



Appeal Decision

Site visit made on 5 December 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2026

Appeal Ref: APP/W4325/W/25/3373440

North Somerville, The Moorings, Heswall CH60 9JU

- 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 Paul Lewis against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APP/25/00961.
 - The development proposed is demolition of existing building and erection of two replacement dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.
3. In a recent appeal decision¹, the Inspector concluded that the proposal for a single dwelling on the appeal site would fall within the exception at paragraph 154(g) of the Framework and would not constitute inappropriate development in the Green Belt. Consequently, the Council has withdrawn its Green Belt reason for refusal at the appeal stage. Based on the evidence and my observations on site, I have no reason to form a different view.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area;
 - whether acceptable living conditions would be provided for future occupiers of the proposed development, with regards to outdoor amenity space, overlooking and privacy; and
 - whether the development meets biodiversity net gain objectives.

¹ APP/W4325/W/25/3370736

Reasons

Character and appearance

5. The appeal property is a modest detached bungalow which is proportionate in size to its plot, located on the northern side of The Moorings.
6. The Moorings is a narrow unsurfaced lane accessed from Banks Road and comprises a cluster of dwellings and boatyards. Although ridge heights vary, the dwellings are predominantly single-storey in height with pitched roofs and relatively low eaves. Some dwellings include accommodation within the roofspace typically incorporating modestly sized dormer windows that sit comfortably within the roof plane. The 'Schematic Supporting Document' shows that The Moorings has evolved and several dwellings have been altered and modernised, but I observed that its prevailing informal, low-profile character has nevertheless been retained.
7. The two proposed dwellings would incorporate a gable which projects forward from the main front elevation and would match the ridge height of the roof. The proposed floor to ceiling windows at ground and first floor would accentuate the verticality of this gable feature. While the eaves of the main roof would be low, each dwelling would also have a large gabled dormer window which would fill much of the roofspace and appear a dominant feature. Rather than appearing as dormer bungalows, the proposed dwellings would appear two-storey in height.
8. It is understood that the appeal site was originally two semi-detached bungalows, but the proposed dwellings would nevertheless fill much more of the plot than the building they would replace. Individually they would be much narrower in width than the existing bungalow, offset only a minimal distance from the side boundaries and sited very close together. Consequently, although the height may be broadly comparable to some dormer bungalows along the lane, the overall massing and vertical emphasis of the design would appear incongruous in the context of the low-rise cluster of dwellings and buildings, to the detriment of the defining character and appearance of The Moorings.
9. The existing planting and proposed trees along the frontage of the site would provide some screening of the proposed development. However, this would only partially obscure views from The Moorings and the height and massing of the two-storey dwellings would still be unduly prominent in the street scene, particularly at times when the trees are not in full leaf. Moreover, this planting cannot be relied upon in perpetuity to hide development that would otherwise be harmful.
10. The appellant has drawn my attention to a dormer bungalow at Banks View² considered to be comparable to the appeal proposal. However, this dwelling is located some distance away to the north-east and it is not visible from this end of The Moorings. It is sited on a large plot with a frontage to the estuary which distinguishes it from the cluster of low-profile dwellings I have described. Consequently, it lends little support to the proposal before me. I have also been referred to a 'New Build Dwelling, Dormer Bungalow,'³ but I have insufficient information before me in respect of this example to be able to draw any comparisons with the appeal proposal.

² LPA Ref. APP/07/05599

³ LPA Ref. APP/1999/5264

11. I therefore conclude that the development would cause significant harm to the character and appearance of the area. The Council's withdrawal of the Green Belt reason for refusal would not reduce the weight to be afforded to this harm. The proposal would conflict with Policy WS7 of the Wirral Local Plan 2022-2040 (2025) (WLP) which requires development to positively enhance the character and appearance of the area and ensure the height, scale, massing and siting are appropriate in context.

Living conditions

12. The Council has referred to 'local policy guidance' which suggests gardens should be at least 10m in length. However, no minimum length is stipulated in WLP Policy WD23 which requires development proposals to take account of the amenity of the development's users and requires the provision of 'adequate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land (including any private amenity space).'
13. The proposed dwelling at Plot 1 would have an open plan kitchen/dining room which would have direct access via double doors to an enclosed rear garden with a patio and an area of lawn. This would be between around 5.6m and 8.2m in length. Notwithstanding its limited length, the garden would extend the width of the dwelling, would be of reasonable overall size and it would be a private, open and usable space. Therefore, despite having no meaningful side or front garden, I am satisfied that the private amenity space would be sufficient to ensure a good standard of living for future occupants of the proposed 3-bedroom dwelling. The Council has raised no issue in respect of the outdoor amenity space for the proposed dwelling at Plot 2 and I have no reason to take a different view.
14. The proposed dwellings would be sited close together with a ground floor window on the flank elevation directly facing each other. However, the windows would serve a utility room, and a condition could be imposed requiring them to be installed with obscured glazing to prevent any overlooking and therein loss of privacy. Such a condition has been suggested by the Council.
15. I therefore conclude that acceptable living conditions would be provided for future occupiers of the proposed development, with regards to outdoor amenity space, overlooking and privacy. It would therefore accord with WLP Policy WD23 in so far as it requires development proposals to take account of the amenity of the development's users and avoid direct overlooking and loss of privacy.

Biodiversity Net Gain

16. The application was accompanied by a Preliminary Ecological Appraisal and Bat Survey Report (PEA) from August 2024, a Biodiversity Net Gain (BNG) metric and a draft Biodiversity Gain Plan (BGP). The PEA describes the site as a typical residential plot comprising a mix of garden lawn, shrubs and occasional small trees, as well as a driveway and paved areas, but identifies no habitats of notable or significant ecological value. The Proposed Site Plan (Appendix A – Figure 2) which was assessed, differs from the proposal before me, but the PEA calculates that the development of two dwellings would result in a 3.45% loss in biodiversity.
17. While the Council suggest the submitted BNG metric showed the development would result in a 53.83% increase in biodiversity, the version before me (dated August 2024) calculates a 3.88% loss. This version also identifies input errors/rule

breaks present in the metric. Further, there are differences in the figures for the post-development biodiversity values between the BNG metric and the draft BGP.

18. The appellant would have been willing to clarify the information if given an opportunity to do so and would be prepared to make a financial contribution toward BNG or incorporate further ecological design measures, if necessary. However, the submission of accurate and complete BNG documentation is a mandatory requirement under national regulations. Given the uncertainty regarding the accuracy of the information provided and the inconsistencies I have identified, it would not be appropriate to defer submission of this information to planning conditions. This is consistent with the advice provided in the consultation response from the Council's BNG Co-ordinator.
19. In the absence of accurate information, I conclude that the development fails to meet biodiversity net gain objectives. As such, the development conflicts with WLP Policy WD3, which requires development proposals to demonstrate adequate provision for enhancement of biodiversity.

Other Matters

20. The appellant considers the appeal proposal addresses the concerns raised by the Inspector in respect of the previous appeal for the site which was dismissed in September 2025⁴. I have made my decision on the appeal before me, but I have nevertheless had careful regard to the comments made by the appellant in respect of this decision. However, for the reasons I have given above, I do not find the Inspector's concerns in respect of the harm to the character and appearance of the area has been adequately addressed. Whilst I acknowledge the appellant's procedural concerns regarding the previous BNG information, the issues regarding the accuracy of this information have also not been overcome.
21. The appellant has submitted a Unilateral Undertaking (UU) pursuant to s106 of the Town and Country Planning Act 1990 (as amended) which includes provisions which would typically be matters dealt with by condition. It also refers to a financial contribution, but it is unclear what this contribution would relate to, or what the amount would likely be (if any). However, as the appeal is being dismissed on other substantive grounds which would not be addressed by the provisions of the UU, it is not necessary to consider it in further detail.
22. Given the location of the appeal site, the development has potential to have effects on the Dee Estuary, which is designated as a Special Protection Area, Special Area of Conservation, and Site of Special Scientific Interest. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of permission in principle, make an appropriate assessment of the project's implications in view of the relevant conservation objectives. As I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, or to consider this matter further.
23. Finally, while the appellant considers there to be an absence of widespread opposition to the proposed development, this does not mean an absence of harm. I have considered all other matters raised by interested parties. However, as I

⁴ APP/W4325/W/25/3370736

have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.

Planning Balance and Conclusion

24. The proposal would deliver benefits including the redevelopment of previously developed land and the replacement of a dwelling said to be of poor quality, with two dwellings which meet modern standards for thermal performance, moisture resistance, acoustic insulation and fire safety. These improvements would contribute positively to the sustainability of the housing stock while also offering long term environmental gains through reduced energy consumption and enhanced building performance. However, given the small scale of the proposal, these benefits would attract only modest weight and would not be sufficient to outweigh the significant harm which would be caused to the character and appearance of the area.
25. The proposed development would conflict with the development plan and material considerations do not indicate that a decision should be made other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR