
Appeal Decision

Site Visit made on 4 January 2017

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 25th January 2017

Appeal Ref: APP/W4325/D/16/3162219

2 Poplar Grove, Tranmere CH42 0JP

- 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 Foyzur Rahman against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00964, dated 8 July 2016, was refused by notice dated 5 October 2016.
 - The development is described as 'retrospective application to demolish and rebuild a wall/landscaping and erect a new build garage'.
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Decision

1. The appeal is allowed and planning permission is granted to demolish and rebuild a wall/landscaping and erect a new build garage at 2 Poplar Grove, Tranmere CH42 0JP in accordance with the terms of the application, Ref APP/16/00964, dated 8 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Elevations, Plans and Section Drawing No 98_2016_02 Revision B dated 19.08.2016.
 - 2) Within 3 months of the date of this decision details of soft landscape works shall be submitted for written approval to the local planning authority. The works shall be carried out in accordance with the approved details within 3 months of the written approval of the local planning authority. Any trees or plants which within a period of 5 years from their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Main Issue

2. The main issue is the effect of the development on the living conditions of neighbouring residents in Larch Road with particular reference to outlook and privacy.

Reasons

3. The wall which has been erected and the garage which has been partially constructed are alongside a narrow alleyway that lies to the rear of terraced properties in Larch Road. Those properties have small backyards enclosed by high brick walls running along the north side of the ginnel. To the east on the same side of the alley as the appeal site the rear boundaries of houses on
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Beech Road are formed by a mixture of brick and blockwork walls some topped by fencing such that the enclosures are higher than 2m. To the west the very high flank walls of No 8 Ash Road border the alleyway.

4. The revised plans which were considered by the Council show a modification to the wall so that it would step down to follow the slope of the alley as would the 1m fencing above the wall. As a result the combined height of the wall and fence would be about 2.5m which would be a similar or lesser height than other walls and fences along the passage.
5. In the context of existing boundary treatments the outlook from the backyards and rear facing windows as a result of the development, including from fenestration serving kitchens at Nos. 46 and 50 Larch Road, would be similar to, or better than, that experienced by other properties backing onto the alleyway. There would be no material loss of light to the adjacent dwellings. The wall and fence could be backed by planting which would soften the appearance. Moreover, the evidence is that the new form of enclosure replaced an untidy area of scrub and a dilapidated lower wall.
6. With regard to privacy, the revised plans indicate that a fence would be erected on top of the wall but that at about 1m it would not be of sufficient height to prevent overlooking from the raised side garden into the yards and houses to the north. That said the provision of planting behind the fence could in due course provide a more effective screen. In the context of the tightly knit urban grain of the area and taking into account the scope for mitigation, the impact on privacy for the residents of Larch Road would not be significant.
7. Accordingly I conclude that the development would have an acceptable impact on the living conditions of neighbouring residents in Larch Road with particular reference to outlook and privacy, subject to the carrying out of landscaping. As a result the development would comply with Policy HS11 of the Wirral Unitary Development Plan (adopted February 2000) (UDP) and the National Planning Policy Framework as it would not be unneighbourly in terms of outlook, would not result in significant overlooking and a good standard of amenity would be achieved for existing residents.
8. The form of enclosure would be of similar scale to others that bound the alley and would not be readily visible from the public domain such that it would not have an adverse impact on the character and appearance of the area. There is no evidence that substantial trees have been removed and new landscaping would compensate for any loss of vegetation.
9. In allowing the appeal and granting planning permission a condition is necessary to ensure that the development is completed in accordance with the revised plans for certainty. For the reasons given earlier and to comply with Policy GR5 of the UDP a condition requiring landscaping is needed. As the development has already commenced there is no need for the standard time limit condition.
10. For the above reasons the appeal should be allowed.

Mark Dakeyne

INSPECTOR