



# Appeal Decision

Site visit made on 11 September 2023

**by Elaine Moulton BA (Hons) BPI MRTPI**

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

**Decision date: 11 October 2023**

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**Appeal Ref: APP/W4325/W/23/3319126**

**St Anselm's Preparatory School, 7 Devonshire Place, Oxton, Wirral CH43 1TX**

- 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 Stephen Duggan of SPD Builds Ltd against the decision of Wirral Metropolitan Borough Council.
  - The application Ref APP/22/01700, dated 21 September 2022, was refused by notice dated 16 March 2023.
  - The development proposed is conversion of existing Gymnasium outbuilding within grounds of existing school.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the development would preserve the setting of the Grade II listed building, St Anselm's Junior School (Redcourt).

## Reasons

3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving the setting of a listed building. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. Redcourt dates from 1876-9 and was designed for George Rae, notable for his patronage of the arts, by the Architect Edmund Kirby a pupil of Edward Welby Pugin. It is a substantial, three storey building constructed in red brick with red sandstone dressings and a plain tiled roof. The architectural features include a central advanced gabled bay, mullioned and transomed windows, and chimney stacks with star-shaped or octagonal shafts.
5. As illustrated by the 1912 map of the Wirral provided during the appeal, this large Victorian villa within a large plot is characteristic of the changes that took place from the mid-19<sup>th</sup> century when the area transformed into a thriving township. However, unlike many other properties in the wider area, and notwithstanding the presence of the appeal building, the original plot of Redcourt remains largely intact.

6. The significance and special interest of Redcourt is derived from its associative and historic value reflecting the design expectations and aspirations of the professional class moving out of a crowded Liverpool and Birkenhead. It is also derived from its aesthetic value arising from its attractive design.
7. The appeal building was initially utilised in connection with the previous use of Redcourt as a school. The rectangular footprint, flat roof, level of glazing, and the light colour of the infill panels of the appeal building, as existing, contrast with the red brick, pitched roofed Redcourt. Furthermore, whilst its low height and simple design and appearance ensures that Redcourt retains its prominence on the site, it is very close and virtually extends across the entire space between Redcourt and the rear boundary. Consequently, it is an intrusive and incongruous feature that detracts from the setting of this listed building and reduces significance.
8. The appeal building's proposed standing seam zinc cladding is a higher quality material than the existing and would be similar in colour to the brickwork of Redcourt. Its appearance would thereby be improved. Nevertheless, by virtue of its bulk and massing, the appeal building would continue to intrude into Redcourt's setting and would remain an intrusive and incongruous feature that diminishes the appreciation of its former grounds.
9. Accordingly, the retention of the appeal building as proposed, and the continued and additional impact on the setting of the listed building that would arise, would lead to a loss of significance of the heritage asset, amounting to less than substantial harm.
10. I acknowledge that the appeal proposals were amended by the removal of two additional parking spaces at the front of Redcourt. Nonetheless, it is reasonable to assume that the introduction of additional apartments would generate additional demand for parking. Whilst there may not be any dedicated parking spaces directly in front of Redcourt, the proposed layout of the parking area, as amended, would not prevent vehicles parking in that position. Any such parking, even for short periods of time for purposes such as dropping off shopping, would unacceptably detract from the appreciation of Redcourt's principal elevation and diminish its significance. The proposals would therefore also lead to less than substantial harm in this regard.
11. Paragraph 202 of the Framework sets out that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of that proposal, including where appropriate, securing its optimum viable use.
12. I acknowledge that the proposals would provide two units of accommodation. However, there is no suggestion that the Council does not have a five-year housing land supply and that current policy is not providing enough housing to meet the housing requirements for the area. Therefore, although appreciating that the Framework seeks to boost the supply of housing, I attach limited weight to the provision of two apartments as proposed.
13. The proposal would result in an improvement in the appearance of the appeal building. However, it is reasonable to assume that a building that does not have a use would not be retained and, therefore, there is a likelihood that if planning permission were not forthcoming, the appeal building would be removed. This tempers the weight that I attach to the proposed improvement

to the external appearance of the appeal building, as its removal would be more significantly beneficial to the setting of the listed building.

14. Consequently, any public benefits of the proposal do not outweigh the less than substantial harm identified above.
15. In view of the above, I find that the proposal would fail to preserve the setting of St Anselm's Junior School (Redcourt), a Grade II listed building, and therefore, the proposal does not accord with Policy CH1 of the Wirral Unitary Development Plan 2000. In addition, it would not satisfy the requirements of Section 66(1) Act and Section 16 of the Framework which are also concerned with heritage assets.

### **Other Matters**

16. I have had regard to the matters raised by interested parties, including the impact of the proposals on the living conditions of neighbours, the adequacy of the living conditions of the future occupants of the proposal, and the adequacy of parking provision and its implications for highway safety. However, as I have found harm in relation to the main issue, I have not pursued these matters further.
17. The potential for the applicant to make a profit from the proposal is not a material consideration to which I can attach significant weight in making my decision. Furthermore, the behaviour of the developer, the quality of work that has been undertaken and the unfinished state of the development are matters that do not relate to the planning merits of the appeal proposal. As such, they fall outside of the remit of this decision.
18. Concerns relating to asbestos would be covered by other legislation.

### **Conclusion**

19. The proposed development conflicts with the development plan as well as national guidance and legislation and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
20. I therefore conclude that the appeal should be dismissed.

*Elaine Moulton*

INSPECTOR