



Appeal Decision

Site visit made on 15 December 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2021

Appeal Ref: APP/W4325/W/21/3277934

8 St. James Road, New Brighton, Wallasey, CH45 9LS

- 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 ABC Solutions against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00435, dated 7 March 2021, was refused by notice dated 29 April 2021.
 - The development proposed is three storey extension to side to provide garden store, summer room and sun lounge.
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Decision

1. The appeal is allowed and planning permission is granted for three storey extension to side to provide garden store, summer room and sun lounge at 8 St. James Road, New Brighton, CH45 9LS in accordance with the terms of the application, Ref APP/21/00435, dated 7 March 2021, subject to the following 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:
 - Drawing 1 rev A – site plans and OS plans
 - Drawing 2 – existing floor plans
 - Drawing 3 rev B – proposed floor plans
 - Drawing 4 rev B – proposed floor plans
 - Drawings 5 & 6 – existing elevations
 - Drawing 7 rev B – proposed elevations
 - Drawing 8 rev B – elevations section distance dimensions
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing 7 rev B.

Procedural Matters

2. Since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) has been issued. I am satisfied that the changes to national policy do not materially affect the issues raised or prejudice the cases made by either party, and have determined this appeal in light of the 2021 version of the Framework.
3. The appeal property is not in use as a dwellinghouse, so strictly speaking Policy HS11 of the Unitary Development Plan 2000 (UDP) and associated

supplementary planning guidance note (SPG 11), do not apply, as both are concerned with house extensions. However, the appeal property and adjacent flats provide living accommodation, and the policy and SPG provide useful guidance for considering the potential impact of the proposal on the amenity of neighbouring occupiers. Policy HS11 and SPG11 therefore form material considerations in this appeal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of adjacent flats on Rowson Street, with particular regard to outlook.

Reasons

5. The appeal property is a substantial detached building located on a residential street, with a reasonably sized garden area to the side. The currently vacant building is likely to have originally been a dwelling, but its most recent known use was a residential care home. The proposed three storey side extension, which would occupy part of the side garden of 8 St. James Road (No. 8), would provide additional communal facilities, and would facilitate the resumption of the previous class C2 use.
6. St. James Road curves around the side of a hill, elevated above the properties along Rowson Street below. The closest property to the site of the proposed extension is 53 Rowson Street (No. 53), which forms part of a row of properties which have been converted into flats. Both No. 53 and adjoining property 51 Rowson Street (No. 51), have a ground floor level which is well below that of the appeal property.
7. The proposed extension would project from the side elevation of No. 8 for approximately 5 metres. It would be set back from the main rear elevation, with a maximum height below the eaves level of the host building. Although these features would help to reduce the visual impact of the proposed extension, its rear elevation, which would face towards No. 53, would be a largely blank wall of considerable height.
8. The difference in levels means that the ground floor windows of both Nos. 53 and 51 look out towards a retaining wall along the boundary, above which is a row of dense bushes. The proposed extension would be visible when looking up at an angle from the ground floor windows, but views would be largely obscured by the existing boundary features. Given the existing situation, the effect of the proposal on the outlook from the ground floor windows of both No. 53 and 51 would be limited.
9. The closest part of No. 53 to the proposed extension would be the outrigger, but the presence of soil pipes suggests that the first floor window is likely to serve a bathroom. Even if this were a habitable room, the first floor window, which is at a lower level than those on the main rear elevation, looks out over the boundary vegetation. As a result of these factors, the outlook from the first floor outrigger window would be acceptable.
10. From the tall first floor windows on the main rear elevation of No. 53, the view of the proposed extension would be partially obscured by the existing vegetation along the boundary. When looking up through these windows, the rear wall and roof of the extension would be clearly visible, but the submitted drawings show that a wide ranging view of the sky would be retained.

Furthermore, the position of the windows relative to the proposed extension means that they would look out towards the edge of the extension, or in the case of the window closest to No 51, beyond the end of it, towards the remaining garden area. Above the existing hedge, both the first floor windows of No. 53 would retain an open aspect across the gap between the extended appeal property and its neighbour, 6 St. James Road.

11. The direct horizontal distance between the proposed extension and the main rear elevation of No. 53 would be 14.25m. This would be considerably less than the 19m separation which the Council has suggested is required in this case, based on the calculations in SPG11 which take account of level differences. However, the minimum distance of 14m set out in the SPG would be achieved, and owing to the specific circumstances of the case, including the existing outlook and the position of the windows relative to the extension, the proposal would not appear overly dominant or overbearing when viewed from No. 53. It would not, therefore, cause unacceptable harm to living conditions, despite the full 19m separation distance not being achieved, and would meet the requirements of UDP Policy HS11.
12. From the first floor windows of No. 51, the existing outlook across the garden area would be largely unaffected and the extension would be seen from an oblique angle only. The effect on the outlook from No. 51 would be acceptable.
13. I conclude that the proposed extension would not cause unacceptable harm to the living conditions of the occupiers of adjacent flats on Rowson Street, with particular regard to outlook. There would be no conflict with UDP Policies HS4 and HS8, which require new housing and nursing homes developments to be of a scale which relates well to surrounding property. The proposal would also comply with the requirement for development to provide a high standard of amenity for existing users, contained within Framework paragraph 130f.

Other Matters

14. The main sun lounge windows and summer room door would look out over the existing garden area of No. 8, and towards the side of the neighbouring property, 6 St. James Road. Any views towards the rear windows of No. 51 would be at an oblique angle. The relative position of the habitable room windows in both buildings, and the reasonable distance between them, would avoid any unacceptable loss of privacy to No. 51.
15. The proposed extension would be sited to the north west of No. 51. Owing to the relative orientation of the buildings, the proposal would not cause undue overshadowing or loss of light to that neighbouring property.
16. The proposed summer room doors would be south facing, and it may be necessary to open them in warm weather, but there is no reason to suppose that the use of the space as part of a residential care home would result in unacceptable levels of noise and disturbance.

Conditions

17. I have imposed a plans condition in the interests of certainty, in addition to the standard implementation condition. A condition requiring that the materials used in the external surfaces of the building are those listed on the submitted plans is also necessary to safeguard the character and appearance of the area.

Conclusion

18. For the reasons given, the appeal is allowed subject to the above conditions.

R Morgan

INSPECTOR