an area of land between 34 and 40 Dingle Road. It is currently used for car storage and there is a single storey workshop building on the site. There is also a substation adjacent to the site, fronting Dingle Road.
5. The site is located within a well-established residential area of traditional character and appearance. Properties, which appear to have been built around the same period, have a consistency to their massing and proportions. Their generally consistent ridge and eaves heights and traditionally proportioned fenestration provides a rhythm to the street scene. Properties, which generally

- follow the curve of the road, are set back behind narrow front gardens and low walls.
6. The appeal proposal is for the removal of the single storey building and the car storage use and the construction of a part three, part two storey building which would accommodate four self-contained apartments. The building, which would have a modern appearance would be constructed in brickwork, similar to the brick of the adjoining properties, with a grey tiled roof.
  7. Section 5 of the Designing for Self Contained Flat Development and Conversion Supplementary Planning Document (2006) (SPD) discusses design issues and requires that consideration is had to the scale, massing and height of the proposal as well as the design in the context of neighbouring buildings.
  8. There are no details of the proposed street scene before me and as such I cannot accurately determine how the building would relate to its neighbours in terms of its height. Nevertheless, I recognise that it has been designed to reflect the relative heights of the buildings on either side of it. However, the eaves height of the proposed building would be higher, and the roof pitch considerably shallower, than that of the traditionally proportioned buildings around it. Furthermore, the design would incorporate an uncharacteristically wide front facing gable at odds with the steep gables on neighbouring dwellings.
  9. Added to that, the number and size of the windows on the front elevation would not reflect the window pattern of the adjoining buildings meaning that the development would disrupt the rhythm of the street scene. The garage door and the unrelieved masonry to one side of the ground floor would exacerbate the incongruity of the design. Whilst I acknowledge that the width of the building as a whole would not necessarily be at odds with that of the pairs of buildings in the street, its form and massing and detailed design would be at odds with the area's prevailing character.
  10. In addition, due to the presence of the substation at the front of the site, the building would be set back further from the road than the adjacent properties. Whilst it would align with 40 Dingle Road, it would not follow the curve of the road and would not therefore follow the pattern of development. Taking all these matters together, the proposed development would appear as an overbearing and jarring element in the street scene.
  11. I acknowledge that the site is currently unsightly, and I note that the Council does not object in principle to its development. However, any benefits that would be derived from the loss of the existing use would be outweighed by the harm caused by the detailed design and scale of the proposed development.
  12. The appellant acknowledges that the lack of a window to the ground floor front elevation is not of good design and proposes a dummy window as an alternative. However, this amendment was not before the Council in determining the application and cannot therefore be considered as part of this appeal. Moreover, resolution of this matter in itself would not make the proposal acceptable.
  13. I conclude therefore that the proposal would harm the character and appearance of the area. As such the proposal would fail to comply with Policy HS4 of the Wirral Unitary Development Plan Written Statement (2000) which,

amongst other things, seeks to ensure that development is of a scale that relates well to the surrounding area and does not result in a detrimental change to the character of the area. It would also conflict with the guidance in the SPD and the design aims of the National Planning Policy Framework (the Framework).

### *Living conditions*

14. The proposed development would fill most of the site and would project beyond the rear building line of 34 Dingle Road which has first-floor and ground floor windows to both its rear and side elevations.
15. I note that side facing windows are a common feature of properties within the area despite the houses being set close together. Whilst outlook from those rooms would be of the side wall of the proposed development this situation is not unusual. Moreover, the Council advises that they are non-habitable rooms. The proposed building would be clearly visible from within the rear facing rooms. However, it would be angled away from No 34 and at this point would have a reduced height. On that basis and given that views of the building would be oblique, and as a result of the distance between properties, the proposal would not cause significant harm to the living conditions of the occupiers of No 34.
16. I conclude therefore that the proposal would not cause significant harm to the living conditions of adjacent occupiers. In this respect it would therefore comply with Policy HS4 of the Wirral Unitary Development Plan Written Statement (2000) which, amongst other things, seeks to ensure that there is adequate separation between dwellings.

### **Planning Balance**

17. The appellant has provided a Secretary of State's letter, dated January 2019, indicating that at that time the Council did not have a 5 year supply of deliverable housing sites. The Council have not updated, disputed or provided comment in this regard. Therefore, on the basis that the Council cannot demonstrate a five-year housing land supply, the relevant policies of the UDP are considered to be out of-date. Accordingly, the Framework advises, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, planning permission should be granted for the appeal development.
18. My attention has also been drawn to other local housing issues, including the need for additional flats in the housing market area. I acknowledge that the proposed development would provide flats on a small, previously developed site within close proximity to local services and facilities.
19. There would be economic benefits from the investment in the construction of the dwelling, subsequent occupation and spending associated with future residents. The delivery of a new dwelling would also make a contribution to the social dimension of sustainable development.
20. However, the nature of these social and economic benefits would be limited due to the small scale of the proposal. In terms of addressing the Council's housing land supply shortfall, the proposal would only have a very limited impact. Accordingly, the benefits of the scheme carry limited weight. Moreover, good design is a key aspect of sustainable development as recognised by the

Framework. As noted above, the proposed development would harm the character and appearance of the area and would therefore fail to meet the environmental dimension of the Framework. This matter carries considerable weight.

21. Therefore, taking into account all these matters, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Consequently, the proposed development would not constitute sustainable development, for which there is a presumption in favour.

### **Conclusion and Recommendation**

22. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Susan Ashworth*

INSPECTOR