
Appeal Decision

Site visit made on 4 February 2021

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2021

Appeal Ref: APP/W4325/W/20/3263770

Sundial, 61 Caldý Road, Caldý CH48 2HN

- 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 Steve Jacob (Trumpton Town Estates) against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/20/00106, dated 23 January 2020, was refused by notice dated 21 October 2020.
 - The development proposed is the demolition of an existing annex building and replacement with a new building comprising two apartments with associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing annex building and replacement with a new building comprising two apartments with associated landscaping at Sundial, 61 Caldý Road, Caldý, CH48 2HN, in accordance with the terms of the application Ref APP/20/00106, dated 23 January 2020, subject to the conditions set out in the attached schedule.

Main Issue

2. The evidence before me is that there is no dispute between the main parties that the local planning authority cannot currently demonstrate a five year supply of deliverable housing sites. Consequently paragraph 11d of the National Planning Policy Framework (the Framework) is engaged. In this context, the main issue is the effect of the development on the character and appearance of the area and whether the proposal would deliver a sustainable form of development.

Reasons

3. The appeal site forms part of a wider site which was previously occupied by a dwelling with a garage. These buildings have now been cleared following the approval of planning permission¹ for the erection of a new building to accommodate five flats and the conversion of the 'annex' building for use as one flat. The appeal site is in the top corner of the wider site and previously occupied by the garage building. It is proposed to erect a three storey building in this location to accommodate two apartments.

¹ Planning permission Ref No APP/16/01144

4. The appeal site is positioned on elevated land above Caldry Road and is surrounded by extensive mature woodland. More generally, the area is residential in character with mainly large dwellings positioned within spacious plots and being set back from Caldry Road.
5. Whilst it is acknowledged that the proposed building would be slightly higher than the five apartments building to its side, it would nonetheless be set further back into the site than this neighbouring building and so any difference in height would not be particularly apparent when entering the site. Furthermore, from a design point of view the slight increase in height relative to the five apartments building would suitably reflect the topography of the land. The site slopes significantly upwards from Caldry Road. Relative to the position and land level of the five apartments building, the position and height of the appeal building would be seen as suitably following the sloping nature of the site. In this regard, I am satisfied that the development would be acceptable in design terms.
6. I note the Council's comment that the previous 'annex' building on the site was not as high and that it was subservient in scale to the main house. However, in this case there is no good design reason why the appeal building has to be subordinate in scale to the five apartments building. I am satisfied that the proposed building would be of an acceptable scale and height and that it would not appear imposing or dominant when seen within the context of the wider appeal site. It would not be attached to the main building and would be read as a separate structure with an overall smaller footprint in relative terms.
7. In addition to the above, I was able to appreciate on my site visit that owing to the position of the intervening retaining walls and frontage landscaping, the significant setback position of the proposed development, and the sloping nature of the site, the development would not be conspicuous when seen from Caldry Road.
8. I accept that the proposal would result in more residential units on the site than was previously the case. However, the appeal development, in conjunction with the five apartments building, would continue to retain an acceptable amount of open and green space on the site. The proposal would be acceptable in density terms and would not cause any material harm to the prevailing spacious and bosky character and appearance of the area.
9. Furthermore, the inclusion of three storey development on the site would not in itself be out of character in the area. Indeed, the five apartments building would be three storeys in height and I noticed on my site visit that No 56 Caldry Road, which is opposite the appeal site, is also three storeys in height.
10. In this case, the proposal would seek to make efficient and effective use of a previously developed site and would deliver more residential units than already approved in the context of the housing undersupply position. This would be achieved without compromising good design or causing harm to the green and spacious character of the area.
11. I therefore conclude that the proposal would accord with the design requirements of Chapter 12 of the Framework. Paragraph 11d of the Framework is engaged, and hence policy HS4 of the Wirral Unitary Development Plan 2000 (UDP) is out of date. Nevertheless, and for the reasons outlined above, I do not find any conflict with the design, character or

appearance requirements of policy HS4 of the UDP. Consequently, I find that the proposal would accord with both the policies in the UDP and the Framework and that it would deliver sustainable development. Furthermore, I have no reason to disagree with the Council that the proposal would be acceptable in all other planning respects.

Conditions

12. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
13. Planning permission is granted subject to the standard three year time limit condition. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
14. In the interests of biodiversity protection and enhancement, it is necessary to impose conditions relating to the approval of a Construction Environment Management Plan and a lighting design strategy for biodiversity, and the provision of bird nesting boxes.
15. In the interests of the character and appearance of the area, it is necessary to include conditions relating to materials and landscaping.

Conclusion

16. For the reasons outlined above, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1352-260B); Proposed Ground Floor Plan (1352-261D); Proposed First Floor Plan (1352-262E); Proposed First Floor Plan (1352-263E); Proposed Second Floor Plan (1352-264E); Proposed Roof Plan (1352-265E); Site Cross Sections to Caldry Road – Sheet 1 (1352-266C); Proposed Section to Caldry Road – Sheet 2 (1352-267C); Proposed North West and South West Elevations (1352-268C); Proposed South East and North East Elevations (1352-269C).
- 3) The development hereby permitted shall be finished in accordance with the Materials Schedule shown on drawing No. 1352-267C.
- 4) A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to, species of local provenance and native and non-native flowering perennial species and features such as bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to implementation including any groundworks, scrub clearance and tree removal, a Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP should address and propose measures to minimise the main construction effects of the development and include details of ecological mitigation and pollution prevention. The CEMP should include (but not be limited to) the following; details of any excavation works in relation to Priority Habitat woodland; details of any tree or scrub removal (for the avoidance of doubt this should not be between 1 March and 31 August inclusive unless informed by a suitably qualified ecologist); details of construction lighting (for the avoidance of doubt this should be directed away from sensitive ecological receptors, in this instance the adjacent woodland); details of Reasonable Avoidance Measures for the protection of terrestrial mammals, including hedgehogs. The approved Construction Environmental Management Plan shall be adhered to throughout the construction period for the development. The CEMP should be accessible to site managers, all contractors and sub-contractors working on site.
- 6) Prior to first occupation, a "lighting design strategy for biodiversity" for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall: a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around

their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

7) Prior to first occupation, a scheme for the provision of bird nesting boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved shall be completed and available for use before the last dwelling within the building is occupied and shall thereafter be retained.

---End of Conditions---