

Appeal Decision

Site visit made on 26 April 2024

by S. Hartley BA (Hons) Dist.TP(Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/W4325/D/24/3337505

200 Birkenhead Road, Meols, Wirral CH47 0NF

- 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 Mark Jones against the decision of Wirral Council.
 - The application ref APPH/23/01363, dated 31 August 2023, was refused by notice dated 3 November 2023.
 - The development proposed is a single storey extension and porch canopy to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revision to the National Planning Policy Framework 2023 (the Framework) was published on 19 December 2023. The amendments made did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.
3. The local planning authority (LPA) has referred to its emerging local plan 2021-2037 which is the subject of a public examination, but which is not yet adopted. Therefore, I afford it limited weight in the decision-making process.

Main Issues

4. The main issues are (i) the effect of the development upon the character and appearance of the building and the wider area and (ii) flood risk.

Reasons

5. The appeal property is a detached, two storey property with a hipped roof structure and with a double height front bay. It is situated on a corner and on the end of a line of three other similarly designed dwellings, all with a common building line and with hard standings to their front amenity spaces, largely given over to off-road parking and with low boundary walls against the adjoining footpath and road. The front elevations are in full view from the public domain which is the road and footpath.

6. The appeal building has been rendered and has a white/cream colour whereas the other detached dwellings in the row retain their original brick exteriors. However, it still retains the same setting, height, mass, form and general design characteristics of the other three dwellings, notwithstanding its rendered appearance and other minor differences. They all conform to a general building line and this, together with the overall consistency of design, adds distinctively and positively to the character and appearance of the immediate area.
7. The proposed development would consist of development beyond the front elevation of the host property and, in so doing, would cause significant harm to the character and appearance of the area. Such harm would be especially noticeable from the road and footpath in front of it where there is very little screening available to mitigate the harmful effect.
8. In addition, the proposed use of an antique colour, composite and slatted cladding to the front elevation, would highlight and accentuate the extension's position in front of the building line and its incongruous appearance when experienced in the street-scene.
9. As the host property occupies a corner position, the adverse impact of the proposal, both by its position in the street-scene and by the proposed use and colour of the external materials, would be prominent and conspicuous when seen by passers-by using both roads.
10. Therefore, I conclude that the proposed development would not accord with the Council's House Extensions Supplementary Planning Guidance 11 (2004) which requires, amongst other things, that development should reflect the character of the existing dwelling. While it would not be contrary to all points of design detail contained in policy HS11 of the Council's Unitary Development Plan (2000), it would not conform to chapter 12 of the more recently published Framework which stresses the requirement for proposed development to accord with the character and appearance of the area within which it is to be set.

Flood risk

11. The LPA considers that the proposed development lies within flood zone 3, the most sensitive zone for possible flood risk. On the evidence that is before me, I have no reason to disagree with this zoning. Paragraph 43 of the Framework stresses the crucial need for the right information for good decision making including, as in this case, for a flood risk assessment. I have no such assessment before me. Therefore, I am unable to conclude that the proposed development meets the criteria requirements of paragraph 173 of the Framework.
12. The LPA, in its decision notice, refers to the possible need for a sequential test in areas of greatest risk to consider less vulnerable sites. However, paragraph 174 of the Framework states '*applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59*'. While I do not find that a sequential test is relevant in this case as it relates to householder development, this does not alter or outweigh

the need for a flood risk assessment. Therefore, I conclude that the proposal fails to accord with the flood risk requirements of the Framework.

Conclusion

13. For the above reasons, I conclude that the development should be dismissed.

S. Hartley

INSPECTOR