
Appeal Decision

Site visit made on 7 April 2017

by Kay Sheffield BA(Hons) DipTP MRTPI

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

Decision date: 09.05.2017

Appeal Ref: APP/W4325/W/16/3168077

27 Latchford Road, Gayton, Heswall, Wirral, CH60 3RN

- 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 Peter Lee against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/00666, dated 06/05/2016, was refused by notice dated 13/07/2016.
 - The development proposed is the erection of a detached dormer bungalow with a single detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

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

Reasons

3. The appeal site lies in a residential area characterised predominantly by large detached dwellings of varying designs set in relatively large landscaped plots. The appeal site forms part of the rear garden to 27 Latchford Road and the proposed two storey dormer bungalow would be sited towards the rear boundary. Access to the site would be derived from Latchford Road via an existing vehicular access and a driveway which would pass the side elevation of the existing two storey dwelling. The remaining land would be divided between the existing and proposed dwellings in order to provide private amenity space for both properties.
 4. The existing dwelling and its neighbours to the west are set back a short distance from the road. In contrast the building line set by the dwellings to the east is stepped and the neighbouring property to the appeal site is located towards the rear of the plot. Although the Appellant contends that the proposed dwelling would continue the building line set by these dwellings, the appeal property would be sited at an angle within the plot with the front elevation facing away from the road and towards the rear of the houses to the west. Moreover, the corner of the dwelling would be within 4 metres of the rear boundary.
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5. It is accepted that views of the proposed dwelling would be restricted. Nevertheless the siting of the property would result in a relatively blank elevation forming the main view from Latchford Road. I am concerned that the orientation of the dwelling with its front elevation out of alignment with its neighbours would appear incongruous in this setting. In addition the scale of the proposed dwelling would result in an over developed appearance to the site.
6. I conclude that the scale and siting of the proposed dwelling would introduce a pattern of development which would be detrimental to the character of the area, contrary to Policy HS10 of the Wirral Unitary Development Plan (UDP), the Council's Supplementary Planning Guidance (SPG) 10 Back Land Development; and the National Planning Policy Framework (the Framework) which seek development which will add to the overall quality of the area.
7. An existing access from the road and the area to the side of the dwelling currently available for parking would be utilised to provide access to the proposed dwelling. The driveway is shown on the submitted plans to pass the side elevation of the existing dwelling and follow the boundary to be created between the two dwellings before culminating in a turning area beside the detached garage to be sited adjacent to the boundary with the adjoining dwelling, 25 Latchford Drive. Two first floor bedroom windows in the side elevation of the existing dwelling would be blocked up and as a result the elevation adjacent to the driveway to serve the proposed dwelling would be blank.
8. In these situations the Council's SPG requires a distance of 4 metres between the side elevation of the existing dwelling and the boundary with the access strip. The Appellant has calculated that at the corner closest to the rear elevation the existing dwelling is approximately 6.4 metres from the boundary with the neighbouring property and as the dwelling sits at an angle to the boundary this distance would decrease towards the front of the house. The proposed 3.7 metres wide driveway would be parallel to and set 0.8 metres from the boundary with the neighbouring dwelling. The remaining space between the existing dwelling and the access strip would therefore be approximately 2 metres wide and would not satisfy the separation distance specified in the SPG.
9. Given the location of the driveway, I am concerned that the volume of traffic generated by the proposed dwelling would have the potential to cause noise and disturbance to the occupants of neighbouring properties. It is accepted that the proposed 1.8 metre high acoustic fence together with the tree and hedge planting along the boundary with the existing dwelling would help reduce noise levels for the occupants of that dwelling. However, there is still the potential for vehicle noise to disturb other residents particularly in respect of the use of their gardens. Furthermore, it is not clear from the drawing as to whether the fence would extend up to the back of the footway, in which case it would increase the concerns already raised with regard to the effect on the character of the area.
10. On this basis I conclude that the development would harm the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance, contrary to Policy HS10 of the UDP, SPG 10 and the Framework

which seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

11. I have had regard to the development at 21a Gayton Parkway brought to my attention by the Appellant which bears similarities to the appeal as it is also on land to the rear of an existing dwelling. I note that the driveway goes between the side elevations of two existing dwellings and the Appellant contends that the Council did not raise an issue in respect of noise. Whilst this may be so, I do not have sufficient evidence to draw a meaningful comparison between that case and the appeal before me, which I have treated on its merits.
12. In addition to the issues already addressed local residents have raised concerns regarding the potential for overlooking and the effect on mature oak trees on adjoining land. I accept that the property would be orientated with views towards the rear of 25 Latchford Road and there is the potential for overlooking of that property and its garden from the proposed dwelling. However, the existing trees within the site help screen views of the dwelling. I am satisfied that, even if the trees were to be removed, the separation distances between the dwellings would be sufficient to ensure no unacceptable harm to the living conditions of the occupants of 25 Latchford Road from overlooking.
13. With regard to the mature oaks, I noted on site that relatively little of the canopies overhang the site. Nevertheless, it is likely that the roots encroach into the site and as the dwelling would, at its closest, be within 4 metres of the boundary there is the potential for the roots to be affected by the development. However, the protection of the trees is a matter which could be addressed by condition and on the evidence before me I have no reason to conclude that this would not be possible in this instance.
14. For the reasons given above, and having had regard to all other matters raised, it is concluded that the development would have a detrimental effect on the character of the area and on the living conditions of the occupants of neighbouring properties with regard to noise. There are no material considerations sufficient to outweigh these concerns. The appeal is therefore dismissed.

Kay Sheffield

INSPECTOR