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# Appeal Decision

Site visit made on 13 July 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

**Decision by Martin Seaton BSc(Hons) DipTP MRTPI**

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

**Decision date: 15 September 2021**

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**Appeal Ref: APP/W4325/W/21/3273784**

**Land to the rear of 9 & 10 Copse Grove, Irby CH61 4YD**

- 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 Eamon Clifford against the decision of Wirral Metropolitan Borough Council.
  - The application Ref APP/20/01065, dated 4 August 2020, was refused by notice dated 11 February 2021.
  - The development proposed is the construction of 2 No detached houses with associated free-standing garages.
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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.

## Preliminary Matters

3. I have omitted additional text from the description of the development taken from the planning application form as it more succinctly describes the development.
4. The revised National Planning Policy Framework (the Framework) was published in July 2021. This has replaced the 2019 iteration. Both main parties were provided with an opportunity to make submissions in respect of the publication. Neither the appellant nor the Council have made any submissions however, in light of this re-consultation, I am satisfied that any references made to the Framework within this recommendation would not be unreasonable to the parties. I have proceeded on this basis.

## Main Issue

5. The effect of the proposed development on the character and appearance of the area.

## Reasons for the Recommendation

6. The appeal site is located at the head of the cul-de-sac and extends to the rear of Nos 9 and 10 Copse Grove. The site borders the Green Belt and there is an area of woodland immediately to the rear. There are a significant number of trees and mature vegetation on the appeal site which, in combination with the

open-plan layout of the surrounding residential area and the presence of trees and open fields beyond, gives the locality a verdant character.

7. At the time of my site visit there was a locked gate to the appeal site. Even if local residents have the passcode to access the site, it appears that it is largely inaccessible to the public with the dense coverage of trees and vegetation also contributing to its inaccessibility. Nevertheless, they give the street scene a soft visual appearance, a degree of permeability and a strong interrelationship with the woodland to the rear. As such, the appeal site makes a significant positive visual contribution to the locality and is of local visual amenity value.
8. The proposed development would involve the loss of a significant number of trees and vegetation within the appeal site, many of which are currently readily visible from the public realm. The trees within the largest group proposed for loss are described as being of fair or poor condition. It is unclear how many trees in this group are poor, or indeed failed, however the evidence before me does not suggest that the majority of the trees are dead or suffering decline and cannot therefore be realistically retained. Moreover, their condition or low arboricultural value does not necessarily correlate with their visual importance as noted above. They are nevertheless some of the largest and most mature within the site and it would be beneficial to retain them for their landscape qualities.
9. The removed trees and vegetation would be replaced by built form of substantial massing and coverage as well as areas for access, parking and circulation. This would result in significant urbanisation that would be visually intrusive from the public realm and from nearby properties and it would erode the current sense of spaciousness derived from an absence of development in this part of the street scene.
10. Whilst some trees would be retained, these would be limited to a few within the adjacent site of No 10 and those close to the extremities of the proposed rear gardens and beyond the proposed garages. Views of the woodland to the rear would be achieved however this backdrop would be a considerable distance from the public realm and thus would not have the same contribution as the existing trees. As such, the majority of the retained planting would not be readily apparent in the street scene whereas the proposed development and hardstanding would be the predominant feature.
11. Furthermore, whilst the introduction of new trees and vegetation could be controlled via landscaping conditions, the layout of the proposed development significantly limits the opportunity to introduce planting near the public realm. Any future planting would largely be restricted to the rear of the proposed dwellings and garages thus they would make very limited visual contribution to the street scene. The introduction of additional planting or the views which may be obtained of the woodland to the rear would not overcome the harm caused by the loss of existing trees to the immediate street scene.
12. Taking all the above into consideration, the loss of trees and vegetation and the subsequent urbanisation of the appeal site would harm the character and appearance of the area. It would therefore conflict with Policy GRE1 of the Wirral Unitary Development Plan (including minerals and waste policies), Written Statement, (February 2000) which seeks to protect areas of visual importance to the locality or wider area (with or without direct public access) from inappropriate development, amongst other things. It would also fail to

accord with paragraph 131 of the Framework which states that trees make an important contribution to the character and quality of urban environments, and goes on to advise that existing trees are retained wherever possible.

### **Other Matter**

13. I acknowledge planning permission was previously granted for development at the appeal site. However, due to its age and the subsequent evolution of policies it has had no bearing on the main issues of this case.

### **Conclusion and Recommendation**

14. The proposal would provide two additional homes which would bring some accompanying benefits associated with the investment and employment in the construction of the dwelling, from the spending in the local area from future occupants and from future Council tax payments. However, the nature of these social and economic benefits would be limited due to the small scale of the development.
15. Conversely, the proposal would harm the character and appearance of the area, harm which attracts significant weight given the importance placed on good design in local and national planning policy. This harm would outweigh the limited benefits associated with the proposed development. Therefore, the proposal conflicts with the development plan and there are no material considerations that indicate a decision otherwise would be appropriate. Thus, I recommend that the appeal should be dismissed.

*H Ellison*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

*Martin Seaton*

INSPECTOR