
Appeal Decision

Site Visit made on 21 June 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/W4325/W/21/3269916

Park Cottage, 130 Eleanor Road, Bidston CH43 7QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Paul Brooks against the decision of Wirral Metropolitan Borough Council.
 - The application Ref OUT/20/00275, dated 19 February 2020, was refused by notice dated 13 October 2020.
 - The development proposed is 2 new detached houses to the side of the existing house within the adjacent garden site. Separate vehicular access to be provided for the detached houses via reinstated coach entrance (outline planning permission with all matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Despite the description of development found on the planning application form, I have used the version set out on the decision notice and the appeal form as they better reflect the scheme that is before me and which was consulted upon. Outline planning permission is sought with all matters reserved for future consideration. I have had regard to the Proposed Site Plan and Massing Images which illustrate how the proposed dwellings could potentially be laid out on the site. However, the scale, appearance, layout and landscaping of the proposed dwellings and how they would be accessed would be considered at a later stage if I were to allow the appeal. However, I need to consider whether the proposed development could potentially be accommodated on the site.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area including its effect on protected trees and whether it would preserve or enhance the Bidston Village Conservation Area.

Reasons

4. The appeal site is part of the garden of Park Cottage which lies in an area characterised by good-sized residential properties set within verdant grounds. The site slopes upwards from the road boundary which is lined by a Beech hedge and several trees. The site is next to the Conservation Area and near to an Area of Special landscape Value (ASLV). The Conservation Area is characterised by the original medieval village settlement that has a character and appearance of a traditional rural English village, aided by open land and woodland. Due to the site's location and the presence of various trees on the site, some of which are mature, the site positively contributes to the

wooded character of the area and the Conservation Area's setting.

5. Properties in the locality range in their age, style, and finish. Dwellings on the eastern side of the road are set within large plots against Bidston Hill, which is an ASLV. Houses on the western side of the road tend to be more modern, within smaller plots, less verdant and of different density.
6. Despite the felled trees in the centre of the site, the overall character and appearance of the site and its role in the surrounding area does not seem to have fundamentally changed since the previous appeal was dismissed for a single dwelling on the site.
7. Three Beech trees, subject of Tree Preservation Order (TPO) No. 294 and several Holly, Firs and Birch form part of Area A1 of the TPO remain on site. For clarity, I shall refer to the three Beech trees as T6 (T4), T25 (T15) and T26 (T16) (TPO reference in brackets) in my decision as this is how they are referenced in the evidence.
8. A good number of the trees either on the site or immediately next to it have been assessed to be either of moderate or poor quality. Some of these are within Area A1. I have no reason to disagree with the appellant's assessment to fell a number of these as they are of a limited visual value to the wooded character of the area and their loss could potentially be mitigated by replacement trees elsewhere on the site. The existing Beech hedge and some of the trees along the road are also likely to be retained.
9. Of the other trees indicated for retention, the proposal's effect on T6, T9 and T25 is particularly key due to their individual and collective visual value to the locality. The latter could, subject to protective measures, be successfully retained in tandem with the quantum of dwellings proposed.
10. Adding residential development to the site would respond to the main form of development found in the locality, including that on Statham Road. It is also highly likely that any dwelling on the site would be set back from the road and within the centre of the site.
11. However, developing the site with two detached dwellings on it would realistically require the use of the existing access between T9 and T13. No matter how the site would be laid out, any works to formalise the access and provide vehicular parking or turning space would likely take place in some form within the root protection area of T9. The protected Beech tree (T6) is a large good quality specimen with an extensive crown and root protection area. The roots of the T7 and T9 and those of felled T22 and T23 are likely to be encountered if the detached garage were to be removed and construction works carried out in this area. However, there is a good chance that the roots of T6 would also be present. T6 and T9 could potentially sustain some works within their root protection areas, but not an excessive amount without compromising their condition. I am mindful of the careful excavation measures indicated but if a significant amount of works within their root protection areas take place and close to their trunks, they could be lost, or their condition diminished. Either would be harmful to the character and appearance of the area, the ASLV and the setting of the Conservation Area.
12. The site could be laid out in a different manner to that shown on the illustrative plans, but the combination of: the root protection areas for T6 and T9; the site's topography; and the orientation of dwellings locally would constrain the

area which could potentially accommodate two detached dwellings and how they could be delivered satisfactorily.

13. Hence, I do not consider two detached dwellings of a suitable size, style and design, along with access, parking and garden provision could all be accommodated on the site whilst ensuring they relate well to the area, allow for the future growth of T6 and T9 and not cause a detrimental change to the character of the area, the setting of the Conservation Area and the ASLV. In my view, two detached dwellings would probably appear cramped and there is unlikely to be sufficient scope for replacement planting on the site. There is also the potential that there would be pressure from future occupiers for retained trees to be removed due to shadowing. In short, the proposal would not function well or add to the overall quality of the area over its lifetime.
14. The planning permission granted by the Council in 2017 to extend Park Cottage has now lapsed, and the effect of the later scheme is not likely to be comparable to the proposal in terms of the amount of built form or the form of development. Hence, the proposal would be likely to result in more harmful effect on the Conservation Area than the extension scheme. I am also not certain that the circumstances of the cases at 119 Eleanor Road and Copper Beech are the same as those relating to the appeal site. Thus, none of the schemes referred to alter my mind about the harmful effect of the proposal.
15. The degree of harm to the special interest and significance of the Conservation Area would be at the lower end of less than substantial having regard to the National Planning Policy Framework (the Framework). Even so, I give it great weight and importance. Framework paragraph 196 requires such harm to be weighed against the public benefits of the proposal.
16. Two detached family sized dwellings would add to the supply and mix of housing on the Wirral in an accessible location. The development of each house should create local employment opportunities for local builders, tradesmen and builder's merchants. Spending in the local economy would also occur during construction and through future occupiers who could be employed locally. These are limited social and economic public benefits. Council Tax is mitigation not a public benefit. A high-quality design and the absence of adverse effects to ecology are not public benefits as they are required by policy. In any event, the limited social and economic public benefits do not in my view, outweigh the less than substantial harm that I have identified.
17. I conclude that the proposal would harm the character and appearance of the area including its effect on protected trees and it would not preserve or enhance the Conservation Area. Furthermore, it would not protect the ASLV. The proposal would not accord with saved Policies HS4, GR7, LA1 and CH4 of the Wirral Unitary Development Plan and Framework paragraph 196. Jointly, these seek development to be of a scale that relates well to the area, to preserve the wooded character of the site or surrounding area by protecting trees of greatest visual value, and preserve the rural character of the historic village so as not to result in a detrimental change in the character of the area.

Other Matters

18. No harm would arise from the appeal scheme on matters relating to the highway or neighbouring occupiers living conditions given the scale of the proposal or its likely relationship with other residential properties. However, neither matter alters or outweighs my finding on the main issue.

Conclusion

19. The proposal would not accord with the Development Plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.

20. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR