



Appeal Decision

Site visit made on 16 January 2024

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2024

Appeal Ref: APP/W4325/D/23/3325420

Windrush, 9 Greenfield Lane, Heswall CH60 9HG

- 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 Mark Gidman against the decision of Wirral Metropolitan Borough Council.
- The application Ref APP/21/01453, dated 6 July 2021, was refused by notice dated 21 June 2023.
- The development was originally described as full renovation of existing bungalow on Greenfield Lane, Heswall. Works to include single storey extension and balcony to front elevation, additional storey to current loft level with new gable roof, plus new porch to North elevation. Existing rear lean-to to be replaced with new glazing.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's officer report concerning the application refers to policies within the emerging Wirral Local Plan (ELP). These policies are not referenced within the decision notice and are not provided to the appeal. There is no clear evidence before me as to whether there are unresolved objections to the ELP. Consequently, I cannot be certain that these policies are in their final form and therefore they attract limited weight.

Main Issue

3. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

4. The appeal site is located in a residential area. Property forms vary in scale, form and design, but are predominantly detached and include split level forms. Roof designs also vary. Due to the topography of the area, the development pattern has a stepped character, falling towards the Dee Estuary.
5. The dispute centres on the proposed roof height and form, and its effect upon the street scene. The proposal would increase the ridge height of Windrush from about 7.7m to 9.1m, creating an additional floor along the full depth of the property with an asymmetrical roof.
6. The three detached properties of Primrose Hill, Windrush and Brosna run from a corner along the lower section of Greenfield Lane. Their front building lines are in broad alignment towards the street, with modest gaps between side facing elevations. Properties towards the east are sited at elevated positions,

while those towards the south and east are in larger plots with wider separation distances.

7. Windrush is a detached split-level bungalow, such that it has a lower ground floor towards the frontage to serve as a basement/garage, with steps leading to a side entrance. However, Brosna is a single storey bungalow with gable roof with its main entrance within the front elevation. Its ridge height is broadly commensurate with the eaves height of Windrush. The gap between the two properties includes a side garage serving Brosna, sited close to the common boundary and set back from the front elevation. Thus, Brosna appears as a significantly shorter built form than Windrush, with a modest gap between.
8. The increase in eaves height to the flank elevation of Windrush would be about 1m higher than the ridge height of Brosna, with the asymmetrical apex of the roof positioned higher above and towards Brosna. Windrush would therefore appear significantly taller than its shorter neighbour.
9. Due to the scale, height, width, height and depth of the proposal, and the asymmetrical form of the roof, there would be additional massing along the full depth of Windrush facing Brosna, at a significant height. This would result in Windrush appearing as a much more dominant form to Brosna, when approaching from either direction.
10. Consequently, the proposal would not form an acceptable transition in roofscape towards Brosna, and therefore it would appear incongruous within the street scene. In reaching this view, I accept that contemporary designs are not an uncharacteristic feature of the Heswall area, and that an asymmetrical roof of itself is not an unacceptable form.
11. The appellant suggests that the proposal would be similar to that undertaken at Primrose Hill. The evidence suggests that Primrose Hill was modified in the past to raise its ridge height by about 800mm and add side facing dormers to create additional living space. Like Windrush, Primrose Hill is a split-level form with basement/garage floor and side entrance. However, the proposal for Windrush would increase the ridge height by a larger amount than at Primrose Hill and the roof design is not directly comparable.
12. The appellant draws my attention to the modifications made to the proposal since it was first put forward, in order to protect the privacy of neighbouring occupiers at Primrose Hill. I note that the officer report which considered the application detailed modifications made. The proposal includes fully or partly obscurely glazed windows to the flank and rear elevations. Some secondary bedrooms would be served only by rooflights, and thus there would be a limited outlook.
13. Taken together, these modifications demonstrate that the plot is tightly constrained by its relationships with surrounding dwellings, with particular regard to the living conditions of nearby residents and also to the occupiers of Windrush. While the appellant suggests that the internal layout of the proposal could be altered to ensure that obscurely glazed rooms are not allocated as bedroom spaces, such an amendment is not before me.
14. My attention is also drawn to other examples in the immediate and wider area. While I do not have the full details of the circumstances which led to the

construction of the examples provided, the examples I saw did not exhibit the same relationships as those before me.

15. St Minver and No 73 Oldfield Drive are located to the south of the appeal site, where the development pattern is of larger plots with wider separation distances, and dwellings are sited at a similar level. No 73 is a wider plot than Windrush and St Minver is a significantly larger and wider plot. I found the height and massing of St Minver to be dominant in relation to the surrounding built form. The examples further afield served to demonstrate larger plots or wider separation distances to nearby properties or similar ridge heights and/or staggered building lines such that the sharp contrast to neighbouring property forms as in the scheme before me was not demonstrated.
16. I therefore conclude that the proposal would harm the character and appearance of the area. It conflicts with Policy HS11 of the Wirral Unitary Development Plan 2000, which seeks (among other things) to ensure that house extensions are designed to be of an appropriate scale in relation to the size of the plot, or adversely harm the area.

Other Matters

17. The appellant suggests that the proposal would be a loft conversion, and that more could be achieved under permitted development rights. However, I have not been provided with clear and compelling evidence that the proposal would meet the limitations as set out in the GPDO¹. Consequently, I cannot be certain that even if there was a realistic prospect of such a fallback, that it would result in the same or greater harm than I have identified with the scheme before me. Therefore, this matter attracts negligible weight.
18. My attention is drawn to advice received from the Council at pre-application and during the determination period. Whilst such advice is not binding, it is clearly unfortunate if proposals are adjusted accordingly, and the final outcome is an adverse one. Such matters do not warrant allowing the appeal, and I have determined the appeal on its individual planning merits.
19. I have had regard to the appellant's desire to renovate the property and provide accommodation for his family. However, the harm identified would be permanent and is not outweighed by the appellant's particular circumstances.
20. A range of other matters have been raised by interested parties. As I am dismissing the appeal on the main issue, and consideration of these matters will not alter my decision, it is not necessary for me to address them directly.

Conclusion

21. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with the development plan, and the appeal is dismissed.

J Moore

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended).