



Appeal Decision

Site visit made on 2 September 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th September 2019

Appeal Ref: APP/W4325/D/19/3231477

1 Belford Drive, Moreton CH46 6ER

- 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 M Piercy against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/18/01068, dated 14 August 2018, was refused by notice dated 27 March 2019.
 - The development proposed is to alter and change existing built first floor extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I noted on my site visit that the two-storey side extension subject to this appeal is already in situ. The Council's Committee Report confirms that the development is unauthorised in its current form and I have therefore determined the appeal on the basis that retrospective permission is sought albeit the proposed alteration for recessed brickwork has not yet taken place.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of No 57 Millhouse Lane with particular regard to outlook and light.

Reasons

4. The first-floor element of the extension currently in place spans most of the depth of the host dwelling. Even accounting for the first-floor extension being set in from the boundary with No 57, the mass and close proximity of the extension to this neighbour, seen in combination with the garage on the appeal site, is overbearing particularly when appreciated from the ground floor windows and rear garden serving No 57.
5. The proposed recess to the rear half of the first-floor side elevation of the extension would marginally increase the distance between this part of the façade and No 57. However, the proposed alteration would not alter the perception of height, mass and proximity of built form from this neighbouring property to such a degree that it would suitably mitigate the dominating impact of the extension.
6. The fact that the first-floor bedroom window serving No 57 is off set from the extension does not overcome the material harm that would remain in terms of

- the impact on outlook when experienced from the ground floor windows and the rear garden serving this neighbour. Furthermore, the appellant's suggestion that the recessed elevation could be clad in tiles to match the roof would not overcome the oppressive impact of the proposal.
7. I note the Council's Supplementary Planning Guidance: House Extensions (SPG) which requires a minimum distance of 14m between a sole window to a habitable room and a blank wall. The first-floor extension on the host dwelling is below this distance both in terms of its current form and were the proposed amendment to be carried out. The distance in the SPG is guidance and has not on its own been determinative. However, it does serve to demonstrate the constrained relationship between the appeal proposal and the dwelling at No 57.
 8. My attention has been drawn to the previously existing garage on the appeal site and that on this basis the interface distance to No 57 was already substandard. Reference has also been made to the separation distances between the appeal site and surrounding properties as being typical of the character of the area. However, I do not find a single storey garage comparable to the combined height and mass of the first-floor extension and garage. Even accounting for the tightly knit character of the area, the site-specific factors mean that the proposed alteration would not overcome the existing material harm to living conditions for occupants of No 57.
 9. The appellant has referred to a policy on interface distances in another district, Sefton Council, as being more flexible. I note the appeal proposal also falls short of this distance. In any case, I must have regard to the development plan in place for the area where the appeal site is situated and therefore this comparison has not been determinative.
 10. My attention has also been drawn to a planning permission for an alternative scheme on the site and a 3D visual comparing this with the appeal proposal. The appellant contends that the form of the previously approved extension, which includes a mono-pitched roof in place of part of the first floor, would present awkwardly to occupiers of No 57 and that the appeal proposal would be no more overbearing. I disagree, even accounting for the proposed recessed brickwork, the vertical first floor element of the appeal proposal and additional section of roof over it would be more overbearing than the sloping roof on the approved scheme.
 11. The appellant contends there would not be a significant amount of shadow or loss of light and has provided a sun path analysis comparing the previously approved extension with that proposed under this appeal. I acknowledge that there would be a negligible perceivable difference based on the evidence presented and the Council has not provided any counter evidence. On this basis, I conclude that there would not be an unacceptable impact on light for the occupiers of No 57, particularly when compared with the previously consented scheme. In this particular respect, the proposal would not conflict with the element of Policy HS11 (House Extensions) of the Wirral Unitary Development Plan (UDP) which requires regard to be had to the effect on light from neighbouring habitable rooms. However, this does not override the impact on outlook identified above.
 12. To conclude the proposal would have a detrimental impact on outlook for occupants of No 57 and is therefore contrary to Policy HS11 (House

Extensions) of the UDP which amongst other things requires the scale of an extension to be not so extensive as to be unneighbourly with particular regard given to neighbouring outlook.

13. The proposal is also contrary to Paragraph 127 of the National Planning Policy Framework which includes that developments provide a high standard of amenity for existing and future users.

Other Matters

14. Whether or not the extension was carried out under the mistaken premise that the works constituted permitted development under the GPDO is not a matter relevant to the determination of this appeal.
15. I note that the extension has removed the potential for overlooking from a previous first floor window that was located in the original side elevation of the host dwelling. The appellant has also applied a ratio in relation to the trade-off of this impacts with the effect of the proposal. However, I do not find the removal of one potentially detrimental impact on neighbouring living conditions and its replacement with the development proposed here persuasive given the harm identified. I acknowledge that the design of the extension is in keeping with the host dwelling and general character and appearance of the area. Even so, this does overcome the harm to outlook for the occupants of No 57.
16. My attention has been drawn to the interface distance between No 49 Millhouse Lane and 18 Rake Hey Close. However, the evidence presented suggests the interface distance between these dwellings is greater than that between the appeal dwelling and No 57. In any case constrained interface distances elsewhere does not justify the dominating impact of the proposal before me.

Conclusion

17. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR