
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: 25th January 2022

Appeal Ref: APP/W4325/D/21/3284144
75 Heathbank Avenue Irby CH61 4YG

- 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 Inbaraj Baskara Paulraj against the decision of Wirral Metropolitan Borough Council.
 - The application Ref. APP/21/00572, dated 22 March 2021, was refused by notice dated 10 September 2021.
 - The development proposed is to include a first floor side extension, a link from the existing garage to the main house and single storey rear orangery.
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Decision

1. The appeal is dismissed insofar as it relates to the first floor side extension and the link from the existing garage to the main house. The appeal is allowed insofar as it relates to the single storey rear orangery. Planning permission is granted for a single storey rear orangery at 75 Heathbank Avenue Irby CH61 4YG in accordance with the terms of the application, Ref APP/21/00572, dated 22 March 2021, and the plans submitted with it but only insofar as relevant to that part of the development hereby permitted and, 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: Existing and Proposed Site Plan 75HA-01 Rev. 01, Proposed Floor Plans 75HA-03 Rev.00, Existing and Proposed Roof Plan 75HA-04 Rev. 01, Proposed Elevations 75HA-06 Rev 01.

Procedural Matters

2. The development, the subject of the appeal, consists of a number of elements. The Council has indicated that it has no objections to the link of the garage and the main house and to the single storey rear orangery. Accordingly I shall direct my assessment to the first floor side extension element of the proposal.
3. I note that revised plans were submitted to the Council which amended the roof design to be level with the height of the main ridge line. My decision is based on the revised plans.

Main Issues

4. The main issues are:

- (i) the effect of the proposal on the character and appearance of the host dwelling and the area; and
- (ii) the effect on the living conditions of the occupiers of the host property with particular reference to outlook.

Reasons

Character and Appearance

- 5. The appeal property is located at the end of Heathbank Avenue adjacent to the turning circle at the head of the cul-de-sac. It is a detached property set within a close-knit modern residential estate where some of the properties have been extended. There is a mixture of dwelling types and plot sizes set in a somewhat irregular pattern.
- 6. The appeal property has been extended previously and the single storey side extension is well assimilated and sympathetic to the design of the original dwelling. The proposed first floor extension would be level with the existing first floor front elevation and roof line resulting in a merger of these elements. As such it would not be read as a subordinate addition to the existing dwelling.
- 7. The aim of Policy HS11 of the Wirral Unitary Development Plan (Local Plan) is for extensions to not dominate the existing building. In the case of 2 storey extensions where the property stands in a line of dwellings and to prevent a terracing effect, the Council's Supplementary Planning Guidance House Extensions (SPG) recommends a set back of one metre and a lower ridge height. I recognise that in this instance there would be no terracing effect due to the juxtaposition of the appeal property and No 10 Wimborne Way and the maintenance of the existing gap. Nonetheless the first floor side extension would not be subordinate to the existing dwelling and the continuous ridge line in particular would be a poorly integrated and dominant feature. As such it would be contrary to Policy HS11 which requires house extensions to be designed as to have no significantly adverse effect on the appearance of the original property or an adverse effect on the area in general.
- 8. I appreciate that due to its corner location direct views of the front elevation of the appeal property are not easily obtainable. Nonetheless, the existing sloping roof of the single storey side extension is easily seen in views from the cul-de-sac head. The vertical emphasis of the design infilling the space above the existing side extension to meet an elongated roof line would appear incongruous and would draw attention to the appeal property. As such the proposed development would unacceptably harm the character and appearance of the host dwelling and the area.
- 9. There would be no loss to the rear garden space available at the appeal property as a result of the proposed extension, which in itself would not be out of proportion with the size of the existing building, albeit viewed in the context of dense development. Consequently, I do not believe that the proposal would result in an overdevelopment of the appeal site. Rather it is the design of the built form which would create the harmful effect in this case. Whilst my attention has been drawn to other developments in the area where extensions

have been approved by the Council, I have not been given full particulars of these schemes or the circumstances in which they were approved. As such, it is not easy to draw direct parallels with the appeal proposal. In any event, this does not materially affect my assessment that there would be a discordant impact on the streetscene as a result of the proposed extension.

10. I therefore conclude on this issue that the proposal would not result in an overdevelopment of the site. However, it would result in unacceptable harm to the character and appearance of the host dwelling and the area. It would therefore be in conflict with Policy HS11 of the Local Plan and the provisions of SPG11 which together require extensions to not dominate the existing building, to reflect the character of the property to be extended and to take account of its context. It would also be in conflict with the provisions of the National Planning Policy Framework which seeks to promote development sympathetic to local character.

Living Conditions

11. The proposed side extension would have a Juliette balcony and picture window to the rear facing the blank wall elevation of No 12 Wimborne Way. It would not meet the separation distances set out in the SPG. Nonetheless it would face the same blank side elevation as the existing rear windows of the appeal property and in particular that faced from an existing rear bedroom. The proposal would not therefore introduce a significantly greater loss of outlook than occurs under the current arrangements. Although its outlook would not be completely unrestricted due to the close proximity of the two storey side extension of No 10 Wimborne Way, the proposed bedroom would have a large window and there would be reasonable views from this window across the garden. I do not consider therefore that the outlook of the proposed side extension would result in significant harm to the living conditions of the occupiers of the appeal property.
12. The Council has not raised any concerns with the relationship between the appeal property and the living conditions of the occupiers of neighbouring properties. Given the position of these properties in relation to the appeal proposal, I see no reason to disagree.
13. I therefore conclude on this issue that the proposal would not conflict with Policy HS11 of the Local Plan which seeks to protect the residential amenity of occupiers of properties. Notwithstanding the differences with separation distances within the SPG, for the reasons stated above, I am not persuaded that the proposed extension would result in a loss of residential amenity to the occupiers of the appeal property.

Other Matters

14. As the rear orangery is both physically and functionally severable, I consider that a split decision would be appropriate in this instance. Accordingly I conclude that the appeal should succeed in relation to the construction of the rear orangery. As the link to the garage is not functionally severable, I do not consider that a split decision is appropriate in respect of this particular element of the proposed scheme.
15. The conduct of the Council in its handling of the application has also been raised but this is not a matter before me nor is it one which alters my findings.

Conditions

16. I have attached the standard time condition and a plan condition to provide certainty.

Conclusion

17. I have found that the proposal would cause harm to the character and appearance of the host dwelling and the area. I have not found that the proposal would constitute overdevelopment or cause harm to the residential amenity of the occupiers of the appeal property. I consider that the harm to the character and appearance of the host dwelling and area to be unacceptable. Accordingly in relation to the first floor side extension and link to the garage, I dismiss the appeal. The element of the appeal which relates to the rear orangery is allowed in accordance with my formal decision above.

K Winnard

INSPECTOR