



Appeal Decision

Inquiry held on 12 January 2010
Site visit made on 13 January 2010

by **Bern Hellier BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
1 February 2010

Appeal Ref: APP/W4325/A/09/2111201

270 Telegraph Road, Heswall, Wirral, Merseyside, CH60 7SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Wirral PCT and Dr Nicholas and Partners against the decision of Wirral Metropolitan Borough Council.
- The application Ref APP/2008/6948, dated 25 November 2008, was refused by notice dated 13 March 2009.
- The development proposed is the demolition of existing medical centre and PCT clinic and erection of medical centre plus associated landscaping and drainage works.

Decision

1. I dismiss the appeal.

Main issue

2. The appeal site is within an area allocated as residential on the Proposals Map of the Wirral Unitary Development Plan (UDP). However the site is already mainly in health related use and there is no objection in principle to the redevelopment of the site for a similar use. The main issue is the effect of the current proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is occupied by the Heswall Medical Practice and Heswall Clinic. It also includes a grassed amenity area which at present is part of the grounds of the adjoining adult training centre. These uses together with an ambulance station form a low profile, mainly single storey development. The ambulance station and medical centre front onto Telegraph Road which is the main route into the town from the north-west. Coming from this direction the road is fronted by two storey residential development. Opposite the appeal site is Dale Court, a four/five storey block of flats. Then, towards the town centre and on the same side of the road as the appeal site is Puddydale, a grass recreation area. On the other side of the road is a Tesco store.
 4. Development along this stretch of road is generally set back. There are mature trees in the wide highway verge along the Tesco frontage with a landscaped car park behind. In an appeal decision in 2002 relating to changes to the car park the Inspector refers to this area having a pleasant, open and landscaped appearance. There is also a line of trees running parallel with the road within the Puddydale open space. The Dale Court flats are built well back from the road and at a somewhat lower level within a woodland setting. Beyond this
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point the residential properties have good front gardens. A high hedge creates a sense of enclosure just before the Poll Hill Road junction is reached. The overall impression is of a landscaped and open approach to the town.

5. Development in the vicinity of the appeal site follows a building line created by two short terrace blocks of three houses either side of Heath Drive, the main medical centre building and the ambulance station. An entrance area to the medical centre extends in front of this line but it is relatively small and subordinate to the main building. There are gaps in the building line caused by Heath Drive, by the medical centre access road and by the entrance and parking area to the ambulance station and adult training centre. Two of the buildings are single storey. Because of this the line is not a strong building form. Nevertheless it makes a positive contribution to defining and maintaining the openness of the street scene.
6. The proposed building would consist of single storey, two storey and three storey linked elements stepped up so that the highest part would be furthest from the residential properties in Heath Drive to the north. This stepped, modular design helps to accommodate the increase in height and scale and to break up the mass of the front elevation. However the three storey part of the building would be of a considerable bulk being some 41 metres long, 12 metres wide and nearly 13 metres to the ridge of a monopitch roof. Its full side profile would project about 7 metres in front of the existing building line leaving approximately 5 metres to the back edge of the footway. A two storey enclosed external stair block would extend a further 1.5 metres towards the footway.
7. The building would be a prominent feature intruding into views along the road. Its forward projection, height and massing in this location would be out of scale with neighbouring development. The side of the building facing the road would have a small ground floor window and vertical strips of glazing/panels on one edge of the stair block and on both of its return walls. It is also true that the building would normally be seen as a three dimensional form. Nonetheless the large areas of blockwork and brickwork and the lack of active frontage would present an austere and rather oppressive appearance particularly to someone on foot.
8. From the north there would be more interest at close quarters as a result of the human scale of the set back entrance and the curved wall to the single storey block. This view would be hidden approaching from the town centre and from this direction the effective height of the building would be greater because the road drops away below the level of the ground floor. Furthermore the proximity to the road would make it impractical to soften the impact by tree planting.
9. I also consider the visual impact of the proposal from the Puddydale open space would be unsatisfactory. At present this view is of a suburban landscape rising gently to Poll Hill and characterised by a mix of the roofs and upper elevations of residential properties interspersed with trees. It has an intimate domestic scale. The horizontal form and rectangular bulk of the three storey block with its unrelenting ridge line and roof slope would jar with this setting. It would not form a satisfactory edge to the open space because it would be built at a higher level and in consequence would relate poorly to the houses in

Dale View which are part of the existing enclosure. It would also be set back from the open space behind the single storey ambulance station and adult learning centre.

10. It is the case for the appellants that the building would be a landmark public building of civic status, that it would be appropriate for such a building to be prominent and that it would create a visual stop-end marking the transition from a residential street to the greater variety of scale and use typical of the town centre. Nationally recognised guidance in *By Design : Urban design in the planning system : towards better practice* indicates that a building which has functions of civic importance might be designed to stand out from the background if it contributes positively to views and vistas as a landmark.
11. However, whilst the building would serve an important public function and would be prominent, I am not convinced that its impact would be positive. Indeed, there is also reference in *By Design* to the need to respond to, and reinforce, locally distinctive patterns of development, landscape and culture. I consider that the intrusion of such a large building into the open green corridor along Telegraph Road and its height and massing when seen from the south east would fail to satisfy this advice.
12. I was provided with examples along the route of Telegraph Road, mainly within the town centre, of buildings being used effectively to close off views so as to create enclosure and of ways, some successful, some less so of integrating large scale buildings into the townscape. I saw examples of street facing blank gable elevations and dead frontages. However I have assessed the existing proposal in the more local and, in my view, distinctive setting to the north-west of the town centre. What happens elsewhere is less relevant.
13. I conclude therefore that the proposal would have a seriously detrimental effect on the character and appearance of the surrounding area and would be contrary to UDP Policy HS15 which does not permit non-residential uses in residential areas which are of an inappropriate scale or result in a detrimental change in the character of the area. As such it would also conflict with the advice in *Planning Policy Statement 1 : Delivering Sustainable Development* that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

Other matters

14. Representations were made at the Inquiry by residents and by the Heswall Society about the effect on the living conditions of nearby residents and the effect on traffic and car parking conditions in the area. The Council also raised a policy issue relating to local energy generation. I was also made aware of the social and health benefits of the proposal. These matters are set out below.

Living conditions

15. A small kitchen in 272 Telegraph Road is used by the occupier as a breakfast room. A window to the kitchen looks out onto the medical centre car park only some 1.5 metres away. Anyone in the car park can look over a low wall directly into the kitchen. The single storey element of the medical centre

would be about 16 metres away, slightly further than the existing centre, and would incorporate the windows of two treatment rooms. The second and first floor windows would be approximately 22 and 29 metres away respectively.

16. These separation distances are less than those recommended in *Supplementary Planning Document 2 : Design for Self Contained Flat Development and Conversions* (SPD2) which it was agreed provided appropriate guidance, notwithstanding its title. However, taking account of the existing degree of overlooking from the car park, I do not consider there would be a significant loss of privacy. It is also the case that there is a second window in the kitchen looking out into a yard with whitewashed walls and there is a separate dining room within the property. Overlooking from the flat roof of the single storey building could be avoided by a condition preventing its use as a terrace.
17. In terms of outlook a sun shadow study carried out as a result of the public consultation shows that the new building would not lead to a significant loss of sunlight. The three storey element of the building would result in some loss of daylight but at a distance of about 29 metres the effect would not be unreasonably claustrophobic or overshadowing.
18. The rear elevations of houses on Heath Drive are further away and overlooking distances in excess of the minimum recommended in SPD2 are achieved. The building would impinge directly only onto the outlook from 2 Heath Drive and although there would be a loss of view from this property I do not consider the effect would be unacceptably oppressive.
19. A new area of car parking would be located immediately to the rear of the back gardens of the Heath Drive houses. The gardens are short and there would be potential for disturbance and light pollution. *Supplementary Planning Document 4 : Parking Standards* (SPD4) recommends in such circumstances a landscaped buffer but in this instance there is insufficient space. However the car park would be at a slightly lower level than the gardens and on balance I consider this and the proposed 1.8 metre fence would provide adequate protection. Notwithstanding the submitted lighting scheme control of the intensity and direction of lighting and the siting and height of lighting columns could be achieved by condition.
20. In summary therefore, subject to the conditions outlined, I do not consider the proposal would have a significantly adverse effect on the living conditions of neighbouring occupiers in relation to privacy, outlook or noise and disturbance.

Traffic and car parking

21. In the Statement of Common Ground (SOCG) the appeal site is stated to have an acceptable public transport provision. This was disputed by residents because the regular bus service that passes the site only serves part of the catchment. However it would be possible to change buses at the bus station. I consider the site provides good opportunities for staff and users to travel by bus.
22. Concern was also expressed that the traffic data used in the application was based on limited and out of date survey data and may underestimate current peak traffic flows. However no alternative figures were produced and I accept

the conclusion of the transport assessment that the road network has the physical capacity to accommodate the increase in vehicles and turning movements associated with the proposal.

23. On-site car parking provision would be less than the maximum requirement set out in SPD4. I consider this would be appropriate in an accessible location such as this and taking account of the proposal for a travel plan. However the operation of the existing car park is not entirely satisfactory. When I visited the site just after 9.00am the car park was full, a vehicle unable to park was trying to reverse out blocking vehicles still trying to get in, and there were cars parked on the road either side of the access restricting visibility of the reversing vehicle. The obvious dangers associated with this would increase with the increased parking capacity proposed.
24. The Council is seeking to introduce no waiting along both sides of Telegraph Road opposite the site to improve visibility at the medical centre access and that to Heath Drive. I consider this should be in place as a prerequisite for the development. The condition suggested in the SOCG would not secure this but I am satisfied that an appropriately worded condition or a separate legal agreement would be effective. I note the reservations expressed by frontagers who would be inconvenienced but there appears to be a good road safety case for introducing a no-waiting restriction now. I also consider that a turning area should be provided within the site. Again this could be achieved by condition.
25. Heath Drive is a short cul-de-sac with no formal turning head. It is used for parking by existing users of the medical centre and other town centre visitors/employees. Residents on occasion have difficulty using their drives or parking outside their property. However in practice there is very little parking space available and I am not persuaded that the proposed intensification of activity on the appeal site would be likely to exacerbate the existing parking conflict in Heath Drive.

Decentralised energy supply

26. Policy EM18 of The North West of England Plan Regional Spatial Strategy (RSS) requires all new non-residential developments over 1000m² to secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources. In this case the Government requires new healthcare buildings to meet an excellent rating using the BREEAM Healthcare assessment tool. This standard is more onerous than Building Regulations and an equivalent of at least 10% savings on energy consumption would be made by attaining this standard.
27. Nonetheless the appellants have not shown why a local energy source would not be feasible or viable and I consider compliance with RSS Policy EN18 should be a requirement of any consent. Since this is something that cannot simply be tacked onto a finished scheme I do not consider a condition would be a reasonable means of securing this.

Benefits of the proposal

28. The development would bring together the Pensby and Heswall GP surgeries and the Heswall Clinic into a single site which would be more efficient than the present arrangement and assist in efforts to create a comprehensive, locally

delivered, healthcare facility. There has been a site selection process which identified the appeal site as the preferred option. An extensive consultation based on the appeal proposals established a high level of public support.

29. Further evidence from a local resident emphasised that existing facilities were unsatisfactory and that the Pensby building was particularly unsuitable for use as a surgery. The new facility would provide an increased range of services which would mean fewer trips to hospital and an extension of surgery visiting times. There would also be an opportunity to develop a centre of excellence as a training practice. Funding for this project is available now and this window of opportunity would be unlikely to recur.

Conclusions

30. The proposed development would provide a high quality local health facility in a sustainable location. I have given considerable weight to this benefit. I also find that impact on living conditions and on traffic and car parking would, with appropriate conditions, be acceptable. However I conclude that these favourable findings do not outweigh the serious visual harm caused by the bulk and prominence of the three storey forward projection of the building within the street scene and the disproportionate scale of the development in views from the town centre across the Puddydale open space.
31. The proposal also fails to resolve the requirements of RSS Policy EM18 in relation to a decentralised energy supply.
32. For the reasons given above and having regard to all other matters before me, including the officer recommendation of approval, I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr John Barrett of Counsel	Instructed by Director of Law, Wirral Metropolitan Borough Council
He called Mr Justin Paul BA(Hons) BTP MRTPI	Principal Director J10 Planning Ltd

FOR THE APPELLANT:

Mr John Holmes	Head of Planning, Hill Dickinson LLP
He called Mr Alan Sankey BA(Hons) Dip(Arch)Dist RIBA	Partner brp architects

INTERESTED PERSONS:

Mr David Ricketts	Local resident
Mr Dennis Clegg	Heswall Society
Mr Alan Bailey	Local resident
Mrs Audrey Robinson	Local resident
Mrs Naomi Rasell	Local resident

DOCUMENTS

- 1 Notification letter for the Inquiry dated 22 December 2009
- 2 Council Planning Committee report 22 October 2009
- 3 Pre application correspondence between brp architects and the Council
- 4 Appendices attached to the statement of the Heswall Society
- 5 Written statement from Miss Pat Conway
- 6 Written statement from Ward Councillor Les Rowlands
- 7 Written statement from Ward Councillor Peter Johnson
- 8 Bus timetables for services passing the appeal site