



Appeal Decision

Site visit made on 8 December 2021

by K Winnard LL.B Hons Solicitor

an Inspector appointed by the Secretary of State

Decision date: 20 JANUARY 2022

Appeal Ref: APP/W4325/D/21/3280908
8 Beresford Road Liscard CH45 0JJ

- 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 Mike Pearson against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00388, dated 1 March 2021, was refused by notice dated 14 June 2021.
 - The development is a new deck to the rear of the property.
-

Decision

1. The appeal is allowed and planning permission is granted for a deck to the rear of the property at 8 Beresford Road Liscard CH45 0JJ in accordance with the terms of the application, Ref APP/21/00388, dated 1 March 2021, and the plan submitted with it, subject to the following conditions:

- (1) The development hereby permitted shall be carried out in accordance with the following approved plan: 2021-500 001 Revision 02
- (2) The Decking shall not be used until
 - (a) the proposed opaque glass screening shown on Plan 2021-500 001 Revision 02 has been installed and
 - (b) a trellis screen atop the wall as shown on Plan 2021-500 001 Revision 02 has been installed on the boundary with No 6 Beresford Road.

Both these elements shall be retained as such hereafter as long as the decking is in use.

Procedural Matter

2. The deck, the subject of this appeal, has already been constructed. I have accordingly deleted the word 'proposed' from the description of the development in my decision to reflect this.
3. I note that revised plans were submitted to the Council which amended the projection of the deck to 3 metres. My decision is based on the revised plans.

Main Issue

4. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of 6 Beresford Road with particular regard to overlooking.

Reasons

5. No 8 Beresford Road (No 8) is a semi detached property sited at a higher level than its non adjoining neighbouring property, No 6. The rear gardens of both properties are separated by a brick wall on which trellis screening has been installed. Due to the differing levels between the two properties, there is a degree of overlooking into the rear garden of No 6 from the rear windows of No 8 particularly at the first and second floor levels. However views towards the rear garden of No 6 from the deck and garden level of No 8 are screened by the existence of the boundary wall and trellis boundary treatment atop thereon.
6. The decking introduces an elevated platform at the rear of No 8 at ground floor level. I acknowledge that there is the potential for overlooking for more substantial periods than would be usual from that obtained from the rear windows. Nonetheless the height and design of the existing trellis screening effectively obscures any appreciable overlooking of No 6 from the deck. The retention of the trellis screening can be controlled by condition. The decking is installed well away from the side boundary of the rear garden area of No 6 which assists in offsetting the potential for overlooking and any impact on privacy. As such and taking these factors into account the erection of the deck does not in my view appreciably increase the extent of overlooking into the garden of No 6 from the existing arrangements.
7. Opaque glass screening is proposed on the south elevation of the deck adjacent to the joint boundary with No 10 Beresford Road. I note that the Council has not raised any concerns with regard to the residential amenity of the living conditions of the occupiers of No 10 Beresford Road and having regard to the juxtaposition of the properties and the proposed boundary treatment, which can be secured with the suggested condition, I concur with this assessment. Nor does the Council express concern as to the design and materials of the deck.
8. Accordingly the development does not give rise to unacceptable effects on the living conditions of the occupiers of No 6 with regard to overlooking and does not therefore conflict with Policy HS11 of the Wirral Unitary Development Plan which requires extensions not to be arranged as to result in significant overlooking of neighbouring residential property.

Conditions

9. As the deck has been installed, the condition relating to timescales suggested by the Council is no longer necessary. A condition relating to the approved plan is necessary in the interests of certainty. A condition relating to the provision and retention of opaque glazing and trellis screening is necessary in the interests of residential amenity of the occupiers of neighbouring properties.

Conclusion

10. Accordingly, for the reasons explained and having regard to all matters raised, the appeal is allowed as set out in the formal decision above.

K Winnard

INSPECTOR