



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: 07 June 2022

Appeal Ref: APP/W4325/W/22/3291745

837-839 Corporation Road, Birkenhead, Wirral CH47 8JL

- 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 N Symington against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00991, dated 5 May 2021, was refused by notice dated 4 November 2021.
 - The development proposed is a change of use of existing service yard to use for self storage containers.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of existing service yard to use for self-storage containers at 837-839 Corporation Road, Wirral, CH47 8JL in accordance with the terms of application Ref APP/21/00991, dated 5 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 6530/01 and 6530/02.
 - 3) The premises shall only be open for customers between 0800-1800 on any day.
 - 4) Storage containers within the site shall be set on the ground and shall not be vertically stacked.

Preliminary Matters

2. Since the time of the Council's decision, the appellant has stated that reduced hours of opening of between 0800-1800 are now proposed. As this is a minor amendment and the nature of concerns of those who would normally have been consulted are clear from consultation on the original proposals, I do not consider that their interests would be prejudiced if I take this amended proposal into account.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the locality
 - the living conditions of nearby residents with particular regard for noise and disturbance at unsociable times.

Reasons

Character and appearance

4. The site consists of a surfaced yard area which is bordered by commercial sheds on 2 sides. The sheds lie outside of the appeal site but are in the same ownership. According to the appellant, they are currently vacant. To the north of the site are modern 2-storey residential terraces lying on the opposite side of the road. To the east are bungalows set behind high timber fencing and a raised walkway backing on to Corporation Road. The locality is a mix of commercial, residential and community uses.
5. The site frontage on Corporation Road consists of a high wall with a pedestrian gate and a separate vehicular access. The vehicular access is arranged with a wide concrete apron with set back gates and splays delineated by palisade-type fencing. The open fencing and gates provide views from the street into the site.
6. The proposal would introduce 10 storage containers onto the yard. According to the appellant, their height would not exceed 2.9m. Two would lie close to the eastern boundary, the remainder would be set in a bank of 8 allowing space for vehicles and users to circulate between the block, the flanking buildings and the frontage wall. The containers would not be stacked.
7. On Corporation Road, the containers would be visible from first-floor windows of houses on the opposite side of the road and through the open railings of the frontage fencing and gates. A minor part of the upper elevations of the containers may also be visible above panel fencing behind the greenspace and dwellings on Bertha Gardens.
8. Although not currently in use, the yard forms part of an established commercial unit. According to the appellant, this included manufacturing and storage uses. This status is not contested by the Council. If that use was reinstated, it is highly plausible that raw materials, vehicles or finished products could be legitimately stored unencumbered within the yard space.
9. In comparison, and notwithstanding their utilitarian appearance, the presence of a single level of containers partly set behind the boundary walls would have a minor effect. Although they would be visible, in the context of an established commercial site, I find that the effect on the character and appearance of the site and wider mixed-use area would be negligible.
10. For those reasons, the proposal would preserve the character and appearance of the locality. It would comply with Policy HS15 of the Wirral Unitary Development Plan (the UDP) as it seeks appropriately scaled commercial development in residential areas that won't result in a detrimental change in the character of the area.

Living conditions

11. As a storage function, the majority of visits to the proposed containers are likely to be relatively short, providing only for drop-offs or pick-ups. Although storage of larger or heavier items might increase noise generation, or prolong visits, in general use the restricted dimensions of the individual container openings would limit the ability for mechanised loading or unloading within them.

12. Taken with the likely dispersed times of customers using the facility, the scale of the site and the limited number of units, intensive or extended activity over significant periods would be unlikely. Furthermore, the proposed restriction for use during daytime hours, when background noise and activity is generally higher, would prevent noise and disturbance at unsociable times.
13. Due to the amount of space within the site and the capacity to turn and park vehicles, I do not consider that out-spill of vehicles would arise to any significant extent. Accordingly, the noise or disturbance effects of associated vehicle usage would be unlikely to be any greater than those in conjunction with the former uses of the site.
14. Taking all of the above together, and accounting for the relatively contained nature of the yard and activity which could take place unfettered if the site's former use was reinstated, I find the proposed use would be unlikely to cause harm to the living conditions of nearby residential occupiers.
15. For the above reasons, I find that, subject to the proposed restricted opening times for customer access, any effect on nearby residents would be limited. It would align with Policy HS15 of the UDP as it requires changes of use for non-residential uses in residential areas to avoid causing nuisance, including by way of noise and disturbance.

Other Matters

16. I note the appellant's concerns in relation to the time taken for the Council to reach its decision. However, this is not a matter for this appeal.

Conditions

17. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
18. To protect the character of the area, a condition requiring no stacking of the storage units is reasonable. To protect the living conditions of nearby residents a condition restricting times of opening to site users is necessary.

Conclusion

19. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR