

Appeal Decision

Site visit made on 25 October 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2024

Appeal Ref: APP/W4325/W/24/3343367

Site of former carpark at the corner of Argyle Street and Bridge Street, Birkenhead CH41 1AH

- 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 J Hennessy for Birkenhead Commercial Ltd against the decision of the Wirral Metropolitan Borough Council.
 - The application reference is APP/23/00535.
 - The development proposed is four light industrial units and site works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Applications for costs have been made by both main parties against each other and are the subject of separate decisions.

Main Issue

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

Reasons

4. The site is currently in use as a carpark and is within an area designated as a Primarily Commercial Area. The immediate area has a mix of uses and a range of building types along with other open parking areas. There is a garage building immediately to the south-west which is set back from the road and has a forecourt enclosed by high security fencing. A second garage is situated on the opposite corner of Bridge Street and Argyle Street to the north-east. There is a more modern commercial building adjoining the site to the northwest and residential properties immediately opposite to the southeast.
 5. In the vicinity, there are a number of dominant buildings which are important to the character and appearance of the area, particularly the ventilation station for the Mersey Tunnel, the Cheshire Lines Building and the tower of the Hamilton Square Station. The Hamilton Square Conservation Area lies a short distance to the south and the buildings within it, on Argyle Street, that flank the square itself, are visible from outside the site. When passing the appeal
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property, heading north along Argyle Street, there are views across the Mersey to the skyline of Liverpool.

6. Given the above, this is an important and prominent corner site on Argyle Street. Although there are detracting features in the vicinity, it is important that any development be well designed and respect its immediate and wider setting. Orientating the building as shown and then proposing to extend it so close to Argyle Street, well forward of the neighbouring building, would result in it being extremely prominent in the street scene, despite the presence of the neighbouring palisade fencing. Although a low structure, its deep unrelieved side elevation and its rear wall, set so prominently adjacent to the boundaries, would represent particularly poor design in this context. Similarly, the location of the bin store and its enclosing two metres high boarded screen fence would be entirely inappropriate in the proposed, exposed and prominent corner position.
7. The proposal would result in considerable harm to the character and appearance of this area and would represent particularly poor design in this context. It would conflict with the design requirements of policies SH6(iv) and EM6(v) of the Wirral Unitary Development Plan 2000 as its siting and design would not be of a satisfactory standard. These requirements are consistent with the *National Planning Policy Framework* 2023 which is clear that development that is not well designed should be refused. The emerging local plan includes similar design objectives.
8. There would be considerable benefits from the proposal in terms of the more efficient use of land, the initial investment required to provide the units and the economic and social benefits that would result from their future operation. The proposal would not prejudice the operations within the adjacent sites and the principle of the use is supported by the development plan and the *Framework*.
9. References have been made to other developments accepted in the vicinity. Although reference numbers, addresses and short descriptions have been provided, the plans and reports relative to the decisions have not. I visited each address in order to see what works have already been carried out. The units on Taylor Street appear to be relatively comparable in terms of design but the setting of those units is entirely different. In any event, I must consider the proposal on its own particular merits having regard to its setting and specific characteristics.
10. The appellant identifies that no other harm would result from the proposal and that it gains support from local and national policies. The potential benefits of the Bridge Street access over an Argyle Street access are also noted. I am mindful also of the alterations suggested by the planning officer and the suggestion that only limited alterations could make the details satisfactory. However, I do not share the view that such minor changes would be sufficient to overcome the harm that would result.
11. In conclusion, there would be considerable benefits from the more efficient use of this site. However, the layout and design proposed would result in unacceptable harm to the character and appearance of the area and would represent poor design in this particular context. Whilst there is policy support for the principle of development, these policies also require appropriate design.

Overall, the matters in favour of the proposal do not outweigh my main concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR