



# Appeal Decision

Site visit made on 20 April 2022

**by R Morgan BSc (Hons) MCD MRTPI**

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

**Decision date: 4 May 2022**

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**Appeal Ref: APP/W4325/W/21/3289463**

**37 Stanley Road, Hoylake, Wirral 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/20/01047, dated 31 July 2020, was refused by notice dated 19 October 2021.
  - The development proposed is demolition of the existing building and erection of a building comprising 8 apartments (Use Class C3) with associated basement parking, servicing, landscaping and infrastructure.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. During the course of the application, a revised scheme was submitted with a reduced height, footprint and number of apartments. The Council's decision was based on this amended scheme, so in the banner heading above I have used the description of the revised scheme which appears on the decision notice and appeal form, rather than that contained in the original application form.
3. As the proposal is in a conservation area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Main Issues

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Meols Drive Conservation Area.

## Reasons

5. The appeal concerns a large, detached property in a generous plot. The site occupies a prominent location at the tip of the Wirral Peninsula, where the land turns from facing the Dee Estuary to the Irish Sea, with expansive views along the estuary and coast, and across to the Welsh Hills.
6. Wirral Point is the end property on Stanley Road, where it terminates at the beach. The street is open and spacious in character, with large houses in generous plots that vary in age and architectural form.

7. The site is within the Meols Drive Conservation Area (MDCA), which is centred around the prestigious Royal Liverpool Golf Course, and the high quality suburban housing which surrounds it. Properties within the MDCA date to the late Victorian, Edwardian and mid war periods. They were built to house affluent people wishing to escape from the cities to the clean air and spaciousness of the coastal resort of Hoylake. The houses along the southern side of Stanley Road within the MDCA date to the early twentieth century, and display features reminiscent of the 'Arts and Crafts' style, which was fashionable at the time. The appeal property is situated at the end of this group, and is directly opposite the imposing and attractive Red Rocks house, now a nursing home, which has features which are typical of that style.
8. The Conservation Area Appraisal (CAA) identifies Stanley Road as a distinct character zone within the MDCA, noting its open, extensive views across the Golf Course and the fine group of high quality, large detached houses along the southern side of the street. Having been produced in 2004, the CAA is now somewhat dated, and there will inevitably have been change within the wider area since then, including along the northern section of Stanley Road which is more mixed in character. However, the houses which fall within the boundary of the MDCA appear relatively unaltered, and the descriptions of the Stanley Road character zone contained in the CAA remain valid and applicable.
9. Wirral Point is a brick and render house which displays the classic forms of 1930's architecture, with an extensive multi-hipped roof with large and distinctive chimneys. The house retains a number of interesting features which are reminiscent of the Arts and Crafts movement, and the sandstone and brick detailing around the front door, chimney breasts and many of the ground floor windows demonstrate the quality of the building. Although simpler in form, and of less architectural merit than some of the other properties along this side of the street, the appeal property is of a style which is typical of this part of the MDCA.
10. On its own, the building therefore has value. It also contributes to the wider streetscene, forming part of a group of buildings which, although different in detailed design, share similarities in their form, massing, scale, as well as their siting within generous, landscaped plots. By virtue of its position at the end of the street, opposite Red Rocks Nursing Home, Wirral Point ties together these elements of the MDCA, contributing to the coherence of the group of buildings.
11. The appeal property is clearly visible from a number of vantage points, including when approaching along the shoreline from West Kirby. From here, Wirral Point reads as part of the wider group of houses along this section of Stanley Road which share similarities in style and roofscapes. Its headland position means that the appeal property makes an important contribution to the views into the conservation area, alongside the distinctive Red Rocks Nursing Home.
12. The style and quality of the appeal building, its landscaped setting and prominent location mean that the property makes a positive contribution to the significance of the conservation area. The proposed removal of the building would erode and dilute the integrity of the designated heritage asset, causing harm to the MDCA and the views into it.
13. Paragraph 200 of the National Planning Policy Framework (the Framework) requires that any harm to, or loss of, the significance of a designated heritage

asset should require clear and convincing justification. The house may be in need of refurbishment, but appears to be in reasonable condition with no obvious signs of significant deterioration or decline. No compelling explanation has been provided as to why demolition and replacement is the only option. Other large properties along this side of Stanley Road appear to be in use as single family homes, and it is unclear why the appeal property could not continue to exist as such. I note the appellants comment that it has been available for purchase as such, but no further information has been provided to support this claim.

14. The proposed apartments would no doubt provide desirable and attractive accommodation. Whilst I accept that such a contemporary scheme may be difficult to achieve through a conversion, it is for the appellant to explain why the existing building could not be converted into smaller units. In the absence of such information, the proposed demolition of the building and associated harm to the MDCA has not been adequately justified.
15. Framework paragraph 206 requires local authorities to look for opportunities for new development in conservation areas to enhance or better reveal their significance. I acknowledge that, in fully revising the scheme, the appellant has responded to concerns raised about the earlier design by the Council, previous Inspector and other interested parties. The replacement building has been designed so as to take its cues from the surrounding area, including the Red Rocks Nursing Home opposite.
16. The building now proposed is not of particular architectural merit, but it would respect the scale and massing of surrounding properties, with a footprint that would retain the existing spacious setting to the building. The large roof would incorporate prominent gables and chimney features which would break it up visually, and the proposed use of materials including red brick, terracotta roof tiles and sandstone, would respect the local context. The proposed use of the basement for parking would avoid the need for large areas of the external space to be given over to parking, increasing the space available for landscaping and amenity areas for residents.
17. Notwithstanding the merits of the proposed replacement, the existing building at Wirral Point contributes positively to the MDCA. Setting aside the existing security measures, which are temporary features, the property does not detract from the conservation area, and does not need to be removed to improve the appearance of the site. The proposed building may be reasonably attractive in its own right, but this does not justify removal of the existing building.
18. Furthermore, the proposed modern apartment building with extensive glazing would not better reveal the significance of the MDCA as an affluent suburb of high quality buildings from the late Victorian/early twentieth century. As such, the appeal scheme would not contribute to the objectives of Framework paragraph 206.
19. I conclude that the proposed scheme would result in harm to the MDCA. In the context of Framework paragraph 202 this harm would be less than substantial, and must be weighed against the public benefits, including securing its optimum viable use.

20. By increasing the density of housing on the site, the proposed apartments would provide a more efficient use of land in an existing built up area. The scheme would provide a high quality of accommodation which would contribute to meeting local housing needs, in an area with an acknowledged shortfall, and could be built out fairly quickly. The units would be suitable for a range of users and would be designed to be accessible. The building would have a high standard of energy efficiency and the energy savings from the replacement dwelling would help to offset the loss of embodied carbon from the existing property.
21. These factors weigh in favour of the scheme, but are modest benefits. From the information provided, I have no reason to suppose that if the appeal were dismissed, the house would not be capable of remaining in use for its original purpose, as a family home. The public benefits would not, therefore, outweigh the irreversible harm to the character and appearance of the MDCA, to which I attach great weight.
22. I therefore conclude that the proposed development would not preserve or enhance the character or appearance of the MDCA. The proposal would conflict with Policy CH2 of the Wirral Unitary Development Plan 2000 (UDP). This sets out the need for new development within conservation areas to preserve or enhance the distinctive characteristics of the area, including important views into and out of it, and the character and setting or period buildings which make a positive contribution to appearance and the special character of the area. There is further conflict with Policy DI3 of the Hoylake Neighbourhood Plan 2016, which requires that proposals specify how they would conserve and enhance the significant of designated heritage assets.

### **Other Matters**

23. The Council is unable to demonstrate a five-year supply of deliverable sites for housing, but the application of policies in the Framework that protect the historic environment provide a clear reason for refusal. As such, and having regard to footnote 7, the so called 'tilted balance' is not engaged and there is no need to assess against the provisions of Framework paragraph 11d)ii.
24. I note comments from interested parties that the proposed apartments would conflict with UDP Policy HS5, which precludes flatted developments in this part of Hoylake. However, this policy predates the Framework which, in paragraph 124, supports development that makes efficient use of land, taking into account the identified need for housing and the availability of land suitable for accommodating it. Given this more recent national guidance, less weight can be afforded to this policy.
25. The site is in a sensitive location with regard to ecology and is close to a number of designated sites, including the internationally important Dee Estuary. A Habitats Regulations Assessment has been submitted and I note the comments from consultees including Natural England. From the information provided, it appears that potential impacts on biodiversity could be satisfactorily addressed, however as I am dismissing the scheme for other reasons, I have not considered this matter any further.
26. The scheme would be acceptable in relation to residential amenity and highways, but these factors are neutral in the planning balance.

**Conclusion**

27. The proposal would conflict with the development plan, the Framework and s72(1) of the Town and Country Planning Act 1990. I have identified no other considerations which outweigh this finding. The appeal is therefore dismissed.

*R Morgan*

INSPECTOR