
Appeal Decision

Site visit made on 6 February 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 07th March 2017

Appeal Ref: APP/W4325/W/16/3162602

2 Girtrell Road, Saughall Massie, Wirral, Merseyside CH49 4LQ

- 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 and Mrs Alan and Catherine Condron against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00693, dated 31 May 2016, was refused by notice dated 18 August 2016.
 - The development proposed is a three bedroom detached house to rear garden of "2 Girtrell Road" with access from Wellbrae Close.
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Decision

1. The appeal is allowed and planning permission is granted for a three bedroom detached house to rear garden of 2 Girtrell Road with access from Wellbrae Close at 2 Girtrell Road, Saughall Massie, Wirral, Merseyside CH49 4LQ in accordance with the terms of the application, Ref APP/16/00693, dated APP/16/00693, subject to the conditions contained in the Schedule attached to this decision.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and the living conditions of the occupants of neighbouring residential properties with regard to privacy, outlook and noise and disturbance.

Reasons

Character and Appearance

3. The area comprises primarily single and two-storey, semi-detached C20th dwellings. Properties vary in terms of scale and design. The properties being set back from the road and the regularity of their positioning create a sense of openness to the leafy suburban area.
4. The appeal site forms part of the rear garden area of No 2 Girtrell Road. The existing rear garden is very long, as are many of the other properties on this side of Girtrell Road, although none appear to be as wide. The properties on Saughall Massie Road to the north of the site also have long, narrow gardens. The neighbouring properties on Wellbrae Close, which the dwelling would open onto, have more modest rear gardens.

5. The proposed dwelling would be surrounded on three sides by rear gardens of neighbouring properties. I acknowledge the concern raised that the siting of a dwelling in this position would fail to respect the existing pattern of development. Whilst the pattern of development is generally linear, I do not consider that the introduction of a dwelling at the end of the road would significantly harm the overall character and appearance of the area. Although the proposal would reduce the size of the existing garden, the separation distances would be similar to those of other neighbouring properties within the vicinity, in particular properties on Wellbrae Close and Girtrell Close. As a result, the dwelling would comfortably fit within the site and would not represent a cramped form of development.
6. When read in the context of the streetscene of Wellbrae Close, whilst detached, the scale of the dwelling would be in keeping. Although the design of the dwelling would not replicate that of the other dwellings on the Close, it would adopt some features such as the gable roof. I note that it would have a wraparound single-storey element with a hipped roof and a gable element to the front, features which are not present elsewhere on the Close. However, I consider that its overall appearance would not be incongruous or represent a discordant note in the streetscene. I have also had regard to the proposed timber fence to the front of the dwelling. Whilst other properties on the Close have open frontages, by reason of the low height of the fence, the existing fence that would be either side and that much of the frontage would be open to allow vehicular access, I do not consider that it would be significantly harmful to the streetscene.
7. I have also had regard to the loss of some of the planting on the edge of the site which fronts onto Wellbrae Close. Whilst there is existing planting which provides some pleasant greenery to the streetscene, I do not consider that it makes a significant positive contribution to the character and appearance of the area. This boundary is predominantly formed by the close boarded fence running along the head of the Close, which forms the rear boundaries of neighbouring properties. Whilst some planting rises above the fence, views of the rear elevations of properties fronting Girtrell Road are clearly discernible. The loss of a small section of this planting would not unduly harm the character or appearance of the area.
8. I find therefore that the dwelling would not significantly harm the character and appearance of the area. As such, I find that it would comply with Policy HS4 of the Wirral unitary Development Plan (UDP) 2000, which, amongst other matters, seeks to ensure that development is of a scale which relates well to surrounding property and does not result in a detrimental change in the character of the area. Furthermore, it would accord with the design objectives of the National Planning Policy Framework (the Framework).

Living Conditions

9. The dwelling would be adjacent to the rear gardens of four neighbouring properties. Whilst I have not been presented with any guidance document, there is no dispute between the parties, including interested parties, that it satisfies the Council's current interface distances.
10. The dwelling would be within proximity of the boundary fence of No 4 Girtrell Road. However, the dwelling would have a single-storey element on this elevation and therefore the main two-storey element would be off the

boundary. There would be a single window in the south elevation of the dwelling, which would be on the first floor and serve a landing. I am satisfied that a condition could be imposed that would ensure this window is obscure glazed to prevent any adverse overlooking of the rear garden of No 4. Concern has also been raised regarding the dwelling being set at an angle and as a result the rear windows would adversely overlook No 4's rear garden. However, whilst the dwelling is at an angle, I do not consider that it is sufficiently so that it would enable significant views of the rear garden of No 4.

11. I have also had regard to the effect of the development on the rear garden of No 4 in respect of overshadowing. However, given that the dwelling would be to the north of the garden of No 4 it would unlikely have any significantly harmful overshadowing effect.
12. The north elevation of the dwelling would not have any windows. Therefore, any potential overlooking of the rear gardens of neighbouring properties on Saughall Massie Road would only be achievable through oblique angles from the first floor windows in the rear elevation. As a result, I do not find that it would result in any significantly harmful overlooking of these gardens.
13. With regard to properties on Wellbrae Close, in particular Nos 14 and 16, there would be sufficient separation distance between windows. Furthermore, given the positioning of the proposed windows I do not consider that there would be any significantly harmful overlooking of these properties.
14. The two-storey dwelling would rise substantially above the existing boundary fences and would inevitably be visible from a number of neighbouring properties and their associated gardens. However, the separation distances with other properties and their long gardens would ensure that the dwelling would not dominate any outlook. Whilst I can sympathise with the concerns raised by neighbouring residents with regard to the effect of the development on their views, there is no right to a view within the planning system.
15. Whilst the introduction of a further single dwelling would increase the domestic activities in the vicinity of the site, it is a well-established residential area. Therefore, I do not consider that such activities would give rise to noise and disturbance that would be uncharacteristic of the area or be significantly harmful to the living conditions of the neighbouring residents.
16. I find therefore that the proposal would not significantly harm the living conditions of the occupants of neighbouring residential properties with regard to privacy, outlook and noise and disturbance. As such, it would comply with Policy HS4 of the UDP, which seeks to ensure that adequate separation distances are provided. Furthermore, it would accord with the design objectives of the Framework.

Other Matters

17. The adequacy of the living conditions of the proposed dwelling has been raised, with regard to the effect of the conifer tree on outlook and loss of light and the size of one of the bedrooms. Whilst the conifer tree would be close to the front elevation bay windows, given the size of the windows and the position of the tree to the side, I find that there would be sufficient outlook. For the same reasons, and in the absence of any substantive evidence to the contrary, these

windows would provide sufficient levels of daylight to serve their rooms. In respect of the bedroom size, whilst one bedroom would only be a single room, there is no evidence to indicate that it would be so small that it would not provide sufficient accommodation for a one person room.

18. I acknowledge the issue concerning the ownership of the strip of land between the head of the Close and the rear boundary fence of No 2 Girtrell Road. However, matters of land ownership have not had a bearing on my consideration of the planning issues of the proposal.
19. I have had regard to the concerns raised regarding the effect of the development on highway safety. The dwelling would be accessed off the head of the Close and the appellant confirms that vehicles would either reverse into/out of the site, as with other properties on the Close. It seems clear from the application submission that there is likely to be insufficient room within the site for a turning space. Given that the Close only serves a relatively small number of properties, each with their own off road parking, it is unlikely that the addition of a single dwelling would significantly increase the amount of traffic on the close. In addition, given the openness of the Close and the slow speed of vehicles using the turning head, it is unlikely that it would result in any conflict with other road users. Even if the dwelling required some on-street parking, this would result in only a negligible increase in the existing on street parking which could satisfactorily be accommodated on the Close.
20. Furthermore, whilst the access would be close to Nos 14 and 16 Wellbrae Close, which could result in some inconvenience for the occupants of Nos 14 and 16 when manoeuvring into/out of their driveway, I do not consider that it would represent a highway danger. I note that the local highways authority have not raised any objection to the proposal.
21. I have also considered the argument raised by local residents that the grant of planning permission would set a precedent for other similar developments. However, other gardens associated with properties on Girtrell Road are not as wide as the appeal site and therefore I do not find that there are comparable sites within the vicinity. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.

Conditions

22. In the absence of any conditions presented to me in their evidence I have considered the conditions set out in the Council's Officers Report having regard to the six tests set out in the Framework. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans.
23. In the interests of protecting the character and appearance of the area, a condition regarding the approval of materials, fencing, walls, gateways and means of enclosure is necessary.
24. In the interests of highway safety a condition is necessary regarding vehicle access, vehicle parking, turning, manoeuvring, levels and surface drainage.
25. In the interests of protecting the living conditions of neighbouring residents, a condition is necessary requiring the first floor window in the south elevation to be fitted with fixed and obscure glazing, the submission of a site waste

management plan, and the submission of details regarding refuse storage and disposal.

26. It is essential that the requirements of conditions 3, 5 and 7 are agreed prior to the development commencing to ensure an acceptable form of development in respect of preserving the character and appearance of the area, safeguarding highway safety and protecting the living conditions of neighbouring residents.

Conclusion

27. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Scale 1:1250, Scale 1:500, Block Plan, Ref-102, Ref-103, Ref-104 and Ref-105.
- 3) No development shall commence until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved samples.
- 4) Prior to the occupation of the hereby approved dwelling details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved in writing by the local planning authority. The approved details shall be completed prior to the occupation of the hereby approved dwelling.
- 5) No development shall commence until a plan and scheme of works outlining the vehicle access, vehicle parking, turning, manoeuvring, levels, surface drainage and the materials to be used shall be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the hereby approved dwelling and shall be retained thereafter for that specific use.
- 6) The dwelling hereby permitted shall not be occupied until the window on the south elevation has been fitted with obscured glazing, and no part of that windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 7) No development shall commence until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved

in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 8) Prior to the occupation of the hereby approved dwelling details of the arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site shall be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the hereby approved dwelling and shall be maintained as such thereafter.