



Appeal Decision

Site visit made on 2 June 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/W4325/D/24/3342233

70 Sandy Lane, West Kirby CH48 3JA

- 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 Richard Parker against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APPH/23/01663.
 - The proposed development is for the addition of a first floor to existing detached garage and conversion to granny annexe.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description given on the application form includes the words 'resubmission of previous application – flat roof design incorporated; height increase greatly reduced from previous scheme; consideration given to the material use and aesthetic on revision; whitewash render and brick detailing.' As these words do not describe the elements of the development requiring planning permission, I have omitted them from the description of development.

Main Issues

3. The main issues are the effect of the proposal on:
 - (i) the character and appearance of the host dwelling and the wider street scene, with particular regard to design, materials and roof form;
 - (ii) the significance of the nearby West Kirby Old Village Conservation Area as a designated heritage asset, through development within its setting; and
 - (iii) the living conditions of the occupiers of No. 2 Caldý Road.

Reasons

Character and Appearance

4. The appeal property is a 1930's constructed detached dwelling facing Sandy Lane. The garage that is the subject of the appeal proposal is to the rear of the appeal property and faces and abuts Caldý Road. This orientation already

somewhat divorces the garage from being viewed as an ancillary building to the host dwelling. Due to the orientation of the garage, I consider its relationship to the street scene on Caldys Road more relevant in terms of assessing its impact than its effect on the street scene of Sandy Lane.

5. The garage is presently a single storey, detached red brick-built garage that has a mono pitched roof with parapet detailing to the front. My attention has been drawn to its poor state of repair. The street scene is characterised by a mix of white rendered buildings with some brick detailing, and red brick buildings, all with pitched roofs. The scale and design of the buildings along the streetscape is varied, however a pitched roof form is prevalent.
6. Changes were made following a previous refusal of planning permission so that the appeal proposal would introduce a white rendered finish with brick detailing to the garage. These materials would reflect the character and design details of the host dwelling and the immediately adjacent prominent three storey buildings at Nos. 2, 2A and 2B Caldys Road. However, it proposes a flat roof at first floor level. This fails to reflect the typical pitched roof design of the main roof to the host dwelling and those surrounding buildings that is a distinctive feature in the area.
7. Notwithstanding the appropriate use of materials and detailed design, the appeal proposal would harm the host dwelling because of its appearance. This is due to its prominent flat roof form at first floor level relative to the pitched roof of the host dwelling. It is also at odds with the existing pitched roofs of neighbouring buildings.
8. Consequently, the proposal causes harm to the character and appearance of the host dwelling and the wider street scene particularly in relation to the roof form.
9. The proposed flat roof conflicts with Policy HS11 of the Wirral Unitary Development Plan (2000) (LP) that states flat roofs are only acceptable on single storey extensions and that roof forms should complement the existing building. National Planning Policy Framework (the Framework) paragraph 139 is also engaged which states that development that is not well designed, particularly where it fails to reflect local design guides, should be refused.

Heritage

10. The appeal site is immediately adjacent to the West Kirby Village Conservation Area (WKCA), and the neighbouring buildings at Nos. 2, 2A and 2B Caldys Road referred to above are within the WKCA. The WKCA character comes from its historic buildings, red sandstone walls, woodland areas, unmade paths and lanes and the open aspect of remnant fields. The West Kirby Conservation Area Appraisal and Masterplan (2009) (WKCAAM) summarises the special character of the WKCA and includes the views down Village Road in this. There is an important defined view out from the WKCA looking south down Village Road towards a prominent "corner" building at the junction of Caldys Road and Sandy Lane. This historic corner building is No. 72 Sandy Lane and is recognised in the submitted Heritage Impact Assessment as being critical to the character of the WKCA. The view is important as it shows the historical and architectural significance to the WKCA.

11. The appeal proposal although just outside the WKCA boundary, would be visible within that important defined view and thus constitutes development within the setting of the WKCA.
12. The flat roof form of the appeal proposal at first floor level would be at odds with the overall character and appearance of the street scene which forms part of this particular view and provides the backdrop to No. 72. The proposal would be a dominant feature that would unduly disturb that important vista out of the WKCA to a degree that would be harmful.
13. I find that this identified harm to the historical and architectural significance of the WKCA as a designated heritage asset, would by virtue of its nature and extent, amount to a level of harm which in terms of the Framework would be less than substantial.
14. In line with the Framework, I attach great weight to the conservation of the designated heritage asset. From the evidence before me no public benefits have been identified by the main parties. In the context of paragraph 208 of the Framework the identified harm is unjustified.
15. I therefore find that the appeal proposal would cause unjustified harm to the significance of the nearby WKCA as a designated heritage asset, through development within its setting.
16. Consequently, the proposal conflicts with LP Policy CH2 as it fails to preserve or enhance the distinctive characteristics of the adjacent Conservation Area including important views out of the WKCA.

Living Conditions

17. The outlook from the main living area and amenity space serving No. 2 Caldys Road are at first floor level facing the blank side elevation of the appeal proposal. There would be no unacceptable overshadowing or overlooking as a result of the appeal proposal. However, the introduction of an additional storey to the existing garage would result in a two-storey blank elevation close to the main outlook from No. 2. In this context I find that due to the culmination of the orientation and increase in height in such proximity to the first-floor window and balcony, the appeal proposal would be unduly overbearing in terms of outlook from that neighbouring residency.
18. There are no objections from neighbouring occupiers regarding the impact on their outlook, however in reaching my conclusion I must consider the long-term impact on both present and future occupiers.
19. As such, the appeal proposal would be harmful to the living conditions of the occupiers of No. 2 Caldys Road.
20. Consequently, the proposal conflicts with Policy HS11(i) of the LP which requires that "the scale of the extension [is] ... not so extensive as to be unneighbourly, particular regard being had to the effect on ... the outlook from neighbours' habitable rooms".

Other Matters

21. An interested party raised concern regarding the impact of construction of the proposal on the parking area of the neighbouring dwelling. This issue is a private law matter which falls beyond the scope of my determination.

Conclusion

22. Overall, I conclude that the proposal is contrary to the development plan as a whole and there are no material considerations including the Framework that outweigh the conflict. Consequently, the appeal should be dismissed.

A Hartley

INSPECTOR