
Appeal Decision

Site visit made on 10 September 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/W4325/W/19/3230556

Little Mundens, 43 Farr Hall Drive, Heswall CH60 4SE

- 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 C Moores against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/18/01234, dated 24 September 2018, was refused by notice dated 18 April 2019.
 - The development proposed is a two-storey extension to existing property and a new build property within the same plot.
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Decision

1. The appeal is dismissed insofar as it relates to the new build property within the existing plot. The appeal is allowed insofar as it relates to the two-storey extension to the existing property, and planning permission is granted for a two storey extension at Little Mundens, 43 Farr Hall Drive, Heswall CH60 4SE in accordance with the terms of the application, Ref APP/18/01234, dated 24 September 2018, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) With the exception of the new build property including garage for which planning permission is not granted, the development hereby permitted, namely the two-storey extension shall be carried out in accordance with the following approved plans: A100 Rev.A (Location Plan), A101 Rev.C (Existing & Proposed Site Plan), A102 Rev.A (Existing Floor Plans and Elevations), A103 Rev.A (Proposed Alterations Floor Plans and Elevations), A104 Rev.G (Contextual Drawings).
 - 3) The materials to be used in the construction of the two-storey extension hereby permitted shall match those used in the existing building.

Application for costs

2. An application for costs was made by Mr C Moores against Wirral Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The Council's decision notice referred only to saved Policy HS4 of the February 2000 Wirral Unitary Development Plan (the UDP), which relates to

new housing developments. However, the Council's officer report and appeal statement also make reference to saved Policy HS11 of the UDP, which sets out the requirements for house extensions. This policy is also relevant for the purposes of determining this appeal and as the appellant has had the opportunity to comment on the Council's appeal statement, I do not consider their interests would be prejudiced if I have regard to it.

4. For the reasons that follow, I find the proposed extension to the existing dwelling to be acceptable and it is clearly severable both physically and functionally from the proposed new dwelling. Therefore, I intend to issue a split decision in this case and grant planning permission for the extension.

Main Issue

5. The main issue is the effect of the proposed new dwelling on the character and appearance of the surrounding area.

Reasons

6. The appeal property is a traditionally-built detached house in a large garden plot. In these regards it is typical of the properties on Farr Hall Drive, although the house itself is a little smaller than many on the street. The existing dwelling, like most of those along the northern arm of Farr Hall Drive, is set back some way from the road and largely secluded from it by trees and other mature planting. The land falls away towards the south west and the River Dee, and consequently houses along this part of the street are generally oriented to take advantage of the views and partly open aspect towards the estuary which this offers. The low-density dwellings, topography and landscaping give the area a green and pleasant character which combines seclusion and spaciousness.
7. The proposed development has two distinct elements, a new detached dwelling and an extension to the existing dwelling.
8. The new detached dwelling would be in the south western part of the appeal site. It would occupy much the space between the existing house and the neighbouring property at 41 Farr Hall Drive. It would have two storeys, be roughly square in plan and finished in brick and render with a tiled pitched roof. It would be similar in height to the existing appeal property, although set at a lower level due to the slope of the land. There would be a detached single garage with pitched roof to the south of the new dwelling.
9. Saved Policy HS4 of the UDP requires, among other things, that new housing development is of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development, and does not result in a detrimental change in the character of the area.
10. The parties disagree as to what the precise separation between the proposed house and the existing appeal property would be. However, even the larger measurement put forward by the appellant of 3 m would represent a very narrow gap in the context of the surrounding area. A similar picture emerges between the proposed house and No 41, where the gap between the two buildings would be only very slightly wider. Given the prevailing generous spacing between houses in the area, particularly in the immediate vicinity along Farr Hall Drive, the proposed dwelling would appear cramped between its two

neighbours when seen either from the street or from the three properties' driveways. It would therefore be incongruous in its setting.

11. The two plots which would be created from the divided appeal property site would, using the appellant's figures of 969 m² and 1,014 m², be smaller than many on Farr Hall Drive, although they would still be larger than some including the adjacent property at No 45. Nevertheless, the generally large plot sizes and subsequent low development density is only one factor contributing to the area's spacious character. Individual dwellings are generally well-separated along that northern arm of Farr Hall Drive. Even though the subdivision of the plot would not necessarily of itself result in an inappropriate development density, the dwelling proposed in this case would appear cramped in the space between its two neighbouring properties. It would not relate well to the prevailing pattern of development, and therefore its detrimental effect on the spacious character and appearance of the area would not be diminished.
12. The appellant has drawn my attention to another scheme at 53 Farr Hall Drive, where permission was granted for two new dwellings on a plot previously occupied by one. I do not know the precise circumstances which led to that scheme being permitted. However, despite its address on Farr Hall Drive, that development has a much closer relationship with dwellings to its north along Farr Hall Road. Although those neighbouring properties are large and set in generously sized plots, the gaps between the houses are considerably smaller than those on Farr Hall Drive near the appeal site. As a result, while it is only a short distance from the appeal site, that part of Farr Hall Road has a different character. Consequently, the example does not support the argument that similarly narrow gaps should be acceptable in this case.
13. There is a considerable variety of house types, sizes, architectural styles and use of materials in the surrounding area. The proposed new dwelling would be relatively simple in style, and the materials chosen would reflect those of the existing appeal property. On these points therefore, the proposal would not be out of place in the surrounding area, but this consideration does not mitigate or outweigh the other harm I have identified.
14. I therefore consider that the proposed new dwelling would result in significant harm to the character and appearance of the area. It would conflict with saved Policy HS4 of the UDP, as it would not relate well to surrounding properties and the prevailing form of development in the area.
15. The second element of the proposed development is a two-storey extension to the rear of the appeal property. This would extend approximately 5 m from the current north western elevation across the full width of the existing house. The extension would be finished in painted render and continue the existing tiled pitched roof, both to match the existing dwelling. There would also be alterations to the other end of the house facing Farr Hall Drive, including the removal of a chimney stack and glazed extension, changes to the fenestration, as well as some internal reconfiguration.
16. I agree with the Council's assessment set out in its officer report that the proposed extension would be of an appropriate size and scale for both the plot in which it sits and the host dwelling. I also agree that in adopting the roofline, and materials of the existing dwelling the development would be acceptable in design terms. The proposed changes at the south eastern end of the house would result in some simplification of its appearance, but given the variety of

building styles in the street and the fact that the house does not in itself appear to be of any architectural significance, I do not consider that this change would be harmful.

17. I therefore consider that the proposed extension to the appeal property would not be harmful to the character or appearance of the area, and would comply with the requirements of saved Policy HS11 of the UDP which seek to ensure that domestic extensions are well-designed, and appropriate in size, scale and materials for the plot and the existing building.

Planning balance

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires this appeal to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions.
19. The appellant and Council both indicated that they do not consider that saved UDP Policy HS4 is in itself out-of-date, in spite of the UDP being adopted nearly 20 years ago. Indeed, I consider that policy to be consistent with the Framework, in particular paragraph 127 which states that planning decisions should ensure that developments are visually attractive as a result of good layout, sympathetic to local character and maintain a strong sense of place. However, it is also common ground between the parties that the Council is unable to demonstrate a five year supply of deliverable housing sites. As a consequence, the borough has a housing shortfall and in these circumstances, paragraph 11 of the Framework indicates that housing policies should be regarded as out-of-date and that there is a 'tilted balance' in favour of granting permission.
20. The appeal site lies in a Primarily Residential Area as defined in the UDP, and I accept that there is therefore no 'in principle' reason why further appropriate residential development should be unacceptable. The proposal would make a modest contribution to the borough's housing supply in an area where nearby services in Heswall and Lower Heswall are reasonably accessible, although I consider that the gradient and rough condition of Farr Hall Drive itself would prevent or discourage some people from travelling other than by private car. I also note the larger service centres of Birkenhead, Chester and Liverpool lie within a 15 to 30 minute drive. The development would provide some employment during construction, and future residents would be likely to support local businesses. However, the provision of a single new dwelling means that these benefits would be relatively small, and therefore in my judgement they can be given only limited weight. I consider that the harm to the area's character and appearance caused by the proposed new dwelling would significantly and demonstrably outweigh the modest economic and social benefits that would arise if that part of the appeal were to be allowed. I conclude that the proposed dwelling would not be the sustainable development envisaged by the Framework.

Other matters

21. A substantial number of objections to the proposed development were raised by interested parties, the vast majority of which related to the proposed new dwelling. These included whether it could be adequately served by drainage and sewerage systems, whether it would lead to an unacceptable increase in

vehicles using or parking on Farr Hall Drive, whether it would be harmful to living conditions for occupiers of the existing house on the appeal site, loss of trees and the lack of a landscaping plan, as well as the potential effects of construction work and the redeveloped site on wildlife possibly including badgers and bats. As I am dismissing the appeal insofar as it relates to the proposed new dwelling, it has not been necessary for me to consider these matters further.

22. Interested parties also expressed concerns about the effect of the proposed extension to the existing property on the privacy of the occupiers of neighbouring dwellings to the north on Linnets Way, and on the outlook, privacy, and daylight and sunlight of the occupiers of the adjoining 45 Farr Hall Drive.
23. With regard to the Linnets Way dwellings, the Juliet balcony on the extension first floor would be more than 30 m from the rear elevation of the nearest house in that street. I am satisfied that the separation distance, the properties' respective alignments, and the mature planting along much of the common boundary would mean that there would be no unacceptable overlooking and loss of privacy in respect of these properties.
24. 45 Farr Hall Drive is a reverse L-shaped house, which sits north east of, and slightly elevated above, the appeal property. The bottom of the 'L' is approximately perpendicular to and, at its closest, around 7.5 m from the appeal site's existing dwelling, although there are no windows in this part of No 45 which face directly onto the appeal site. The upright of the 'L' is around 13.5 m from the side elevation of the appeal property and proposed extension, and the rooms in this part of the house have windows which open out to the south west towards and beyond the river. The extension to the appeal property would be seen from these rooms, although it would be screened to some extent by the mature planting in the garden of No 45 and along the boundary, and its visual impact would also be lessened by the extension's pitched roof and the change in levels between the two buildings. The principal rooms on both floors of this part of No 45 have more than one window facing the appeal site and, although the outlook from the windows closest to the junction of the 'L' would be reduced somewhat by the proposed extension, other windows in the same rooms would retain their largely open outlook in the same direction. On balance therefore, while I acknowledge that it would not be welcomed, I do not consider that the proposed extension would be harmful to the outlook of the occupiers of No 45.
25. Turning to the issue of privacy, the rooflights in the extension would be more than 2 m above floor level, so there is no realistic prospect of harmful overlooking of No 45 from these windows. The Juliet balcony meanwhile would be around 15 m away and at an angle of around 90° from the rear rooms of No 45. It would overlook a part of the north western corner of the rear garden of No 45, although this would be restricted to some extent by the planting along the properties' boundary, and in my view would not be of a degree which would lead to a harmful loss of privacy for the occupiers of No 45. The separation and alignment of the two properties, the change in elevation, and the pitch of the extension's roof, mean that there would be a minimal reduction in daylight or sunlight reaching the rear windows of No 45, and again I do not consider that the proposed extension would be harmful to the occupiers of that house in those regards.

26. Several interested parties have referred to a restrictive covenant dating from September 1924 covering the appeal site and which would preclude the implementation of the development because of its effects on No 45. This may well be so, and while I have not been provided with any further detail in this regard, it is a private matter which would need to be resolved between the landowners and sits outside of my role to determine the appeal in accordance with planning law.
27. Finally, the appellant raised in their statement a number of concerns about the Council's decision making in respect of the planning application. These are not directly related to the planning merits of the proposal, and have had no bearing on my determination of the appeal. These matters are dealt with in the separate costs decision related to this appeal.

Conditions

28. In addition to the standard time limit condition I have specified the approved plans so as to provide certainty. In order to protect the character and appearance of the host property and surrounding area I have also included a condition requiring materials matching the existing dwelling to be used for the extension.
29. The Council suggested several possible conditions, but most of these related to the proposed new dwelling rather than the extension to the existing dwelling and are not therefore required. The suggested condition requiring the dormer window serving the rear master bedroom in the extension to be obscure glazed is not necessary as, in the absence of the proposed separate dwelling, there would be no risk of harmfully intrusive overlooking of neighbouring rooms or gardens from that window.

Conclusion

30. For the reasons given above, and having had regard to all other relevant matters raised, I conclude that the appeal should be allowed insofar as it relates to the proposed extension to the existing dwelling, and dismissed insofar as it relates to the proposed new dwelling.

M Cryan

Inspector