

Appeal Decision

Site Visit made on 1 December 2020

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2020

Appeal Ref: APP/W4325/W/20/3258692

5 Thurstaston Road, Irby CH61 0HA

- 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 Andrew Cavanagh against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/20/00111, dated 17 February 2020, was refused by notice dated 12 June 2020.
 - The development proposed is the demolition of existing side extension to make way for the erection of 3 dwellings on land adjacent to 5 Thurstaston Road.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of single-storey rear extension, including external alterations. The appeal is allowed and planning permission is granted for the demolition of existing side extension to make way for the erection of a pair of two-storey semi-detached dwellings on land adjacent to 5 Thurstaston Road, Irby CH61 0HA in accordance with the terms of the application, Ref APP/20/00111, dated 17 February 2020, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the conditions in the attached schedule.

Procedural Matter

2. The description of development above is from the planning application form, but the description of development on the decision notice and the appellant's appeal form better reflect the scheme that is before me as it was amended before planning permission was refused. I have therefore considered the appeal on that basis and used this description in my formal decision.

Main Issues

3. The main issues are the effect of the proposal on: (a) the character and appearance of the area; and (b) the living conditions of the occupants of 3 Thurstaston Road, with regards to visual intrusion and overbearingness.

Reasons

Character and appearance

4. The appeal site relates to a good-sized corner plot found at the junction of Thurstaston Road and South Drive in the Primary Residential Area. The plot is occupied by a two-storey semi-detached dwelling with a single-storey side extension. Landscaped grounds extend to the side and rear of the site, which is elevated slightly above the ground level of South Drive. Properties in the surrounding area range in their type, scale and style, but they tend to be set back from the highway and supplemented by landscaping.

5. The Council's Supplementary Planning Guidance House Extensions (SPG) is not directly relevant to the provision of two new dwellings, but the gist of the SPG's advice regarding corner plots is relevant in the context of assimilating new development into its surroundings.
6. The proposed semi-detached dwellings would reflect the semi-detached dwellings found on this side of the road to the north-west. Furthermore, the scale and massing of the proposed dwellings would respond to the two-storey nature of these, and the neighbouring semi-detaching pairing at Nos 3 and 5. The appeal scheme proposes adequate individual private gardens to the rear.
7. Inevitably the appeal scheme would alter the spaciousness of this corner plot as it would introduce built form in place of a landscaped garden. That said, I do not have any concerns about the density of the proposed dwellings. The Council do, however, assert that a minimum gap between the new dwellings, No 5 and the site's boundary with South Drive should be achieved. As there is no set standard in the development plan or any guidance document before me, I consider that the proposed gaps would not be so dissimilar to those found on the road to the north-west either between properties or between the flank elevations of properties and a road even though the intervening distance would taper towards the rear of plot 2.
8. The proposed dwellings would respond to the building line of Nos 3 and 5. In doing so, they would be further forward than 9 Thurstaston Road. Owing to the bend in the road and the rise in ground levels leading up, in front of, and beyond the site, the proposed dwellings would be more prominent than No 9 is within the street scene. The loss of greenery, whilst regrettable, could have been removed regardless of the planning application. The precise details of the proposed new planting could be secured through a planning condition, which would, in tandem with the visual break afforded by South Drive between the proposed development and No 9, ensure that the siting of the new dwellings would not lead to a detrimental change in the character of the area.
9. The off-street parking provision proposed would be accessed from the road in a similar manner to the existing accesses to Nos 3 and 5. The addition of further hardstanding to the front of the site would not sit comfortably in the context of the surrounding area, but the proposed hard and soft landscaping could be suitably designed, finished, and of an acceptable mix to ensure that the development relates to its surroundings.
10. The new dwellings would be of a scale that relate well to surrounding area, to existing densities and the form of development found nearby. The provision of landscaping and boundary treatment would ensure that the proposal would not be an overdevelopment of the site, cramped or incongruous. Thus, the proposal would not result in a detrimental change in the character of the area, and the appeal scheme would, for these reasons, comply with saved Policy HS4 of the Wirral Unitary Development Plan (UDP), paragraph 127 of the National Planning Policy Framework (the Framework) and the SPG.

Living conditions

11. The proposed single storey extension to the rear of No 5 would infill the space between the party boundary and a two-storey outrigger. The extension would abut the existing high boundary wall that extends rearwards from Nos 3 and 5. However, the proposed extension would not accord with criterion (vi) of saved UDP Policy HS11 and the SPG as it would project beyond 3 metres from the

rear elevation. For the same reason, the proposed extension would not be permitted development, unless an application is submitted to the Council for its Prior Approval and either no objections are received following a consultation process, or the Council gives its Prior Approval having considered the impacts of the scheme on the amenity of all adjoining premises. As no such application has been made or considered by the Council, this matter carries little weight.

12. A ground floor habitable window occupies the rear elevation of No 3. The proposed extension would be built close to this window and lead to a tunnelling effect that would extend beyond the overhang to No 3. Despite the flat roof form, it would not alleviate the visually dominant and overbearing form of development that would be unneighbourly and harm the living conditions of the occupants of No 3.
13. On this issue, I conclude that the proposal would harm the living conditions of No 3, with regards to visual intrusion and overbearingness. The proposal would conflict with saved UDP Policy HS11, and the SPG which permit house extensions subject to a maximum length and their effect of over-dominance and visual intrusion. Conflict would also arise with Framework paragraph 127 f) as the proposal would not create a high standard of amenity for existing users.

Other Matters

14. I agree with the Highway Authority about the proposal's effect on the highway network. Moreover, adequate distances would be kept to neighbouring dwellings so that their living conditions are not adversely affected.
15. Despite points being made by both parties about the handling of the planning application, I am of the view that the Council tried to communicate their concerns with the appellant in difficult circumstances due to the pandemic.

Conditions

16. I have the power to issue a split decision. In this case it seems to me from the plans that the pair of semi-detached dwellings would be capable of being constructed independently from the extension to No 5. Given my findings on the main issues, it would be appropriate for me to issue a split decision. Thus, I will grant planning permission for the new dwellings, subject to the planning conditions with regard to timing and the plans, which are necessary in the interests of certainty and the character and appearance of the area. Conditions are necessary in respect of materials and landscaping in the interests of the character and appearance of the area. While the latter was not expressly set out in the submissions before me, the appellant suggested this approach and it would allow suitable materials to be approved. I have imposed conditions concerning extensions and alterations to the new dwellings and the erection of garages or outbuildings due to the size of the plots and so that any future development does not harm the living conditions of neighbouring residents. I have amended the wording of these so that they comply with the six tests.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed insofar as the pair of semi-detached dwellings and dismissed insofar as the extension and internal alterations to No 5.

Mr Andrew McGlone

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 145/01/A; 145/04/A; 145/05/A; 145/06/A; 145/07/A; 145/08/A; 145/09/A; 145/11/A; 145/15/A; 145/16/A; and 145/17/A except in respect of the erection of a single-storey rear extension and external alterations to 5 Thurstaston Road.
3. No above ground works shall take place prior to details of all materials to be used in the external construction (facing, roof, openings etc) of this development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) there shall be no enlargement or extension of the dwellings hereby permitted, including any additions or alterations to the roof, shall be erected other than those expressly authorised by this permission.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no garages or outbuildings shall be erected other than those expressly authorised by this permission.
6. No above ground works shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, means of enclosure and retaining structures, boundary treatments and hard surfacing materials. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.

END OF SCHEDULE