



Appeal Decision

Site visit made on 17 April 2025

by **J D Westbrook BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/W4325/W/25/3358443

Land bound to the northwest by Whitehouse, to the northeast by 5 Quarry Road East, to the southeast by 42 Grange Road and to the southwest by Grange Road, Heswall, CH60 7RY

- 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 Kevin Fitzpatrick against the decision of Wirral Council.
 - The application Ref is APP/23/01924.
 - The development proposed is the construction of a detached double-height residential dwelling with attached double garage to side.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is an amendment from an earlier proposal which bears the same reference (07-2022). For clarification, the relevant drawings are all Revision R.
3. There would appear to be an inconsistency within the submitted plans in that the front boundary wall and gates are shown as being apparently around 1.8 metres high in submitted drawing 07-2022-04 Rev R, but only 1.5 metres high on submitted drawing 07-2022-06 Rev R. Given that that the latter drawing is the more detailed, I have used that height as definitive.

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 Grange Road, and
 - The living conditions of the occupiers of neighbouring dwellings by way of privacy.

Reasons

5. The appeal site is a parcel of land on the northern side of Grange Road between No 42 Grange Road and the dwelling known as Whitehouse, the latter of which occupies the corner plot at the junction of Grange Road and Quarry Road East. The site is currently unused and contains 4 mature conifer trees, one of which (referred to as T1 on the accompanying Tree Survey) is subject to a Tree Preservation Order (TPO). The front boundary with Grange Road currently

comprises a 1.8 metre high fence at the western end and a mature hedge with a wooden gate along the rest of the frontage. The proposed development would involve the removal of the trees and front hedge and the construction of a two-storey dwelling, with an attached flat-roofed double garage on its western side and a front boundary consisting of a low wall, a sliding vehicular gate and a small pedestrian gate.

Character and appearance

6. Policy HS4 of the Wirral Unitary Development Plan (UDP) indicates that proposals for new housing development will be permitted subject to the proposal fulfilling a number of criteria, including that the proposal should be of a scale which relates well to surrounding property, in particular with regard to form of development; the proposal should not result in a detrimental change in the character of the area; and that there should be provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation.
7. Policies WS6 and WS7 of the Council's emerging Local Plan (LP) indicate that developments should enhance the key features, visual amenity, character, and distinctiveness of settlements; be visually attractive and positively enhance the character, appearance and setting of the surrounding area; ensure that the height, scale, and siting is appropriate in context; provide for the protection and enhancement of existing healthy trees and hedgerows of visual and wildlife value; protect high quality landscaping including unifying features such as gates, piers, walls, and boundary treatment. The LP is at an advanced stage of preparation and I can afford it moderate weight.
8. The eastern end of Grange Road, from its junction with Pensby Road is characterised by a mix of two-storey houses and bungalows. However, along the western portion of the road, from Nos 24 and 31 onwards, the road comprises bungalows of various designs as far as the appeal site, with the exception of No 41, which is an older detached house set well back from the road and largely hidden by the front boundary treatment and mature trees. Whitehouse, adjacent to the appeal site, is a mixed single-storey/two-storey dwelling, and No 9 Quarry Road East, on the opposite corner, is a chalet bungalow.
9. Immediately to the east of the appeal site, No 42 is a modern bungalow, whose design is largely followed by that of No 43, which is directly opposite to the appeal site. Immediately to the west of the appeal site is the single-storey element of Whitehouse, which is the most prominent feature of the house in the street scene. The single-storey element has a roof ridge approximately equal in height to that of No 42.
10. The front elevation of the proposed dwelling would be set approximating to the building line formed by the front of both No 42 and Whitehouse. It would extend well back into the site, and the main roof ridge would be set at a noticeably higher level than the ridge lines of both Whitehouse and No 42 immediately on either side, as well the ridge line of No 43 opposite. On this basis, the proposed dwelling would appear out of character with its surroundings.
11. At the far western end of Grange Road, the roadway itself narrows and footpaths terminate. The front boundaries of the dwellings along this section comprise a mix

of stone walls and mature hedges and these are another key feature of the character of the road around the appeal site. In addition, the view from further down the road to the east takes in a number of large mature trees, mainly conifers, in the front gardens of the houses at the western end. The large trees within the appeal site serve to balance out those trees clearly visible on the opposite side of the road. The loss of the appeal site trees would be harmful to the prevailing character and appearance of the area.

12. The submitted plan 07-2022-06 Rev R shows the front boundary as comprising a 1.5 metre high white wall with a 1.5 metre high timber electric gate and a 1.0 metre high timber pedestrian gate. In terms of materials, limited height, and design, the boundary treatment would be wholly out of character with the much more substantial boundary treatments of surrounding properties which are either stone walls or mature hedges or both. The appellant contends that the design and materials could be controlled by condition, which might be a possibility, although there are other related issues with the boundary treatment that might preclude that approach, and which will be considered below.
13. The submitted drawings show that a significant proportion of the site would be taken up with building footprint with hard landscaping/driveway to the front. The dwelling would effectively cover the full width of the site, with a significant amount of the front elevation being two-storey set in a position close to the front boundary. This coupled with the low boundary treatment would be harmful to the prevailing street scene in the vicinity.
14. The appellant's statement contends that the protected tree on the site would not be removed. However, it is clear from the tree survey that the protected tree would be removed, as would all of the other trees. The remedial planting plan shows one replacement tree to the front boundary and another three replacements to the rear boundary. Given the degree of site coverage with buildings and the front parking/driveway, I do not consider that adequate replacement of 4 large mature trees would be possible. In particular, with regard to the proposed replacement at the front boundary, this would be within a narrow 1 metre strip between the proposed vehicular access and the boundary with Whitehouse, which would not allow for a substantial tree to be planted and to thrive. Again this would be harmful to the current heavily landscaped character and appearance of the area.
15. I acknowledge that the submitted tree survey indicates that the protected tree has a degree of bark union disorder, but it is classified as Category B (as are the other trees to be removed), which relates to a tree with estimated life expectancy of over 20 years. I have no detailed information of the implications of such a disorder or any potential for maintenance and management rather than immediate removal, but even were it to be removed, since it has a height of 15 metres and a substantial root protection area and spread, a suitable replacement could not be accommodated at the front of the property, as shown on the drawings, where such a tree would need to match the character and appearance of the existing street scene.

Living conditions

16. Policy HS4 of the UDP indicates that for all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings, while Policy WS7 of the LP states that new

development should avoid direct overlooking and loss of privacy detrimental to the living conditions of neighbouring residents.

17. In this case, there would not appear to be any issues of overlooking from first-floor windows in the side elevations of the proposed dwelling that could not be dealt with by way of a condition relating to obscure glazing. However, the distance between habitable room windows in the front elevation of the proposed dwelling and the front elevation of No 43 would not appear to meet the separation requirements set out in the Council's Supplementary Planning Guide on House Extensions (SPG). Whilst this is not a house extension, the separation distances in the SPG serve as a useful guide for appropriate standards to be applied between all residential properties. On this basis there would be some harm to privacy caused to the occupiers of No 43. I acknowledge that this would be very limited owing to some screening provided by landscaping at the front of No 43, but nevertheless there would be some harm to add to the harm to character and appearance, as dealt with above.

Other Matter

18. The appellant makes reference to paragraph 125 of the National Planning Policy Framework (The Framework) which states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. From the information before, it would not appear that the appeal site represents 'previously developed land' as defined in the Framework.

Conclusion

19. In conclusion, I find that the proposal would result in a detrimental change in the character and appearance of the area. It would not reflect the character of the surrounding dwellings and would not include appropriate landscaping and boundary treatment which relates the proposed development to its surroundings. In addition, the height, scale, and landscaping would not be appropriate in its context. Finally, it would be harmful to the level of privacy enjoyed by the occupiers of No 43 Grange Road, albeit that harm would be limited. On this basis, I conclude that the proposal would conflict with Policy HS4 of the UDP and Policies WS6 and WS7 of the emerging LP. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR