



Appeal Decision

Site visit made on 1 April 2025 by Kim Vo MPLAN

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 May 2025

Appeal Ref: APP/W4325/D/25/3360019

17 Dudley Road, New Brighton, Wirral, Merseyside CH45 9JP

- 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 Mrs. Wendy Eldridge against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APPH/24/00838.
 - The development proposed is described as “to erect replacement external roof access and fire exit staircase.”
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Prior to the consideration of this appeal, the Council adopted the Wirral Local Plan 2022–2040 (WLP). The main parties were aware of what the emerging policies were at the time of the Council's decision, and they have not materially changed to the adopted versions. I have had regard to the most up to date development plan.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupiers of Number 6 Hamilton Road (No. 6) and Number 15 Dudley Road (No.15) with specific regard to privacy.

Reasons for the Recommendation

Character and Appearance

5. The appeal building is a substantial detached residential unit arranged over three floors. Whilst having a rendered exterior, it is one of a number of local examples of a very similar type in both detached and semi detached forms which have multiple strong steep gable features, oversailing rooflines and decorative mock Tudor detailing. Taken together, they exude a pleasant traditional consistency which contributes positively to the character and appearance of the area.

6. The proposed staircase would be of an industrial design, large scale and finished in metal. It would have a rigid, boxy structure which, along with the above elements, would unacceptably jar against the architectural traditionality of the building's form. Whilst the existing gates and fence would provide some concealment, its proposed height up to the second floor of the building and its prominent corner location, would make it clearly visible from public vantage points.
7. The other cited examples I saw on my site visit are of different designs and it is unclear whether they were granted planning permission. They are also evident on a limited number of properties and do not constitute as an established feature of the area. Nor do they set any positive design precedent. In addition, the first and second floor rear doors have since been removed and where they once provided access, they now exist solely as windows both functionally and aesthetically.
8. For these reasons, the proposal would cause unacceptable harm to the character and appearance of the area. Consequently, it would be contrary to Policies WD 5 and WS 7 of the WLP and the National Planning Policy Framework (the Framework). Together, and amongst other things, these policies seek to ensure developments are of high-quality design. They should also positively enhance the character, appearance and setting of the area, ensuring that its design, scale, massing and siting has regard to the existing building and is appropriate in context.

Living Conditions

9. The proposed external staircase would create landing areas at first and second floor, which could be accessed from the existing rear doors. They would be closely situated to the shared boundaries with Nos 6 and 15. Views towards these dwellings already occur through the existing rear openings. Nonetheless, the appeal scheme would create landing areas, forward of these, which could be feasibly used as projecting balconies. This would allow occupiers of the appeal building to have wider ranging views, from an elevated position, into the neighbouring garden areas. This would result in a significant loss of privacy and thus an unacceptable overlooking impact towards no. 15's rear garden.
10. No. 6's side elevation windows do not serve any habitable rooms, and the first-floor window is obscure glazed. The high boundary fence also obstructs the majority of views from this neighbour's ground floor side windows. However, given the height of the landing areas, views downwards onto all of No. 6's side elevation windows would be possible. The appeal scheme would also increase the perception of overlooking towards this dwelling, due to the landing areas and towards occupiers of No. 6 when they're entering or exiting the front entrance, as well as from their side elevation windows.
11. For these reasons, the proposal would cause unacceptable harm to the living conditions of the occupiers of Nos 6 and 15, with specific regard to privacy. Consequently, the appeal scheme would be contrary to Policy WD 5 and WS 7 of the WLP and the Framework. Together, and amongst other things, these policies seek to ensure that development proposals provide a high standard of amenity for existing and future occupiers, as well as for neighbouring properties.

Other Matters

12. The Council's alleged lack of engagement, their reasons not to undertake a site visit or suggestion of conditions to make the appeal scheme acceptable are matters that should be taken up with them directly and are not for me to resolve here.
13. I am aware of a need for a means of escape from fire and for it to have landing areas due to occupants' mobility requirements. I have had due regard to the Public Sector Equality Duty set out under Section 149 of the Equality Act 2010. I am aware that disability is a protected characteristic thereunder. However, there is no sufficiently conclusive evidence to demonstrate that fire safety and accessibility requirements cannot be met through alternative measures, which might have a lesser impact than the appeal scheme. I remain to be convinced that the proposed fire exit staircase is therefore the only way to achieve the outcome the appellant desires.
14. I have not been provided with details of the appeal decisions, case law judgements, an ombudsman case and other planning approvals cited. Therefore, I cannot be sure that they represent a sufficient comparison to the appeal scheme such that I would change my findings. Reference has also been made to the Council's failure to accord with The Planning Appeals Procedural Guide. However, this guidance relates to the planning appeal process and would not be applicable to the Council's decision-making at the time.

Conclusion and Recommendation

15. For the reasons given above, the proposals would conflict with the development plan and the material considerations do not indicate a decision should be made other than in accordance therewith. I therefore recommend the appeal is dismissed.

Kim Vo

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR