



Appeal Decision

Hearing Held on 16 May 2023

Site visit made on 17 May 2023

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/W4325/W/22/3312186

Site of Nos. 1 and 3 Well Lane, Gayton, Heswall CH60 8NE

- 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 McCarthy & Stone Retirement Lifestyles Ltd. against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/00610, dated 31 March 2022, was refused by notice dated 15 November 2022.
 - The development proposed is Erection of Retirement Living Housing (Category II type accommodation), Communal Facilities, Landscaping and Car Parking following demolition of the Existing Buildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In its evidence and in the decision notice the Council has referred to the policies of the emerging Publication Draft Wirral Local Plan. However, this plan has not yet been examined and found sound. Consequently, I have afforded these policies limited weight.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises the combined plots of nos. 1 and 3 Well Lane, two single storey detached dwellings with sizeable front and rear gardens. To the rear of no. 1 there are many tall mature trees which stretch along the rear boundary and both side boundaries. Several of these tall mature trees are visible from the street along Well Lane and at other public vantage points nearby. They can also be seen from neighbouring properties such as no. 25 Thornton Crescent. Further along Well Lane there is a junction with a busy roundabout linking it with Telegraph Road, Barnston Road, Brimstage Road and Chester Road.
5. Around this roundabout there are several non-residential developments including a Premier Inn hotel, two public houses and a Shell petrol filling station. The Shell station is on the same side of the roundabout as the residential properties on Well Lane with the public houses and hotel being on the sides opposite. The appeal site and the tall mature trees can also be seen from several public vantage points on

the footpaths around the roundabout. Generally, in terms of the overall character of the area, I consider there to be three 'sides' to the roundabout, each with their own distinct character.

6. Firstly, the prevailing pattern of development on Well Lane is of relatively large, detached dwellings set within sizeable plots that are well-spaced out meaning that it is low in density. The gardens also have plentiful vegetation giving the street a leafy suburban feel. The only exception to this pattern is the Shell garage which is at the end of the street closest to the roundabout and given that on its other side there are more large, detached dwellings set within spacious plots, I consider that in terms of its character and design it is an outlier on this side of the roundabout. Consequently, I consider the prevailing character of the 'Well Lane' side of the roundabout to be leafy, suburban, low-density, and residential.
7. Secondly, given its size, scale, and more traditional architectural style and design, I consider the 'Devon Doorway' public house to be relatively suburban in its character and appearance. In addition, given the fact that it is bounded on both sides by lower density suburban dwellings with large gardens, I consider the character of the 'Devon Doorway' side of the roundabout to also be predominately leafy, suburban, low-density, and residential.
8. In terms of the third 'side' of the roundabout, there is a Premier Inn hotel, a Beefeater public house (the Glegg Arms) and an associated car park situated there. The hotel comprises two conjoined and sizeable two storey rectangular buildings with a combination white render and red brick exterior finish on its elevations with pitched brown tiled roofs. The Glegg Arms meanwhile has on the face of it a more traditional stone and brick façade with a painted finish when viewed from the front. This, however, conceals several blocky rectangular single and two storey rear and side extensions to the building which can be seen from the hotel car park and other public vantage points nearby such as the footpath on Barnston Road.
9. As a result, given the large scale, size, bulk and quite blocky design and style of the hotel and the adjacent Glegg Arms, I consider the character on the 'Premier Inn' side of the roundabout to be more urban and of a higher density. While I note that the Devon Doorway public house also has extensions to the rear, these are not as high, as prominent, or as clearly visible from public vantage points when compared to those at the rear of the Glegg Arms. Consequently, I also consider that there is a clear demarcation between the low density suburban residential character on the 'Well Lane' and 'Devon Doorway' sides of the roundabout and the dense and more urban character on the 'Premier Inn' side.
10. The proposal would provide 44 purpose-built apartments of retirement living housing for sale, 24 of which would be one-bedroomed with 13 being two-bedroomed. It would comprise a large T-shaped building with portions of it being three storeys in height with other parts being two storeys in height. The building would take up most of the site area save for linear sections at the front and side which would be used for around 27 car parking spaces. Most of the existing high mature trees on the site would be retained.
11. The front elevation of the proposal would consist of a largely unbroken frontage stretching across its entire width and most of its height with the alternating external material finishes of red brick and white render which would be reminiscent of the Premier Inn on the other side of the roundabout. As a result, when viewed from the front I consider the proposal's design to be uniform and hotel-like.
12. When viewed from further down Well Lane and the 'Premier Inn' side of the roundabout the proposal would be largely screened from view by existing buildings

and high mature trees at the edge of the appeal site. However, when viewed directly from closer vantage points on Well Lane and the footpaths on Telegraph Road on the 'Devon Doorway' side of the roundabout, the proposal's monolithic front elevation would be clearly visible.

13. Accordingly, and while I note that the height of different parts of the roofline would be 'staggered' somewhat, this would not soften or reduce the building's bulky, blocky, and utilitarian design and appearance when viewed from these locations. The only visual screening that would be provided would be via the lone high mature tree to the front and the proposed landscaping. However, this screening would be insufficient to mitigate any visual impact given that the proposed landscaping and newly planted trees would likely take many years to fully mature.
14. Consequently, and being mindful of the ten characteristics of well-designed places set out in the National Design Guide, the proposal would not positively contribute to the existing local character and identity on the 'Well Lane' side of the roundabout. Similarly, it would also not integrate well into its surrounding context. It would therefore represent poor quality design and be a discordant addition to the street scene on Well Lane thereby having a significant adverse visual impact.
15. I acknowledge the points that the roundabout functions as a nodal point for services and larger buildings such as the petrol station, Premier Inn, and public houses. However, this does not necessarily mean that these types of buildings are reflective of the prevailing character of the area surrounding the roundabout and beyond it, which as outlined above are often quite different in design, scale, character, and appearance.
16. I note the appellant's points that the height of the proposal is graduated with differences in levels and that efforts have also been made to provide a gradual transition both in terms of its style and design as it moves from the Shell garage and roundabout towards the more suburban and residential part of Well Lane. However, based on the evidence including the submitted plans and verified visual images, I am not convinced that this transitional gradation is sufficient to allow the proposal, given its bulky form, scale and massing, to visually blend-in with the existing character of the dwellings on Well Lane.
17. I also note that the Shell station is not residential in use, however given its smaller scale, lower height, and lower density it is more complimentary to the existing character of Well Lane than the proposal would be given that it would be so similar in its design, style, scale, bulk, density, and massing to the larger Premier Inn on the other side of the roundabout.
18. I therefore conclude that the proposal would cause substantial harm to the character and appearance of the area in conflict with policies HS4 and GR5 of the adopted Wirral Unitary Development Plan (UDP).

Other Considerations

19. In support of the proposal the appellant has stated that it would provide several benefits. The first stated benefit is that it would meet a clear identified need for the type of accommodation proposed. From the evidence it appears that the main parties agree that there is, broadly, a critical need for this type of accommodation in the Borough and I see no reason to disagree.
20. The report titled 'Assessment of demand for a Retirement Living Scheme of 37 units at Well Lane, Heswall, Wirral CH60 8NE' dated March 2022 (Three Dragons Report) states that there is a need for around 2,799 units of additional specialist older persons' accommodation in the Borough for the period 2020 to 2035. The

Council has queried this figure as it was taken from the draft Strategic Housing Market Assessment (SHMA) (2020) while the updated SHMA (2021) has a lower figure of approximately 2,332 such units for the period 2020 to 2037 equating to around 137 units annually.

21. Appendix 11 of the Council's statement estimates that the predicted growth in supply of such accommodation in the Borough by 2037 would be approximately 1,659 units representing a potential shortfall of around 673 units if the SHMA annual average target figure of approximately 2,603 units is used. Consequently, even if I use the lower figure as highlighted by the Council and the SHMA update, the shortfall in the supply of the type of accommodation proposed would still be significant with the identified critical need not being met.
22. As a result, and notwithstanding the points highlighted in the Council's statement and what was said at the hearing, it is reasonably clear from the evidence before me that there is a critical need in the area for the type of accommodation proposed and that the Council is not currently meeting this identified need.
23. However, that said, given the size of the shortfall, the additional 44 units the proposal would provide would not make a substantial contribution to addressing it. Accordingly, even though the proposal would positively contribute to meeting this identified need I find that this benefit would be a moderate one.
24. Another potential benefit put forward is that the proposal would free up family housing which is currently under-occupied. I note the Council's point that it is not certain that the future occupiers of the proposal would be elderly people from within the Borough. However, based on the evidence before me, I consider it likely that at least some of the proposal's future residents could potentially be from within the Borough and that this would in turn likely free up some currently under-occupied family housing in the area. Indeed, this point is acknowledged in the Council's submitted statement.
25. That said, this benefit would be tempered by the proposal's scale and the relatively small number of future residents it would house when taken as a proportion of the overall population of the Borough. Likewise, the number of family dwellings which the proposal would potentially free-up would also be similarly tempered. As a result, I afford this benefit moderate weight.
26. Further stated potential economic benefits of the proposal include fiscal savings to the NHS and social care services and a boost to the local economy in term of jobs during its construction phase and the purchasing of goods and services by future occupiers. However, given the proposal's size these economic benefits would also be relatively modest set within the context of the wider local economy. Consequently, I afford them moderate weight.
27. Potential health benefits have also been put forward such as increased wellbeing levels due to the independence offered to elderly occupants and that occupiers of retirement living schemes spend less time in hospital and visiting their GP than the national population of a similar age i.e., over 75 years of age. However, given the relatively small number of the proposal's potential future occupiers when proportionally considered within the context of the Borough's overall population, I afford these benefits moderate weight.
28. Several environmental benefits have also been highlighted by the appellant including the fact that the site is previously developed land and not a more sensitive greenfield site, it being in a sustainable location and that the proposal would emit around 1 tonne less carbon dioxide annually via a 'downsize dividend'. However, while I acknowledge that the appeal site is in a relatively sustainable

location it is only partially brownfield and for similar reasons to those outlined above, I consider that the proposal's 'downsize dividend' would be modest. I therefore afford these benefits moderate weight also.

Other Matters

29. The Council state that they can demonstrate a five-year supply of deliverable housing land. The Council's current housing land supply position has not been disputed by the appellant. Consequently, the presumption in favour of sustainable development contained in paragraph 11(d) of the Framework is not engaged.
30. Interested parties have raised concerns relating to several matters including: highway safety; light; privacy; noise; pollution; biodiversity; local services; and heritage assets. However, I have no substantive evidence before me to suggest that the proposal would cause unacceptable harm in relation to these matters.

Planning Balance and Conclusion

31. In relation to the adverse impacts of the proposal, I have found that it would cause great harm to the character and appearance of the area in conflict with policies HS4 and GR5 of the UDP and paragraph 130 of the Framework.
32. Turning to the potential benefits of the proposal, it would provide 44 purpose-built apartments of retirement living housing for sale which would be a moderate benefit in terms of meeting identified housing needs. It would also provide modest environmental, health and economic benefits.
33. Based on the evidence the proposal would be acceptable in relation to highway safety; light; privacy; noise; pollution; biodiversity; local services; and heritage assets. These matters, which represent a lack of harm, are neutral in the planning balance.
34. Consequently, when considered in the above context, the proposal would not accord with the development plan when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within it. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan.
35. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Giles Cannock KC, Kings Chambers

Laura Easton, MSc, CIHCM, Associate of Three Dragons0.

Richard Burton AoU BA (Hons) DipLA, CMLI, Director of Tor&Co

Christopher Butt BA (Hons), BPI, MRTPI, Associate Director of the Planning Bureau Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Sioned Davies, Counsel, No5 Chambers

Rob Burns BA (Hons) Archaeology; MCD (Urban Design) Place & Context Ltd, dealing with design matters

Martin Klabou, BSc (Hons), MA EIAM, QTS, ISO 14001 Auditor, dealing with planning matters

INTERESTED PARTIES

Nicola Hurst

Cllr Kathryn Hodson

Sue Jarvis

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