
Appeal Decision

Site visit made on 23 May 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 30 May 2017

Appeal Ref: APP/W4325/W/17/3170686

26 Claremount Road, Wallasey, Wirral, Merseyside, CH45 6UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Alex Paterson against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/16/01072, dated 4 August 2016, was refused by notice dated 27 September 2016.
 - The application sought planning permission for the conversion of a garage into a granny annexe without complying with a condition attached to planning permission Ref APP/15/01561, dated 24 February 2016.
 - The conditions in dispute is No 3 which states that: "The annexe hereby permitted should be used as ancillary accommodation to the dwelling known as 26 Claremount Road and shall not be used, sold or let at any time as a separate residential unit of accommodation."
 - The reasons given for the condition is: "The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access and planning policies pertaining to the area, would not permit a wholly separate dwelling."
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a garage into a granny annexe at 26 Claremount Road, Wallasey, Wirral, Merseyside, CH45 6UB in accordance with application Ref APP/16/01072 made on 4 August 2016 without compliance with condition Number 3 previously imposed on planning permission Ref APP/15/01561, dated 24 February 2016 but subject to the other conditions imposed therein, so far as the same are still subsisting and capable of taking effect.

Main Issues

2. The main issues are the effect of the removal of the condition upon (i) the character and appearance of the area; and (ii) the living conditions of the occupiers of the building, with particular regard to outlook and the provision of private amenity space.

Reasons

Character and Appearance

3. The immediate area is characterised by wide roads containing large semi-detached dwellings on generous plots. The annexe has a far smaller plot than
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the plots surrounding it. However, whether or not the annexe is occupied independently of the main dwelling will not change the layout of the site.

4. I appreciate that there is an existing fence on top of the sandstone boundary wall which the Council says does not have permission. However, removal of the condition would not grant permission for the fence. Therefore, the fence is not material to my considerations and it is a matter for the Council to deal with it, if it considers it appropriate to do so.
5. As the removal of the condition would not directly result in any physical alterations to the property, I conclude that the removal of the condition would not harm the character and appearance of the area. Therefore, I find no conflict with Wirral Unitary Development Plan (UDP) Policy HS4 which seeks to ensure that development does not result in a detrimental change in the character of the area and that it relates well to its surroundings. Neither do I find conflict with Paragraph 17 of the Framework which says that planning should always seek to secure high quality design.

Living Conditions

6. The living area and bedroom look onto a garden to the front of the unit. There is a sandstone wall on the front boundary which is some 4-4.5m from the window of the living area. The Council says that there should be 14 metres between a main habitable room window and a blank wall. However, this guideline is contained in its *Supplementary Planning Guidance: House Extensions*, and is under the heading "Your House and Your Neighbour's House". From reading this document, it seems to me that this standard relates to the walls of other houses. In this case, the wall is not of another house but is a boundary wall which is lower than the top of the windows. Therefore, I do not consider it to be particularly enclosing or overbearing. I appreciate that a car might be parked in front of the bedroom windows, but there would still be a view out of them.
7. The sandstone wall provides a significant amount of privacy. There is enough space within the front garden to store bins, dry washing, grow plants and to sit out. Therefore, I consider that the private amenity space is adequate and in proportion to the small size of the dwelling. The boundary treatment is sufficient to prevent overlooking from the garden of No 26.
8. For the above reasons, I conclude that the removal of the condition would not result in unacceptable living conditions for existing or future occupiers of the building. Therefore, I find no conflict with UDP Policy HS4 which indicates that adequate individual private garden space should be provided. Neither do I find conflict with Paragraph 9 of the Framework which says that pursuing sustainable development involves seeking positive improvements in the quality of the built environment, as well as in people's quality of life. Nor do I find conflict with Paragraph 17 of the Framework which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

9. I have had regard to representations from neighbours. At my visit, both Claremount Road and Broadway Avenue were quiet with light traffic and few parked cars. I do not consider that the additional small residential unit, within an existing residential area, can have a material impact upon noise, traffic or car parking. I note neighbours' comments about the planning history of the site, but I must base my decision solely upon the planning merits of the current case. I have had regard to all other matters raised but none outweigh the conclusions I have reached.

Conclusion

10. The appeal is allowed.

Siobhan Watson

INSPECTOR