The Planning Inspectorate

Appeal Decision

Site visit made on 8 November 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 24 November 2016

Appeal Ref: APP/W4325/D/16/3156450
10 Redhouse Bank, West Kirby, CH48 5EH

- 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 D Brewster (Brackenview Developments Limited) against the decision of Wirral Metropolitan Borough Council.
- The application Ref: APP/16/00670, dated 4 May 2016, was refused by notice dated 28 June 2016.
- The development proposed is the erection of a rear two storey extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of number 9 Redhouse Bank, with particular regard to outlook.

Reasons

3. The appeal building is one half of a pair of two storey, semi-detached, houses. The adjoining property, 9 Redhouse Bank, has been extended to the rear at ground floor level. The proposed extension at 10 Redhouse Bank would project approximately 3 metres from the rear wall, which would be level with the rear extension on the neighbouring property, and would be built up to the party boundary between the two houses.

4. At first floor level, 9 Redhouse Bank has two windows, both of which are clear glazed and appear to serve bedrooms. The closest of these windows is approximately 0.8 metres from the party boundary. Due to the proximity of the proposed extension to this window, and the distance that it would project from the rear of the house, the extension would be highly visible from this window and the presence of the three metre long blank brick wall would severely restrict the outlook from it. Although bedrooms are not the principal living rooms of a house they are, nonetheless, rooms where the occupants spend considerable periods of time. The restricted outlook from this window that would be caused by the proposed extension would, consequently, severely diminish the living conditions of the occupiers of the property.

5. Policy HS11 of the Wirral Unitary Development Plan 2000 (UDP), and the Wirral Metropolitan Borough Council Supplementary Planning Guidance on House Extensions 2004 (SPG), which has to be read alongside it, seek to ensure, among other matters, that alterations and extensions to houses do not have an adverse effect on the living conditions of the occupiers of neighbouring

properties. Although these policies are now of some age, they are consistent with the guidance in the National Planning Policy Framework (the Framework), which requires that new development is of a high standard of design and provides a good standard of amenity for all existing and future occupants of buildings. Significant weight can therefore still be given to these policies.

6. Both UDP Policy HS11 and the SPG require that a two storey extension to the rear of a semi-detached house is set in at least 2.5 metres from the boundary. As the proposed development would be built on the boundary with the adjoining house it would not comply with this requirement. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications and appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

7. The appellant suggests that the effect of a three metre ground floor extension on windows of neighbouring properties is generally seen as acceptable, and that because number 9 has been extended at ground floor level, the effect of the proposed extension on the first floor windows of this property is comparable to that of a single storey extension. Although the UDP policy, the SPG and the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) allow for ground floor extensions to be built up to the boundary, the permitted development rights for two storey rear extensions in the GPDO specifically preclude extensions with an eaves height in excess of 3 metres within 2 metres of the boundary, which is indicative that the effect of two storey extensions close to property boundaries require full consideration. For this reason, I do not find the appellant's argument on this point a persuasive one.

8. Whilst I note the appellant's point that the appeal building stands within a large curtilage, this does not alter the effect that the proposed extension would have on the first floor rear window of number 9 due to its position adjacent to the boundary between the two houses.

9. It is common ground between the parties that the proposed extension would not result in any loss of sunlight, daylight or privacy to the neighbouring property and the Council have not raised any objections with regard to the effect of the development on the character and appearance of the existing house or the surrounding area. I am also mindful that no objections to the proposal were raised from neighbouring occupiers. Nevertheless, none of these matters, either singly or collectively, outweigh the harm that I have found to the living conditions of the occupiers of the neighbouring house in terms of loss of outlook, or the conflict with the requirement of Policy HS11 and the SPG in respect of two storey extensions.

10. My attention has also been drawn to an extension that has been approved at West Grove in Heswall. However, I do not have full details of the circumstances that led to this and so cannot be certain that they are comparable to the appeal proposal. In any event I have determined the appeal on its own merits.

11. I therefore find that the proposed development would cause harm to the living conditions of the occupiers of number 9 Redhouse Bank, with particular regard to outlook. It would conflict with the relevant requirements of UDP Policy HS11 and the House Extensions SPG which seek to ensure that alterations to residential properties are of a high standard of design that does not adversely affect the living conditions of the occupiers of neighbouring properties. It would

also be inconsistent with the requirements of the Framework, which seeks to ensure a good standard of amenity for all occupiers.

Conclusion

12. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR