



Appeal Decision

Site visit made on 14 November 2023

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/W4325/W/23/3321335

Paddock, Croft Drive, Caldý, Wirral CH48 2JN

- 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 David Arthur against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/01203, dated 9 July 2022, was refused by notice dated 28 March 2023.
 - The development proposed is construction of three detached dwelling houses on land at Croft Drive Caldý.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
3. Whether or not the policies within the Wirral Unitary Development Plan 2000 (UDP) are out of date depends on their consistency with the aims of the Framework. In this case policies CHO1, CH2 and CH11 of the UDP, although they vary slightly in wording, conform with the aims of the Framework and I therefore afford them full weight. The Wirral Local Plan is currently undergoing examination so I cannot be certain that the draft policies will not be amended through the examination process. I therefore afford them limited weight.

Main Issue

4. The main issue is whether the proposal would conserve or enhance the character or appearance of the Caldý Conservation Area.

Reasons

5. The appeal site is located within the Caldý Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The CA is characterised by a group of older buildings around the church and manor expanding into an early 20th century planned estate, where the appeal site lies. Its significance is primarily derived from large detached dwellings of mixed

architectural design, set back from the highway and in large plots with a variety of boundary treatments.

6. The appeal site is an open area of land forming a corner plot at the junction of Croft Drive and Barton Hey Drive, with Croft Drive West opposite. It is a prominent site within the CA with a spacious, verdant and tranquil character. The dwellings on Croft Drive in the vicinity of the appeal site are low density, set back from the road behind substantial boundary treatments. The site is identified as a potential development site in the Clady Conservation Area Appraisal and Management Plan 2009. Both parties agree that the principle of residential development is acceptable and from the evidence before me I have no reason to disagree.
7. Whilst the character of the CA is low density plots with wide street frontages, the character of Barton Hey Drive is a higher density of development with some single storey dwellings. This area is outside the CA.
8. The proposal is for three substantial low carbon dwellings, of a similar size to those within this part of the CA and of a design reflective of the character of the area. However, they would be close to each other within narrow plots which would not reflect the character of the nearby dwellings within the CA. It would be more similar to the dwellings off Barton Hey Drive, an area outside the CA. The appellant suggests that the development would serve as a transition between the two distinctly different patterns of development density, but the corner location of the site would allow mid-range as well as short range views of the site where the massing of the three dwellings would be a dominant feature out of character with the existing dwellings in the area.
9. My attention has been drawn to examples of developments with increased densities and of dwellings within the CA which have narrower plot widths. However, from my site visit I saw that the dwellings around the appeal site had much wider frontages and the proximity of the site to the road junctions makes the appeal site highly visible and prominent in the street scene. I cannot therefore be certain that they are directly comparable to the appeal proposal and in any event, I have determined this appeal on the site-specific circumstances of this case.
10. For the above reasons, the proposed development would fail to preserve or enhance the character or appearance of the CA. Consequently, the development would not meet the statutory tests set out in the Act and would conflict with Policies CHO1, CH2 and CH11 of the UDP. Amongst other matters, these seek to ensure that development preserves or enhances the character or appearance of the distinctive characteristics of the area and in the CA retain the character of a low density landscaped suburb.
11. Given the scale and nature of the proposal the degree of harm to the significance of the designated heritage asset would be less than substantial. Given the requirement of the Act and advice in the Framework, this attracts great weight. In these circumstances the Framework advises that this harm should be weighed against the public benefits of the proposal.
12. The proposed development would create three additional dwellings adding to the Council's housing stock and supporting the Government's objective of boosting the supply of homes. In addition, I accept that the proposal would include tree/biodiversity improvements, provide environmentally A-rated

homes, would support local services and other economic, social and environmental benefits, which attract moderate weight in favour of the scheme. However, the appeal proposal would not preserve or enhance the character or appearance of the CA. In this case, the harm to the significance of a designated heritage asset that would result, would outweigh the benefits arising from the proposed development.

Other Matters

13. I acknowledge that the numbering of neighbouring properties in the street may suggest a gap for three dwellings on the appeal site, and that the Strategic Housing Land Availability Assessment may have indicated a higher capacity for the site. Be that as it may, I do not consider that the three dwellings proposed would be an acceptable development for the reasons set out above.
14. The appellant states that the development of the site might not be financially viable. I do not have sufficient information on the viability of the scheme for it to alter my findings on the harm to the CA.
15. I note the appellant's concerns regarding the Council's handling of the case including the pre application discussions. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.
16. The appellant states that the council has a shortfall in its housing land supply. However, in the recent appeal decision (APP/W4325/W/23/3318758), while noting that the matter was disputed, the Inspector did not take a view on this matter. There is no other evidence before me to indicate that the council does not have a supply of at least 5 years of deliverable housing land. Even if there were a shortfall, the harm to the CA I have found provides a clear reason for refusing the development proposed. The proposal would not therefore benefit from the presumption in favour of sustainable development.

Conclusion

17. The development fails to meet the expectations of the Act and the Framework in respect of the historic environment, and conflicts with the policies of the development plan as a whole and there are no other considerations, that outweigh this conflict. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR