



Appeal Decision

Site visit made on 3 May 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/W4325/W/22/3292533

86 Seaview Road, Liscard, Wallasey, Wirral CH45 4LB

- 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 Frank Brennan against the decision of Wirral Metropolitan Borough Council.
 - The application Ref W/APP/21/01916, dated 10 September 2021, was refused by notice dated 9 December 2021.
 - The development proposed is a change of use from vacant hairdressing salon to one bedroom self contained flat including external alterations (resubmission application APP/20/01523).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal follows previous appeal decision Ref APP/W4325/W/21/3267453 which was dismissed. The description of the development is identical to the previous scheme save for the reference to resubmission.

Main Issue

3. The main issue is whether or not the proposed change of use would maintain the vitality and viability of the Liscard Key Town Centre.

Reasons

4. The appeal relates to a vacant ground-floor commercial unit with a display window fronting on to Seaview Road. A separately accessed residential flat is located at first floor. The building is flanked by a dwelling at 84 Seaview Road, a car repair/MOT garage to the rear and a mixed-use building owned by the appellant at 88 Seaview Road.
5. Seaview Road forms part of a designated Key Town Centre and stretches between the nearby Cherry Tree Shopping Centre to the south and an Asda supermarket at a similar distance to the north. In the vicinity of the site the road features a mix of commercial, community and residential uses.
6. Saved Policy SH3 of the Wirral Unitary Development Plan [2000] (the UDP) allows the conversion of shop units at ground floor level to residential use only where the proposal forms part of an overall strategy of planned contraction in the size of Key Town Centres. This is to retain a critical mass of commercial units and maintain the centre's vitality and viability.

7. Policy SH1 of the UDP promotes a range of uses in town centres and permits other appropriate uses subject to a number of criteria. Amongst other things, this includes that the proposal, together with other recent development, does not undermine the vitality and viability of any Key Town Centre; and, that the siting, scale, design, choice of materials and landscaping is not detrimental to the character of the area.
8. Despite the age of Policies SH1 and SH3, they retain a relevance and consistency with the National Planning Policy Framework (the Framework). This is on account that they define the hierarchy and extent of town centres, and prescribe the range of uses that would be acceptable within them. As required by the Framework, the policies do not necessarily exclude housing development in those areas. In accordance with Paragraph 219 of the Framework, and consistent with a previous Inspector's finding, I conclude that the saved policies relating to town centre development are therefore entitled to substantial weight in the appeal.
9. There is no dispute between the main parties that since the time of the former appeal the Council has adopted the 'Neighbourhood Framework for Liscard: An Integrated Masterplan' (the Masterplan). This was based on the Wirral Retail and Centres Study 2019 and is approved by the Council as part of the evidence base and a basis for formulating new town centre policy within an emerging local plan.
10. Whilst the Masterplan does not form part of the emerging plan, and there is little evidence of consultation upon its content, it clearly forms part of a strategy adopted by the Council which responds to changes in consumer habits and provides for a contraction in the size of the Liscard Key Town Centre as anticipated in Policy SH3. Contrary to the Council's position, I find that a necessity for a strategy to be set out within a replacement local plan policy to meet the requirement in Policy SH3 would be irreconcilable. It would entirely prohibit ground floor residential uses until that policy was superseded. This is clearly not the intention of the policy.
11. The site lies within a row of development between Edinburgh Road and the access to the Seaview Road car park. This is excluded from the refocussed Town Centre Boundary in the Masterplan. That section of the road includes a mixed-use row with a high exchange of commercial units for residential conversions.
12. According to the appellant, of the remaining shop units in the row there is a high percentage of vacancy. At the time of my site visit, some shops were shuttered and others vacant. It was therefore unclear exactly how many units were occupied or only operating during limited hours. Nevertheless, the claim is not contested by the Council.
13. The intermittent shop units along the eastern side of this part of Seaview Road are mixed in with properties built as houses and several units now converted to new dwellings. It presents differently to the stretches to the north and south which have significantly higher proportions of consecutive commercial units and higher active occupancy. Accordingly, having regard to the strategy adopted in the Masterplan and subject to the additional requirements of Policy SH1, I find that the loss of a unit vacant for some time and at the end of a run of 3 residential properties would not prejudice the Key Town Centre function.

14. Notwithstanding the above, both the Masterplan and Policy SH1 require high standards of design that will not be detrimental to the character and appearance of the locality. This is to ensure that the removal of shop fronts does not prejudice the ongoing vitality and viability of the town centre and nearby town centre uses through insensitive conversions resulting in poor frontages. This is consistent with the Framework's aim of achieving well-designed places.
15. The appeal building has some presence within the street frontage. It is higher than the flanking buildings and projects forward of its adjoining neighbour. It benefits from banding detail above the former shop fascia and a moulded cornice below a front parapet. These features distinguish the building from the surrounding properties and, alongside its position in the closing vista of Burns Avenue, give it some prominence in the streetscene.
16. The proposed removal of the shop front and replacement with poorly aligned and disproportionately small window openings with contrasting modern door detailing would result in an unsuccessful attempt at responding to the defining characteristics of the existing building. The external conversion works would not be sympathetic and, given its contribution to the frontage, would be detrimental to the character and appearance of the locality. The effect would not be conducive to supporting the vitality and viability of the remaining town centre uses.
17. Whilst I acknowledge the timeworn condition of the existing frontage, this is not justification for permitting a form of development which would have a lasting detrimental effect on the appearance of the locality.
18. The appellant refers me to a number of other instances where street-fronting units have been converted to residential uses. These have resulted in a variety of different design approaches. However, a large number of those units have been converted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As identified by the previous Inspector, the relevant procedure is not the same as planning applications where the primacy of the development plan applies.
19. Accordingly, some requirements in Policy SH1 would not necessarily have relevance to those conversions. As precedent is rarely an argument that should carry great weight in planning decisions, which should be made on their own merits in the context of the development plan and other material considerations, I do not consider that they are a suitable reason for permitting a proposal which would cause harm.
20. I note the appellant's contention that the Council did not raise concerns in relation to design in determining a previous application. However, from the evidence before me, it is unclear what differences between the planning application submissions¹ caused the Council to revise its decision in this regard. I am therefore unable to attribute weight to this argument.
21. I have found in favour of the appellant in relation to the principal of residential conversion of an existing shop unit in alignment with Policy SH3 of the UDP. However, this does not outweigh the significant harm arising from the detrimental effect of the external works on the character of the area. It would

¹ APP/20/01523 and W/APP/21/01916

conflict with Policy SH1 of the UDP as it seeks the long-term enhancement and viability of an existing Key Town Centre location. It would also conflict with the Framework as it seeks similar aims.

Other Matters

22. The limited number of objections compared to other similar proposals and the absence of objections on the grounds of highway safety, environmental health or ecology are not benefits in favour of the development.
23. I note the frustrations expressed by the appellant in relation to the level of communication and advice provided by the Council over the course of the recent planning applications. However, this is not a matter for this appeal.

Conclusion

24. The proposal would harm the vitality and viability of the Liscard Key Town Centre and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR