



Appeal Decision

Site visit made on 20 February 2025

by J D Westbrook BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2025

Appeal Ref: APP/W4325/W/24/3349034

1 Beech Road, Heswall, WIRRAL, CH60 2SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Walker against the decision of Wirral Council.
 - The application Ref is OUT/23/01864.
 - The development proposed is the construction of a four-bedroomed, two-storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form indicates that only scale and access are matters for which approval is sought as part of the outline application. However, drawings have been provided also showing layout, and it appears that the Appellant and the Council have included layout as part of the deliberations and decision-making process. I have dealt with this appeal on the basis of the proposal involving scale, layout and access.
3. There would appear to be a discrepancy between the footprint of the proposed dwelling on drawing 001 and that on drawing 002. On drawing 001, showing the existing and proposed site plans, the proposed dwelling is around 3.3 metres from the rear boundary, and the front elevation equates to the building line of the existing house at No 1 Beech Road. On drawing 002, which shows details of the ground-floor plans of the two houses, the dwelling is around 4.8 metres from the rear boundary and projects forward beyond the established building line. Given the outline nature of the application, I have taken drawing 001 as the most relevant.

Main Issues

4. The main issues in this case are the effect of the proposed dwelling on:
 - The character and appearance of the area around Beech Road, and
 - The living conditions of the occupiers of the proposed dwelling and occupiers of neighbouring dwellings by way of outlook, privacy and amenity space.

Reasons

5. The appeal site consists of most of the existing side garden to the host property at No 1 Beech Road. The proposed dwelling would be a two-storey, detached house sited to the side of the existing dwelling and occupying much of the width of the

site. The site would be accessed from Beech Road by way of a vehicular crossover and access at the western end of the plot frontage. There would be a gap of some 2.5 metres between the proposed and existing dwelling at No 1, and a gap of between 2.8 and 3.5 metres between the proposed house and the boundary with the neighbouring No 53 Barnston Road.

6. Policy HS4 of the Council's Unitary Development Plan (UDP) indicates that proposals for new housing development within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all of a number of criteria. These criteria include that the proposal should be of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development; that it should not result in a detrimental change in the character of the area; and that there should be the provision of adequate individual private or communal garden space to each dwelling.

Character and appearance

7. Beech Road is a short residential road comprising a small number of large, detached houses, primarily of a wide-fronted nature and set well back from the front boundary. It has a tree-lined grass verge to each side and there are a number of trees in the front gardens. With the exception of No 1, the houses have moderate-to large-sized rear or rear/side gardens. By way of contrast, No 1 has a large side garden with no significant rear amenity area. The proposed house would take almost all of the side garden to No 1, leaving the host property with an uncharacteristically small rear area of private amenity space.
8. Both the host property at No 1 and the proposed new dwelling would be large, detached houses, but they would be left with very small private amenity areas and both would appear as uncharacteristically cramped on their plots. I consider that this would result in a detrimental change to the otherwise spacious character of the area along and around Beech Road, and that, given the scale of the dwellings themselves, it would result in inadequate effective individual private garden space to each.
9. The appellant contends that the large existing side garden to No 1 is indication of infill potential between No 1 and No 53 Barnston Road. However, this does not take into account the fact that the side garden is almost the full extent of the private amenity space for No 1, and that it is the equivalent of the rear gardens of the other houses along the road.
10. The appellant also contends that the density of development along Beech Road is low in comparison to the average in Heswall. However, the existing low density of development in the Beech Road area is part of its character and the siting of two houses on the existing plot of No 1 would result in a localised density significantly in excess of the averages both across the Heswall as a whole and along Beech Road itself. In any case, the averages do not take into account the scale of houses themselves within their plots. Moreover, as noted above, the scale of both the host property and the proposed dwelling on their plots would result in an uncharacteristically cramped nature and appearance, regardless of density figures.
11. The appellant also contends that the UDP is out of date and that it does not contain policies relating to a supply of deliverable housing sites. However, Policy HS4 of the UDP remains in accordance with policy in the National Planning Policy Framework (the Framework) and it would appear that the emerging Wirral Local

Plan (LP) 2021- 2037 has sites allocated for new housing development. The LP is at an advanced stage of preparation and may be afforded moderate weight. In any event, the limited benefit of the provision of one additional house, as would be the case here, would not significantly and demonstrably outweigh the adverse effects of the proposal on the character and appearance of the area, and would conflict with Paragraph 129 of the Framework, which emphasises the desirability of maintaining an area's prevailing character and setting (including residential gardens).

12. The appellant has submitted a tree survey with the application. Whilst there are no protected trees on the site, there are a number of trees around its edges, some of which would be removed and some retained. Given the limited space to the front of the house to accommodate car parking, and limited space elsewhere for private amenity space, I consider it highly likely that, at some future time, there would be pressure to remove retained trees, and this would be harmful to the otherwise verdant character and appearance of Beech Road.
13. In conclusion on this matter, I find that the proposal would result in both the host property and the proposed dwelling effectively being cramped on their plots. It would not respect the existing form of development; it would result in a detrimental change in the character of the area; and, given the scale of the houses, there would not be adequate individual private garden space to each dwelling. On this basis the proposal would be harmful to both the character and appearance of Beech Road, and would conflict with Policy HS4 of the UDP.

Living conditions

14. The proposal has reserved matters relating to appearance and landscaping for future consideration. However, from the scale of the proposal it is clear that the western side elevation of the proposed dwelling would be only some 2.5 metres from the eastern side elevation of the host property at No 1. The host property would appear to have windows serving habitable rooms in this elevation, such an arrangement being commensurate with a dwelling that has almost all of its private amenity space to the side of the house. To have a large two-storey house in such close proximity to the habitable room windows would result in an oppressive outlook.
15. There would appear to be adequate distance between the proposed dwelling and the rear elevation of No 53 Barnston Road, such that there would likely be no adverse effects on the privacy, daylight or outlook experienced by the occupiers of that property.
16. The house at No 51 Barnston Road is set some distance from the rear elevation of the proposed house, and at angle. However, the proposal would result in the windows in its rear elevation being only a little over 3 metres from the boundary with the back garden of No 51, and close to that part of the garden nearest the house, which might otherwise expect a high degree of privacy. The appellant points to the fact that two trees are scheduled to be retained along the boundary, and that this would provide a degree of screening for the occupiers of No 51. However, this would not be the case during certain parts of the year when one of the trees would not be in leaf, and there can, of course, be no guarantee that the trees would not be removed in the future, particularly since they are so close to the rear elevation of the proposed house and occupy part of the very limited rear garden area.

17. Since the proposed house would be set so close to the rear boundary with No 51, I consider that the outlook for future occupiers would be significantly restricted at ground-floor level, and this would be harmful to their living conditions, albeit to a limited extent.
18. In conclusion on this matter, I find that the proposal would result in harm to the outlook for the occupiers of the host property at No 1, and would result in harm to the living conditions of the occupiers of No 51 Barnston Road by way of loss of privacy. In addition, the outlook for occupiers of the proposed house would be compromised by the limited depth of the rear garden area. These issues would represent a detrimental change in the character of the area and would conflict with Policy HS4 of the UDP.

Conclusion

19. I find that the proposed dwelling would be harmful to the character and appearance of the area around Beech Road and would be harmful to the living conditions of the occupiers of the proposed house and neighbouring houses by way of outlook, privacy and amenity space. The proposal would conflict with Policy HS4 of the UDP and, accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR