
Appeal Decision

Site visit made on 8 October 2025

by **Elaine Moulton BA (Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 October 2025

Appeal Ref: APP/W4325/W/25/3366829

Vacant Shop, 154 Bedford Road, Rock Ferry, Wirral CH42 2AS

- 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 Chanmugan Dhayaparan against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APP/24/01838.
 - The development proposed is the conversion of a vacant ground floor shop in to a one bedroom, two person flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 31 March 2025, following the Council's decision on the appeal proposal, the Wirral Local Plan 2022-2040 (LP) was adopted. The policies of the LP now carry full weight and have superseded those within the Wirral Unitary Development Plan (UDP) that were referred to in the Council's decision notice. Accordingly, I have considered the appeal proposal against the relevant policies of the LP, on which both parties have had the opportunity to comment during the appeal process.
3. The appellant has included an amended plan with the appeal documents, stating it was submitted to the Council before it reached its decision on the application. It is, however, apparent from the Council's report that the decision was not made on the amended plans, but on the plans that were initially submitted with the planning application.
4. By setting back the ground floor front elevation behind a small forecourt, the scheme shown in the amended plan is materially different to that considered by the Council. There is no evidence that it was subject to any publicity or consultation. Consequently, in the interests of fairness, I have not had regard to the amended plan and have determined the appeal based only on the plans on which the Council made its decision.

Main Issues

5. The main issues are:
 - The effect of the proposal on the character and appearance of the appeal building and the area; and
 - Whether appropriate living conditions would be provided for future occupiers of the proposal and maintained for the occupiers of the existing

flat above, with regard to noise and disturbance, outdoor garden space, and overlooking.

Reasons

Character and appearance

6. The appeal site is situated in a terrace of two-storey properties containing a mix of residential and commercial uses. The dwellings within the terrace are largely set back from the pavement, behind front gardens retained by a low brick wall. They have a broadly consistent appearance, with a bay window at ground floor and two vertically proportioned windows above. The shop fronts of the commercial units directly adjoin the back of the pavement within a single storey ground floor projection.
7. The traditional shop front would be infilled and replaced by a single wide window, which would have proportions and a horizontal emphasis that would not reflect the appearance of the bay windows within the terrace. Furthermore, it would not relate well to the vertically aligned upper floor windows of the appeal property and surrounding buildings. Consequently, the proposed window would appear as a dominant and discordant feature that would harmfully interrupt the regular proportions and rhythm of the dwellings within the terrace.
8. On my visit I observed that the ground floor residential conversion that has taken place at 150 Bedford Road (No 150) incorporates a bay window of a style and proportions that generally reflects the character and appearance of most of the dwellings within the terrace. In addition, it appears that nearby 140 and 142 Bedford Road (Nos 140 and 142) has also been converted from commercial to residential use. In that case, the shop front has been infilled, and two windows have been introduced on the ground floor front elevation of similar proportions to the upper floor.
9. Accordingly, the development that has taken place at No 150, and Nos 140 and 142, demonstrates that a ground floor conversion to a flat can be carried out in a manner which is sympathetic to the character and appearance of the area. Such existing residential conversions would not, therefore, assist in the assimilation of the proposal into the street scene to the extent that it would reduce the harm that I have identified.
10. I find therefore that the proposal would harm the character and appearance of the appeal building and the area. As such, it would be contrary to LP policies WS 7 and WD 6 which, amongst other things, require to be visually attractive and seek to deliver development that is in keeping with the local context and the established character of the area. It would also be contrary to the similar aims set out in the Designing for Self-Contained Flat Development and Conversions Supplementary Planning Document (SPD2).

Living conditions

11. In the absence of floor plans showing the layout of the existing flat, it has not been demonstrated that the proposed or existing upper floor bedrooms would not directly overlap with the living room, toilet or bathroom of the other dwelling. Furthermore, there is no information before me to show how noise transfer between the proposed ground floor and existing second floor flat would be

minimised or mitigated, and whether that could be achieved through a planning condition. As such, the proposal is contrary to guidance in SPD2 which states that, to reduce the potential impact from vertical sound transmission, layouts should avoid main living rooms, toilets or bathrooms being over or under neighbours' bedrooms.

12. The evidence before me demonstrates that the occupants of the existing and proposed flat would have access to the rear garden and have adequate space for incidental purposes, such as sitting out and drying laundry, even if the garden were subdivided. In addition, provided that the area directly adjoining the appeal building was used by the occupants of the proposed ground floor flat, an unacceptable level of overlooking and loss of privacy would not arise because of the proposal. The details of the subdivision could be agreed through condition, were I minded to allow the appeal. As such, in respect of outdoor garden space and overlooking, appropriate living conditions would be secured and maintained for the occupiers of the appeal building.
13. In conclusion, in respect of noise, the proposal would not provide appropriate living conditions for the future occupiers or maintain them for the occupiers of the existing flat above. It would conflict with LP policies WD 6 and WD 23 which, amongst other things, requires adequate sound proofing between flats, that proposed and neighbouring uses are harmonious, and that unacceptable nuisance and disturbance is avoided. Furthermore, it has not been demonstrated that the proposal accords with the SPD2 requirements set out above.

Other Matters

14. I note the concerns expressed about the Council's handling of the planning application including whether it had worked with the appellant in a positive and proactive manner. However, such matters are not relevant to my findings on the planning merits of the scheme and, therefore, fall outside of the remit of this decision.
15. The proposal would provide a one-bedroom flat in an accessible location and would make use of a vacant shop premises. However, these factors would not outweigh the harm that I have found to the character and appearance of the area and by virtue of the inadequate living conditions that would be provided for future, and maintained for existing, occupiers.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harms and associated development plan conflict.
17. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR