



Appeal Decision

Site visit made on 5 January 2022

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/21/3284366
18 Burrell Close Prenton CH42 8QE

- 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 Graeme Jones against the decision of Wirral Metropolitan Borough Council.
 - The application Ref. APP/21/01150, dated 26 May 2021, was refused by notice dated 27 August 2021.
 - The development proposed is described as a vertical extension to existing dwelling and addition of timber decked terrace with glazed balustrade.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of Nos 1a and 3 Burrell Road, with particular reference to outlook.

Reasons

3. The appeal property is a two storey detached dwelling with a long single storey element. It is sited on an elongated sloping plot which runs in a south westerly to north easterly direction. The land levels of the plot and the orientation of the appeal property are such that substantial elevations face the rear gardens and habitable rear rooms of both Nos 1a and 3 Burrell Road.
4. The Council's Supplementary Planning Guidance House Extensions (SPG) includes a recommended separation distance of 14 metres where the sole window of a main habitable room faces a blank wall. This would not be met in this instance. The appellant's agent has submitted diagrammatic illustrations of the proposed window interfaces and outlook of first floor windows at Nos 1a and 3 Burrell Road, including a 30 degree splay interface, which indicate the various points that the line of view would strike the proposed development. The illustrations do serve to demonstrate that whilst at first floor level the outlook from the majority of the first floor rear windows of Nos 1a and 3 Burrell Road would be limited, views from a first floor habitable room in each property would be directly affected. The proposal would worsen the outlook from both of these first floor rear windows since they would look onto a taller and longer side wall and roof. This would be particularly so in the case of No 3 Burrell Road.

5. Whilst the existing dwelling has predominantly blank rear elevations and the proposal would be no closer to Nos 1a and 3 Burrell Road, it would nonetheless introduce a significant amount of built form in this location. The combined height and length of the extension would appear as a large blank wall, close to the rear boundaries of Nos 1a and 3 Burrell Road. As a result of the increased mass there would be a greater sense of enclosure. This would result in the occupiers of Nos 1a and 3 Burrell Road experiencing a significant reduction and worsening of their outlook from their gardens and habitable ground and first floor rear rooms.
6. I note that the proposed development would not result in a significant loss of privacy to the occupiers of Nos 1a and 3 Burrell Road due to the position of the windows on the proposed elevations. I also note that the Council has no concerns with regard to the design of the proposed extension and scale of the plot. I have no reason to disagree with these views. However the absence of harm in these respects does not weigh in favour of the proposal.
7. Accordingly the proposal would result in unacceptable harm to the living conditions of the occupiers of Nos 1a and 3 Burrell Road with particular regard to outlook. It would therefore be contrary to Policy HS11 of the Wirral Unitary Development Plan. This requires development not to be so extensive as to be unneighbourly particularly with regard to outlook. It would also be contrary to the SPG which looks to respect minimum distances between elevations of adjoining property in the interests of residential amenity.

Other Matters

8. I understand the appellant's wish for increased family accommodation. However such personal circumstances will seldom outweigh more general planning concerns and the wish to extend the property does not therefore outweigh my concerns on the main issue.
9. Concerns have been raised as to the effect of the development on the amenity of the occupiers of No 17 Burrell Close, and property values. I note that the Council does not raise concerns over the effect of the development on this property, including any impact on privacy. Given the distances involved, the degree of separation between existing windows and proposed new windows and the rooms they would serve, I would concur with the Council's assessment. Matters such as property values and any private property rights are not matters for my consideration in this appeal.

Conclusion

10. For the reasons given, and having regard to all other matters raised, I dismiss the appeal.

K Winnard

INSPECTOR