

Appeal Decision

Site visit made on 27 August 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/W4325/W/24/3342772

45 The Woodlands, Tranmere, Wirral CH41 2SJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sam Hesami, DDH Group against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APP/22/01971.
 - The development proposed is change of use of the property to an 8-bedroom HMO (Sui Generis Use) and the addition of a new dormer to the rear of the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging Wirral Local Plan 2021-2037 (ELP) has been submitted for independent examination by Inspectors, and public hearings have commenced. The ELP is therefore at an advanced stage and so some weight can be given to these policies. However, the Wirral Unitary Development Plan 2000 (UDP) remains the development plan.
3. From my site visit I noted that a rear dormer was in place and that the bedrooms which I inspected were occupied. I have dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and the Clifton Park Conservation Area (CA); and
 - the living conditions of future occupiers of bedroom three with regard to light and outlook, and of bedroom number one with regard to privacy, noise and fumes.

Reasons

Character and appearance

5. The appeal site, 45 Woodlands (No 45) is a late nineteenth century end property in a row of 4 terraced properties, located within the CA. The surrounding area is characterised by residential properties dating from the nineteenth century. To the rear of the site, and outside the boundaries of the CA lies the A552 and a large shopping centre. The significance of the CA derives from the attractive buildings, which were laid out as a high-quality villa estate from the 1840s, designed as an opulent suburb reflecting the wealth of local merchants who would commute across the Mersey on steam ferries. The legibility of the area's historical origins as an early planned development has been well preserved. Generally, the street layout, architecture and detailing of the buildings provide an attractive character that contributes to the significance of the CA.
6. No 45 is set back from the pavement with hard surfacing to the front of the property. It has retained its original outrigger to the rear. The surrounding properties are largely residential, with a number having been converted to flats. No 45 is classed within the Clifton Park CA Appraisal (2004) as making a positive contribution to the CA.
7. Whilst the dormer is at the rear of the property and does not project above the ridge height or occupy the full width of the roof, it is not sympathetic in form or scale to the roof forms of the host building or its subordinate rear projections. The dormer projects almost to the side of the roof. Due to it only having a limited set in from the gable of the property, it does not appear as subservient to the rear roof plane. The lack of setbacks from the side gable make the dormer appear as cramped and disproportionate. Consequently, it appears as an incongruous and obtrusive feature, unsympathetic in form and scale to the roof forms of the host building and its rear projections.
8. The design of the dormer window detracts from the host property, with the box flat roof design appearing at odds with the pitched roofs of the existing building and giving the dormer a displeasing, dominant appearance. Furthermore, the window of the dormer does not vertically align with the existing rear windows of No 45, and the shape and design of the window does not correspond to the pattern of the existing windows. This accentuates the awkward relationship between the dormer and the host property.
9. Whilst the CA appraisal details that a new extension should generally be positioned in as unobtrusive a position as possible, with the rear elevation being preferred to the front and sides, this does not diminish the importance of rear elevations to the character and appearance of the area, nor suggest that rear elevations hold little significance to the CA. Although not visible from The Woodlands, rear views of No 45 are experienced from the rear gardens of neighbouring properties and from public vantage points along the A552. Although there are mature trees which partly obscure the rear dormer, during the winter months the dormer would be more visible in the street scene.
10. The appraisal also details that in the cases of semi-detached or terraced properties, the effect of any extension on the block as a whole must be considered if character is not to be lost. The dormer appears as a standalone feature of this type among the group of properties to which it primarily relates and against which it is experienced.

11. The terrace's rear retains a sense of consistency, regularity and rhythm, characteristic of the rows of terraced buildings in the CA. In this immediate context the dormer, as currently designed, reads as an incongruous addition out of keeping with the traditional nature of the dwelling, and appearing as a visual interruption of the unbroken roofscape of the terrace. The scale and design of the proposed dormer would harm the character, appearance and significance of the CA.
12. Elements of the front elevations of properties have been altered over time, including changes to doors and windows and front boundary treatments. Notwithstanding these alterations, the frontage of the terrace can clearly be read as part of the planned development which is a characteristic of the Conservation Area.
13. Bins are currently stored at the front of the property, and a bin store, also at the front of the property is proposed as part of the scheme. I noted from my site visit that a number of neighbouring properties also stored bins in their front drives, presumably due to a lack of direct access from the front to the rear of properties, which is a characteristic of many terraces. Whilst not particularly attractive, I do not consider that a bin store would be so obtrusive or conspicuous so as to harm the character and appearance of the CA.
14. The provision of a bin store would not be required as part of the fallback position of a six bed HMO, but could be conditioned as part of this appeal. A bin store would be preferable to the current situation whereby bins are kept loose on the driveway. However, the provision of a bin store is not dependent on the appeal scheme, and this has had no bearing on my decision.
15. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. Whilst I do not consider that the proposed bin store would cause harm to the character and appearance of the CA, I consider that the proposed dormer, due to its scale and design, would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial.
16. Paragraph 208 of the National Planning Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset (in this case the CA) should be weighed against the public benefits of the proposed development. The proposal would provide accommodation for eight people and contribute to a mix of housing. The accommodation would be close to local services, nearby employers and public transport facilities. However, these limited public benefits do not outweigh the great weight to be given to the heritage asset's conservation.
17. As such, I conclude that whilst the siting of the bin store would be acceptable, the proposed dormer would fail to preserve or enhance the appearance of the host building and the CA, thus failing to satisfy the requirements of the Act and the Framework. Moreover, the proposed development would conflict with Policies HS4, HS14 and CH2 of the UDP which seek to ensure that proposals do not result in a detrimental change in the character of the area and that developments should preserve or enhance the character and setting of period buildings which make a positive contribution to

the appearance and special character of the area. It would also conflict with ELP Policies WD2.1, WD2.2, WP3.1 and WS7.1 which seek to ensure that proposals conserve and where appropriate enhance the historic environment's character and appearance, and within CAs respect the form, mass, materials and character of the existing context.

Living conditions

18. Bedroom three of the proposed development would have a side facing window which would face the boundary wall of the site in close proximity, beyond which would be the side boundary wall of 43 The Woodlands and its outrigger. These would be closer to the side window than the suggested 14m distance recommended between a habitable room window and a facing wall in guidance contained within Supplementary Planning Guidance 11 – House Extensions (2004) and Supplementary Planning Document 2 – Designing for Self Contained Flat development and Conversions (2006) (SPD2). Whilst only guidance and not directly relating to HMOs, these documents provide a useful point of reference as to appropriate separation distances between properties.
19. However, an element of overshadowing is sometimes to be expected in tight knit built up areas, and suggested separation distances cannot always be achieved. I noted from my site visit that the window of bedroom three was a good size and that the window provided natural light in order for the room to be sufficiently lit without the need to use artificial lighting.
20. Bedroom one of the proposed development would be located adjacent to the front drive of the property, and a car could therefore be parked less than 3m from the window. Guidance contained within SPD2 requires habitable room windows of flats to be at least 3m from parking spaces. Concerns have been raised that this proximity would lead to poor amenity in terms of privacy, noise and car fumes. However, from my site visit I noted that the bedroom was a good size, with the bed positioned away from the window. It is unlikely that there would be a high frequency of car movements at the property, so as to lead to an unacceptable level of noise or fumes, or impact on privacy.
21. Both bedroom three and bedroom one are well sized, with good facilities, and I note that the Council's Housing Standards Officer stated that the proposal would meet the standards required in respect of HMO licensing requirements. Furthermore, the communal living and kitchen area would be spacious with windows, providing a pleasant cooking, sitting and social space. The availability of well-lit and spacious living areas places less reliance on individual bedrooms for residential amenity. Whilst I appreciate that bedroom three would have a limited outlook, the outlook from the room, within the typically constrained environment, did not appear as overly oppressive or enclosed. I am satisfied that the bedrooms, and the layout of the accommodation as a whole, would provide acceptable living conditions for future occupiers.
22. Consequently, I conclude that the proposal would not harm the living conditions of the future occupiers of bedroom three with regard to light and outlook, and of bedroom number one with regard to privacy, noise and fumes. As such, the proposal would comply with UDP Policy HS14 which seeks to ensure that HMOs provide reasonable outlook, sufficient daylight and privacy for occupants. Furthermore, it would comply with paragraph 135 of the

Framework, which seeks to ensure a high standard of amenity for existing and future users.

Other Matters

23. Interested parties have raised a number of concerns regarding the proposal. However, as I am dismissing the appeal on a main issue and they could not alter my conclusions, I have not considered them further.
24. The appellant has indicated that there is a fallback position whereby the property could be used as a 6-bedroom HMO using permitted development rights. However, this is less likely to necessitate a dormer and therefore would be less harmful than the proposal before me.
25. I note that the appellant is aggrieved with the Council's lack of communication with regard to comments from the Conservation Officer, which they consider has denied them the opportunity to amend the design of the dormer in accordance with the comments. However, this is a matter between the parties that does not fall within the remit of this appeal.

Conclusion

26. Although I have found that the living conditions for future occupiers would be acceptable, the proposal would fail to preserve or enhance the character and appearance of the host dwelling and the CA.
27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

L C Hughes

INSPECTOR