

Appeal Decision

Site visit made on 26 October 2016

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 14th November 2016

Appeal Ref: APP/W4325/D/16/3160554

257 Spital Road, Bromborough, Wirral, CH62 2AQ

- 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 Mr Nick Philips against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00650, dated 21 April 2016, was refused by notice dated 11 July 2016.
 - The development proposed is a single storey rear extension to rear of house.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to rear of house at 257 Spital Road, Bromborough, Wirral, CH62 2AQ in accordance with the terms of the application, Ref APP/16/00650, dated 21 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: W01 'Existing plans & elevations'; W02 'Proposed plan & notes'; W03 'Proposed section & elevations'.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development proposed on the living conditions of the occupants of No. 259 Spital Road, with particular regard to outlook and light.

Reasons

3. The appeal dwelling is an end of terrace property. There is an existing rear extension at the property that is part two storey and part single storey. The extension runs part of the way across the rear elevation of the house with a small yard area separating its side elevation from the shared boundary with the neighbouring dwelling, No. 259. There is a high wall that runs along the boundary separating the rear yards of the two dwellings.
 4. The appeal proposal would see the extension of the ground floor element of the existing extension so that it would run across the width of the rear elevation of No. 257 up to the boundary wall. It would project approximately 8.5m from the rear elevation of the appeal dwelling. The proposed eaves height would be
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approximately 2.6m, which is the same as the existing extension. It would have a flat roof design with a raised glass lantern element in the roof that would be approximately 3.8m from ground level at the highest point.

5. The neighbouring property does have a rear extension with a glazed door and windows that face towards No. 257. However the outlook from them is dominated by the high wall that runs along the shared boundary. Although the proposed extension would be constructed up to the boundary, due to its flat roof design it would be of a similar height to the existing boundary wall. The outlook from the windows and door, along with the light received through them, will therefore be unlikely to be significantly altered as a consequence of the appeal proposal. Whilst the proposed glass lantern element would be slightly higher than this as it would be glazed, it would not obstruct the outlook or light to the room in the neighbouring extension to any material degree.
6. The Council's Supplementary Planning Guidance 11 'House extensions' (SPG) does state that rear extensions that are single storey within 1 metre of the party boundary should not project more than 3 metres from the original rear wall of the property. The appeal proposal would therefore conflict with the SPG in this regard. However, I have found that the proposal would not be harmful to the living conditions of the neighbouring occupants, with particular regard to outlook and light. The proposal would therefore comply overall with the general aims of policy HS11 of the Wirral Unitary Development Plan (Adopted 2000) (UDP) which seeks to ensure that new extensions have regard to the effect on light and outlook from neighbour's habitable rooms. The proposal would also not conflict with one of the core planning principles of the National Planning Policy Framework (Framework) which state, among other things, that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).
7. Accordingly, I conclude that the development proposed would not be harmful to the living conditions of the neighbouring occupants, with particular regard to outlook and light. Notwithstanding that the development proposed would conflict with some elements of the Council's SPG, the proposal would comply overall with policy HS11 of the UDP and paragraph 17 of the Framework (as set out above).

Conclusion and Conditions

8. For the reasons given above, I conclude that the appeal should be allowed.
9. I have considered the Council's suggested conditions in line with the advice in the Framework and the Planning Practice Guidance (PPG).
10. I have attached a commencement condition and a condition requiring the development to be carried out in accordance with the submitted plans, to define the terms of this permission and for the avoidance of doubt. I have also attached a condition requiring the materials to be used in the construction of the external surfaces of the extension match those of the existing dwelling to ensure there will be no harm to the character or appearance of the area.

V Lucas-Gosnold

INSPECTOR