
Appeal Decision

Site visit made on 26 September 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th October 2025

Appeal Ref: APP/W4325/W/25/3368661

1 Lingham Lane, Moreton, Wirral CH46 7SA

- 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 Hasan Mohamed against the decision of Wirral Council.
 - The application Ref is APP/25/00263.
 - The development proposed is change of shopfront. Installation of 3 No. air conditioning units, 3 CCTV cameras and 2 No. InPost collection boxes.
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Decision

1. The appeal is dismissed insofar as it related to the installation of 3 No. air conditioning units and 2 No. InPost collection boxes.
2. The appeal is allowed insofar as it related to change of shopfront and installation of 3 CCTV cameras, and planning permission is granted for change of shopfront and installation of 3 CCTV cameras at 1 Lingham Lane, Moreton, Wirral CH46 7SA in accordance with the terms of the application, Ref APP/25/00263, and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

Preliminary Matters

3. The proposal involves different elements, which are severable from each other. Consequently, I am able to issue a split decision in this case.
4. The application form states that the development has already been started without consent but not completed. I observed that the various elements of the proposal are in situ, and accordingly I have dealt with the appeal on this basis. The Council has not raised any concern with regards the 3no. CCTV cameras. I observed these to be small and discretely positioned, and I therefore have no reason to form a different view.
5. The decision notice mistakenly referred to a conflict with Policy WS7.2 of the Wirral Local Plan 2022-2040 (2025) (LP), rather than LP Policy WD23. The appellant has had the opportunity to comment on this.

Main Issues

6. The main issues are:
 - the effect of the changes to the shopfront on the character and appearance of the surrounding area; and

- the effect of the air conditioning units (AC units) and InPost collection boxes on the living conditions of neighbouring residential properties, with particular regards to noise and disturbance.

Reasons

Character and appearance

7. The appeal property is a part single, part two storey building with a convenience store at ground floor, which has an area of forecourt parking to the front. It is located on the western side of Lingham Lane, a residential cul-de-sac.
8. The surrounding area is predominantly residential, characterised by a mix of dwelling types and design, including bungalows, two-storey detached, semi-detached and terraced dwellings and flats. The appeal property faces the junction with Town Meadow Lane and is prominent when travelling from the east on this road, and from the playing fields opposite. From here, it is seen alongside the bungalows and two-storey dwellings on Town Meadow Lane which are typically finished in render, of varying colour, or brick or a mixture of both.
9. The front elevation of the appeal property is also finished in a render, which has been painted grey, with a band of red bricks between the first-floor windows and ground floor fascia sign. Prior to the alterations, the shopfront elevation had five four-pane windows and two doors which were domestic in their scale and appearance, finished in a white uPVC. Four of these windows and a door have been boarded up and the sill of the remaining window has been lowered and replaced with a large, glazed panel. The windows have been replaced with signage panels associated with the convenience store and this has noticeably reduced the amount of fenestration and glazing on the front elevation of the property.
10. However, although the ground floor render would benefit from being repainted, overall, the alterations to the shopfront have a cohesive design which is congruent with the commercial use. Notwithstanding the graphics of products on sale, the wide fascia sign and signage panels are of a reasonable quality and are muted in appearance, painted a light grey colour with white and pale-yellow lettering. Moreover, to the right-hand side of the front door, they allow shelving and refrigeration units to be discretely sited on the inside wall of the store rather than being visible from outside. Although prominent on the corner, I did not find the shopfront changes to be unsympathetic or appear to be incongruous in the wider mixed residential area.
11. I therefore conclude that the changes to the shopfront do not cause harm to the character and appearance of the surrounding area. It accords with LP policies WD10 and WS7 which require new development to be visually attractive, complementing or enhancing, rather than detracting from the character of an area. Although the decision notice cites conflict with LP Policy WD23, this policy does not make specific reference to the effect of development on the character or appearance of an area and is not therefore determinative to this main issue.

Living conditions

AC units

12. Three separate AC units have been installed directly to the wall at first-floor of the flank elevation of the appeal property, over the existing single storey extension.

These directly face the shared boundary with 50 Town Meadow Lane (No 50), a bungalow.

13. The 'Technical Details' show the AC units have a noise level of 32dB(A) at a distance of 10m, which the appellant contends is acceptable. However, although the closest window serves a non-habitable room, the main lounge/dining room of the bungalow is on the front elevation, and this is the nearest noise sensitive receptor. Though perpendicular to it, the flank gable of the appeal property is set forward of No 50 and, as a result, the AC units face this window, well within 10m.
14. I have no substantive evidence before me that the noise level at such proximity would be acceptable, even allowing for background noise associated with traffic along Town Meadow Lane, customers of the convenience store and the school and playing fields opposite. Moreover, I note the convenience store has reasonably long opening hours, but I have little evidence before me in respect of how often and for how long the AC units operate, and at what time of day or night.
15. The appellant refers to best practice which it is suggested indicates that external air conditioning units should ideally operate below 60dB, particularly in residential settings. However, I have not been provided with further details of this guidance to ascertain its relevance to the appeal proposals, nor does this give me sufficient assurance that the AC units would not result in noise and disturbance to the occupiers of No 50. Indeed, although there was no objection from the Council's Environmental Health Officer, concern has been raised by the nearest neighbour. I am mindful that noise can be very intrusive, particularly at night, and can have significant effects on quality of life. Further, it can cause changes in behaviour, such as keeping windows closed for most of the time or avoiding certain activities during periods when the noise is present.
16. The appellant has confirmed a willingness to install an acoustic enclosure, and this could be controlled by condition. However, in the absence of any substantive information in respect of the background noise environment, or the noise level at the nearest noise sensitive receptor, I cannot be certain that such a condition would reduce noise to such a level that there would be no harm to living conditions.

InPost collection boxes

17. The 2no. InPost collection boxes have been installed along the common boundary with No 50 to the front of the appeal property. I have little information before me in respect of the overall number of collection boxes, or the frequency or times of deliveries and collections, although the appellant acknowledges the boxes have resulted in increased footfall to the convenience store.
18. There is already some noise and activity associated with the existing retail use and with Town Meadow Lane, which I observed is a relatively busy road. Some customers are likely to collect deliveries on foot given the residential nature of the surrounding area, but a proportion of customers will inevitably arrive by car, parking either on the forecourt of the convenience store or along the Lingham Lane frontage. This would be close to the bungalows on either side and would result in an increase in noise and disturbance, such as the opening and closing of the locker doors, engines idling and car doors slamming.
19. The Council's evidence is that the InPost collection boxes would be restocked by the delivery company once a day, which would take on average 15 minutes, but

they are nevertheless available for collections or returns 24 hours a day. I have little evidence of the existing pattern of use, or linked trips, and the use of the collection boxes could be outside the opening hours of the convenience store and at times of the day when neighbours should reasonably expect a greater degree of quiet. Given the location right on the boundary, the noise and disturbance associated with the collection boxes would be keenly felt by the occupiers of No 50, even if it only takes a short amount of time to collect or return a parcel.

20. The appellant has drawn my attention to an example of an application for the installation of an InPost parcel locker at the Co-operative foodstore in Newton which was approved by the Council¹. From the evidence before me, the single locker in that case was proposed to be sited along the boundary between the foodstore and a neighbouring pub. As such, whilst it may be in a residential area, it differs from the appeal scheme, where the InPost collection boxes are sited along the boundary with a bungalow. Accordingly, the example is not directly comparable to the appeal scheme, and it lends little support to it.
21. I therefore conclude that the AC units and InPost collection boxes cause harm to the living conditions of neighbouring residential properties, with particular regards to noise and disturbance. It conflicts with LP policies WD23 and WD14 which require development to demonstrate that proposed uses will be harmonious with neighbouring uses, avoiding unacceptable nuisance and disturbance, and that all practical measures have been taken to minimise and mitigate the impacts.

Other Matters

22. I recognise that the appellant did not deliberately try to circumvent the planning process and has acted in good faith in seeking to regularise the development which has taken place. The retrospective nature of the proposal has had no bearing on the appeal, which I have considered solely on its planning merits.

Conditions

23. As the changes to the shopfront have been made, and the CCTV cameras installed, it is not necessary to impose conditions.

Planning Balance and Conclusion

24. I have concluded that the changes to the shopfront do not cause harm to the character and appearance of the surrounding area.
25. The development also clearly supports a small, independent business which I recognise provides a valued service for the surrounding residential area and supports community resilience. In particular, the InPost collection boxes would improve the offer of the convenience store and reflects changes in parcel deliveries. The development therefore aligns with the National Planning Policy Framework where it states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and where it places significant weight on the need to support economic growth, taking into account local business needs.
26. However, whilst these are benefits of the scheme, they are not sufficient in this case to outweigh the harm that I have found to living conditions. The 3no. AC units

¹ Council ref. APP/23/00161

and 2no. InPost collection boxes conflict with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.

27. Therefore, for the reasons given above, I conclude that the appeal should be allowed in part and dismissed in part.

R Gravett

INSPECTOR