



Appeal Decision

Site visit made on 12 January 2025

by A Hartley LLB (Hons) Solicitor MBA

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/W4325/D/24/3353825

196 Town Lane, Higher Bebington, Wirral CH63 8LG

- 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 Rachel Burgess against the decision of Wirral Council.
 - The application Ref is APPH/24/01121.
 - The proposed development is for the construction of a vehicle crossing and dropped kerbs. Additional works include landscaping and erection of retaining walls to the front of the property.
-

Decision

1. The appeal is dismissed.

Preliminary Issues

2. I have taken the description of development from the Notice of Decision as it more properly describes the proposal.
3. The National Planning Policy Framework (the Framework) has been updated since the appeal representations were made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph references) it was not considered necessary to seek further comment.
4. From the evidence before me, the emerging Wirral Local Plan is at an advanced stage in its preparation. On that basis, and mindful of paragraph 49 of the Framework, I give the policies of the emerging local plan moderate weight in my consideration of the appeal.

Main Issue

5. The main issue is the effect of the appeal development on the character or appearance of the surrounding area, particularly regarding the Town Lane street scene.

Reasons

Character and Appearance

6. The appeal property is one half of a pair of two-storey semi-detached dwellings within a group of similar dwellings sited at a raised level to the highway. This part of Town Lane is on an incline and the properties are uniformly spaced along the Lane.

In common with most of the group of dwellings, the appeal property has a steep front garden and a low front boundary wall adjacent to the highway. The continuation of the low front boundary walls along Town Lane are a significant feature that contribute positively to the character of the street scene.

7. The appeal proposal would remove the low boundary wall in front of the appeal property, excavate the front garden and introduce stepped retaining walls within the remaining front garden. The new retaining wall at the shared boundary would be approximately 1.49 metres high and another at the front of the property would be approximately 1.3 metres high.
8. Even with the proposed landscaping and stepped retaining walls, I find that the loss of the continuation of the low boundary wall along the Town Lane frontage would interrupt the identified rhythm of development along the street scene, and together with the introduction of vehicle parking within the frontage of the dwelling, would appear visually jarring in context and cause harm to the character of the area. Without the boundary wall in place, the steep level of the front of the site would be particularly prominent, even with the three-tiered approach proposed, such that the proposal would be notable and readily experienced in the surrounds.
9. My attention has been drawn to other examples of properties where front boundary walls have been removed, including at the other half of the semi-detached appeal property (No. 198), which has a front driveway with dropped kerb and a higher retaining wall set back from the highway, rendered in a cream colour to match that half of the semi-detached dwellings. While I do not have information on the circumstances under which such development took place, it remains that it forms part of the immediate surrounds. However, within the street scene, I find that these driveways appear stark and incongruous. They disrupt the rhythm of development, having removed the original low boundary walls to accommodate the vehicular driveway and do not make a positive contribution to the character of the area. In addition, the cited removal of the low boundary wall at No.160 Town Lane is further along where land levels are not as steep and so the effect on the street scene is more limited.
10. The appellant also refers to an appeal decision relating to No. 26 Upton Road. However, this is sited in a different context to the appeal property, such that this decision carries limited weight. Overall, the presence of these examples of removed boundary walls, including that adjacent to the appeal site, does not provide justification for the proposal, which would cause visual harm in its own right.
11. I acknowledge that the front boundary walls along Town Lane differ in their precise external finish and design, and that the appellant believes the wall at the appeal site to not be aesthetically pleasing due to its age. Nevertheless, the presence and positioning of such walls contributes positively to the surrounds and, even noting the current appearance of the wall at the site, its total removal would harm the character of the area for the reasons given.
12. Consequently, the proposal would conflict with Policy SPG11 of the Wirral Unitary Development Plan (2000) and the Framework, which seek high quality design appropriate to its context. It would also conflict with emerging Policy WS7.4E of the Wirral Local Plan in that the car parking on the driveway would dominate the street scene in terms of visual impact.

Other Matters

13. The appellant mentions their intention to introduce electric vehicle charging. According to paragraph 167 of the Framework greater energy efficiency is a public benefit of significant weight. However, I find that the level of public benefit in relation to energy efficiency in this case is limited, has not been quantified within the evidence, and does not form part of the development details that are the subject of this appeal. Even when affording this limited public benefit significant weight, I find that it would not outweigh the identified harm to the character of the Town Lane street scene and the conflict with the development plan.
14. Although it is regrettable that the pre application advice did not reflect the Council's formal decision, it is not bound to follow that pre-application advice. I have considered the proposal on its own merits and reached my decision based on the submitted plans and my own judgement.

Conclusion

15. In conclusion, having regard to all representations made, I find that the appeal development conflicts with the development plan as a whole and with the provisions of the Framework and emerging policy. There are no material considerations that would justify a decision other than one in accordance with the development plan. Therefore, the appeal should be dismissed.

A Hartley

INSPECTOR