
Appeal Decision

Site visit made on 28 October 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/W4325/D/19/3235725

41 Trinity Road, Hoylake CH47 2BS

- 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 Mrs Dan Owen against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/19/00773, dated 19 May 2019, was refused by notice dated 16 July 2019.
 - The development proposed is Single storey extension to the rear of the property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On my site visit I called at the property and the appellant was not at home. However, there were tradesmen present who were able to provide access to the property via the back gate, which enabled me to assess the proposal.

Main Issue

3. This the effect of the proposal on the living conditions of the occupiers of the adjoining property, no 39 Trinity Road.

Reasons

4. The appeal property is part of terrace within a mature residential suburb. The property is typical of such terrace houses, with a short front garden to the front and a longer garden or yard to the rear, with access from a lane.
5. The property has a projecting rear 'outrigger' to the rear with a pitched roof, probably part of the original house. To the rear of this the property has been extended with a flat roof extension on top of which is a conservatory.
6. The proposal is to infill the yard area between the existing outrigger and extension and the boundary wall with the neighbouring property, no 39. The proposal would extend to a point level with front face of the first floor extension, a distance of approximately 7.5m. The boundary wall between the two properties would be increased to approximately 2.3m in height, and the extension would have a mono pitch roof sloping towards the neighbour. The proposal also includes the addition of a pitched roof to the existing flat roof extension, although that is not a matter in dispute in the appeal.

7. The Council's Supplementary Planning Guidance House Extensions (2004) (SPG) set out clear guidelines relevant to such development. In relation to single storey rear extensions within 1m of the common boundary, these should not project more than 3m from the dwelling and generally such extensions should not dominate or significantly affect levels of daylight to adjoining properties. A similar approach is taken in the Wirral Unitary Development Plan (Including Minerals and Waste Policies) Written Statement¹ (UDP).
8. The appellant states that a party wall agreement has been entered into with the neighbour, who has no objection to the proposed increase in the height of the boundary wall between the properties. The neighbouring property has both rear and side facing windows that would be affected by the raised height of the side wall, which in the case of the section of wall closest to the rear wall of both properties would amount to approximately 0.3m.
9. The proposal seeks to minimise the impact on the neighbouring property through the use of a mono pitch roof and the limited increase in the height of the wall. The fact that the neighbour has not objected to the proposal is also fully acknowledged. However, given the length of the extension and its close proximity to the windows in the neighbouring property there would be harm to the living conditions of no 39.
10. The appellant's wish to extend the property in order to have a better sized kitchen to serve the needs of her family are acknowledged, together with the local employment that would be created in carrying out the development.
11. The National Planning Policy Framework is clear that the first consideration in determining planning applications must be the development plan, unless material considerations indicate otherwise. The Framework also supports development which achieves good design, and maintains a high standard of living conditions for existing and future users.
12. The proposal is not in conformity with development plan or the SPG which supports it. Whilst I take into account the other material considerations in the case, I do not find the proposal to be acceptable due to length of extension proposed and the effects that would have on the occupiers of the neighbouring property in terms of loss of daylight overbearingness, and the cramped arrangement that would result between the two properties.

Conclusion

13. I therefore conclude that the proposal would lead to harmful effects on the living conditions of the occupiers of no 39 Trinity Road, contrary to Policy HS11 of the UDP and related SPG.
14. The appeal is therefore dismissed.

Tim Wheeler

INSPECTOR

¹ Adopted February 2004