



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: 30 January 2025

Appeal Ref: APP/W4325/D/24/3353943

14 Mount Road, West Kirby, Wirral, Merseyside CH48 2HL

- 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 Mr Neil Christian against the decision of Wirral Council.
 - The application Ref is APPH/24/00592.
 - The proposed development is for a hip to gable roof alteration to the front elevation with forward extension of two existing side dormer windows.
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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 (WLP) 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 and appearance of the host dwelling and the surrounding area.

Reasons

6. The appeal property is a small scale detached bungalow with two existing side dormer windows. To the rear, the roof has a gable end and there is a single storey conservatory to the rear elevation. The property is rendered and painted white/cream with plain hanging red roof tiles. There are two symmetrical bay windows to the front elevation and a hipped roof. It is seen through mature trees and despite the existing side dormer windows, it appears as a small scale discrete dwelling in the street scene within a small plot.

7. The area is characterised by a variety of house designs of differing scale and size, including dormer window extensions, hipped and gable roof styles, some of which have been identified by the appellant in the character appraisal of the area¹. There is a predominant use of white render with red roof tiles and properties are set back from the road frontage. Mature gardens, trees and hedging are prevalent, and the street scene has a spacious appearance, with a wide highway and a vista down the street towards the view of the River Dee and Irish Sea. The appeal property contributes positively to the character of the area as an example of a small scale bungalow of symmetrical appearance with low hipped roof to the front elevation and materials that reflect those of the surrounding properties.
8. The appeal proposal would extend the existing dormers towards the front elevation and alter the hipped roof at the front elevation to a gable design. The materials used would match the existing.
9. I find that although the materials would be appropriate, the scale and massing of the proposal would not be subservient to the host property. Together with the change in design to a gable roof, it would result in a top heavy appearance that fails to respect the existing well-proportioned design of the front elevation. Consequently, I find that due to its bulky appearance, the appeal proposal would appear incongruous and unduly prominent within the street scene and therefore detract from the character of the area.
10. My attention has been drawn to a particularly prominent dwelling at the corner of Mount Road and Stonehey Drive. This property is at a higher ground level and features dormer extensions along both roof elevations. However, no application details of these dormers are before me. I also acknowledge the planning approvals and recent developments provided as part of the character appraisal. Nevertheless, the circumstances of each proposal are likely to be different and the fact that similar dormer extensions, or more 'intensive' or 'obtrusive' developments, exist in the area is not a reason, on its own, to allow unacceptable development in the above context. Some of them are also sited outside the immediate street scene to the appeal site. Consequently, I have considered this appeal on its own merits and concluded that it would cause harm for the reasons set out above.
11. My attention is also drawn to a previous planning application for a similar proposal at the appeal site which was refused by the Council in 2016². I have attached moderate weight to this decision as I find saved policy HS11 of the Wirral Unitary Development Plan (2000) (WUDP) is not out of date and has not changed insofar as relevant to the planning considerations in this appeal since that planning decision.
12. The adoption date of both Policy HS11 and Supplementary Planning Guidance 11 – House Extensions (2004) (SPG11) are noted. However, under the terms of the Framework, due weight can still be given to them, according to their degree of consistency with the Framework. Therefore, the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker.
13. It is considered that both Policy HS11 and SPG11 are broadly consistent with the Framework in terms of achieving well-designed places and seeking good design

¹ Appendix 7 of the Appellant's Appeal Statement

² APP/16/00175 Refused 6 April 2016

sympathetic to the local area. They remain part of the development plan. I therefore still afford Policy HS11 and SPG11 a significant amount of weight.

14. Overall, I find that the appeal development would harm the character and appearance of the host dwelling and the surrounding area and would conflict with saved Policy HS11 of the WUDP, SPG11, and emerging policy WD5 of the WLP, all of which seek high quality design appropriate to its context. The proposal would also conflict with the principles within Chapter 12 of the Framework which seek good design sympathetic to the local area.

Other Matters

15. It is noted that emerging policy WD5 does not necessarily restrict the use of dormers in the same way that saved Policy HS11 does. However, it does still require that roof extensions should relate well to the design and scale of the property and be in keeping with both the context and the established character of the area, which the proposal would fail to achieve.
16. My attention has been drawn to proposed changes to the General Permitted Development Order (GPDO), with the appellant stating that these respond 'to the need of householders by adapting the permitted development rights to enable larger extensions'. However, no details have been provided as to what development could be permitted under the proposed changes and I cannot be sure that this would be directly comparable to the proposal before me now. Any subsequent changes to the GPDO do not provide a fall-back position to which I can currently attribute any weight.
17. The appeal site is within a relatively close distance of the West Kirby Old Village Conservation Area (WKCA). However, the proposal would not be seen within views from or to the WKCA. Consequently, the appeal proposal is not considered to be within the setting of the WKCA for the purposes of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

18. 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