

Appeal Decision

Site visit made on 13 December 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 10th January 2017

Appeal Ref: APP/W4325/W/16/3159165

White-Haven, 8 Heron Road, Meols CH47 9RU

- 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 Paul Raven against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00634, dated 3 May 2016, was refused by notice dated 18 August 2016.
 - The development proposed is a new build residential bungalow development at the rear of 8 Heron Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the development on the character and appearance of the area and whether it would provide adequate living conditions for future occupants, with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal site is located within a predominantly residential area characterised by single-storey and two-storey, detached and semi-detached dwellings that vary in their design and size. Properties are set back from the road and are generally set within large plots with modest front gardens to the front and side and extensive gardens to the rear. Overall, the set back position of the dwellings, their large plots and the extensive use of natural boundary treatments creates a sense of spaciousness.
 4. The appeal site forms part of the rear garden area for No 8 Heron Road. At the time of my visit the site had been separated from No 8 by the erection of a close boarded timber fence. The site is rectangular in shape and is accessed directly off The Ridgeway. Running along the south west boundary of the site is an access track that provides access to the rear of properties fronting Heron Road.
 5. The site is located within a Primarily Residential Area as defined in the Wirral Unitary Development Plan (including Minerals and Waste Policies) (UDP) 2000. Policy HS4 of the UDP, states that new housing within Primarily Residential Areas will be permitted subject to fulfilling specific criteria. These criteria,
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amongst other things, includes the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and forms of development and does not result in a detrimental change in the character of the area.

6. The proposed dwelling would provide adequate separation distances with neighbouring dwellings and would follow the building line established by No 8 Heron Road and properties on The Ridgeway. However, in doing so, it would be set back to the rear of the site. Due to the shallow depth of the plot, the dwelling would almost be adjacent to the rear boundary. As a result, the majority of outdoor amenity space would be to the front and side, which would be in marked contrast to the prevailing pattern of development characterised by large plots, with dwellings being positioned towards the front of the site and having extensive gardens to the rear. Therefore, due to the limited size of the site, the lack of rear garden and the positioning of the dwelling to the rear of the site, it would represent a form of cramped development that would fail to respect the well established pattern of development and diminish the spaciousness of the area.
7. I find therefore that the proposal would significantly harm the character and appearance of the area, contrary to Policy HS4 of the UDP. Whilst Policy HS4 pre-dates the National Planning Policy Framework (the Framework), I find that it is consistent with it and therefore attribute it significant weight.

Living Conditions

8. The dwelling would be within close proximity to the rear boundary. On the north west elevation of the dwelling there would be two windows; one serving the kitchen and one serving the dining area. Both of the windows would have obscure glazing. Whilst these windows would appear to provide adequate levels of light, due to the proximity of the rear boundary, and the obscure glazing, the outlook from these windows would be severely limited. However, the kitchen would be open plan with the lounge, which would have a large bi-folding patio door on the south east elevation, which would be the primary window serving the room. Due to the depth of the property, the patio door would provide an adequate outlook when viewed from the kitchen area.
9. The appellant states that the dining room also forms part of the open plan room with the kitchen and lounge area. However, when utilising the dining area, views through the patio door would be very limited. The single window serving the dining area would be obscurely glazed and would be even closer to the rear boundary than the window serving the kitchen. As a result, I find that the outlook from the dining room would be limited to such an extent that it would represent an oppressively confined level of accommodation that would significantly harm the living conditions of its occupants.
10. I have had regard to the appellant's suggestion that the insertion of windows in the east elevation could be conditioned. However, windows in this elevation would not adequately serve the dining area. Even if it was suggested that additional windows in the north elevation could be secured by way of a condition, due to the proximity of the boundary with the neighbouring property, I am not satisfied that this would not have any harmful effect on the privacy of the occupants of the neighbouring property.

11. I find therefore that the proposal would not provide adequate living conditions for future occupants, with regard to outlook. As such, it would fail to accord with the core planning principles of the Framework, which seek to secure high quality design and a good standard of amenity for all existing and future occupants.

Other Matters

12. The appellant states that the Council cannot demonstrate a five year supply of housing land. The Council does not dispute this. Accordingly, relevant policies for the supply of housing are not considered up-to-date¹ and paragraph 14 of the Framework is engaged.
13. Whilst the proposal is for only one dwelling, and therefore its contribution to the housing supply would be limited, it nevertheless weighs in its favour. Furthermore, the proposal would provide some economic and social benefits through generating work in the construction industry and helping to support local services.
14. Nevertheless, notwithstanding the economic and social benefits of the proposal and its sustainable location, as I have found above, it would significantly harm the character and appearance of the area. Therefore, it fails to satisfy the environmental dimension of sustainable development.
15. I have had regard to concerns raised in respect of the effect of the development on highway safety. However, the proposal would be for a two bedroom dwelling and one off-street parking space would be provided. The Council raise no objection to the parking provision and there is no substantive evidence that the proposal would significantly harm any existing on-street parking problems.

Conclusion

16. Where relevant policies are out-of-date, Paragraph 14 of the Framework states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The significant harm the development would have on the character and appearance of the area and the inadequate living conditions attract substantial weight and significantly outweigh all of the benefits set out above, including the increase in housing supply, when assessed against the policies in the Framework taken as a whole.
18. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR

¹ Paragraph 49 of the National Planning Policy Framework