



Appeal Decision

Site visit made on 21 December 2021

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/W4325/W/21/3281002

91 The Meadow, Woodchurch CH49 8EN

- 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 Edward Nugent against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/01240, dated 27 May 2021, was refused by notice dated 11 August 2021.
 - The development proposed is a new three bed semi detached house on the side garden of the existing property at 91 The Meadow. The house proposal was granted planning approval in 2015 but the approval has since lapsed.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of neighbouring residential properties at 91 and 93 The Meadow, with particular regard to privacy.

Reasons

3. 91 The Meadow sits at the end of a row of four terraced properties which front onto a public footpath, with an area for vehicular parking and access to the rear. The character of the area is predominately residential with The Meadow comprising terraced dwellings with slightly staggered building lines. The estate is broken up with footpaths and areas of open space, with a small local centre located a short distance to the north east.
4. No 91 currently sits within a large plot with the majority of its amenity space located to the side of the dwelling. The plot would be sub-divided and a two storey three bed dwelling constructed off the gable end elevation of No 91. There would be two first floor windows serving bedrooms on the side elevation, and two first floor windows on the rear elevation serving a bedroom and a bathroom.
5. The proposed new dwelling would be situated in very close proximity to the boundary shared with 93 The Meadow. Due to the orientation of the properties and the proximity of the proposed dwelling to the boundary, the first floor windows on the rear elevation would overlook No 93's rear private amenity space. This issue is also further exacerbated by the ground level of No 93 and its curtilage being set at a slightly lower level than that of the appeal site. As a

- result, I find that the proposed development would result in an unacceptable loss of privacy to occupiers of No 93.
6. I acknowledge the appellant's suggestion that an opaque finish could be applied to the windows in order to overcome the concerns regarding a loss of privacy to No 93. However, whilst this would be achievable in respect of the smaller window on the rear elevation which would serve the bathroom, I do not consider it a viable solution for the larger proposed bedroom window on the first floor rear elevation.
 7. The proposed window would be the sole source of natural light and outlook for 'Bedroom 2', and therefore I do not consider it practical or appropriate to apply an opaque finish due to the negative effect on outlook it would have for future occupants of the proposed development. Additionally, the proposed plans also appear to show the window to be side hung and opening, which would negate any benefits arising from an opaque finish to the glass.
 8. I do not find however that the first floor windows on the side elevation of the proposed dwelling would give rise to any undue harm or loss of privacy to occupiers of No 93. Whilst they would afford some views of the private amenity space to the side of No 93, these windows would primarily look out onto the adjacent public open space and footpath.
 9. With regards to the amenity space that would be retained by No 91, whilst the proposal would result in a large percentage of its existing amenity space being lost, the retained space would be of a similar size and shape to the majority of other dwellings in the immediate vicinity. I also acknowledge that the proposed plans show the rear garden to be a 'shared private driveway', however it was apparent from my site visit that several properties in the area had hard standing areas to the rear including many with vehicular access. I do not consider therefore that the proposal would result in the living conditions of occupiers of No 91 being unduly harmed.
 10. I have identified that the development would result in harm being caused to the living conditions of occupiers of No 93 due to an unacceptable loss of privacy. Whilst I have found that the development would be acceptable in terms of its effect on the living conditions of occupiers of No 91, this as a neutral outcome, insofar as it would not be harmful, would not outweigh the other harm I have identified in respect of the living conditions of occupiers of No 93.
 11. I therefore conclude that the proposed development would cause an unacceptable level of harm to the living conditions of the occupiers of 93 The Meadow, with particular regard to a loss of privacy. It would therefore conflict with Policy HS4 of the Wirral Unitary Development Plan (adopted February 2000). This policy amongst other things seeks to ensure that new housing developments blend in well with that already built and create a safe external environment, and that adequate separation distances between dwellings are achieved.

Other Matters

12. Both the appellant and Council have made reference to a previous planning permission (Ref APP/15/00222), which was granted on the 18th August 2015 for a 'Proposed new two storey dwelling house on vacant land (amended

window position)' at the appeal site. The appellant contends that the appeal proposal is merely a re-submission of this previous permission.

13. However, a plan approved under the previous planning permission (Drawing Number 1501.008 rev a) and submitted as part of the appellant's statement of case shows a noticeably different window layout to that of the appeal scheme before me. In particular, no bedroom window was proposed on the first floor rear elevation as part of that scheme in contrast to the proposal before me in this appeal.
14. I have also noted that although this drawing number is the same as that listed as an approved plan under condition 2 of the decision notice, the plan is dated and stamped as being received in May 2015 whilst condition 2 states that the plan was received on the 14th July 2015. I cannot therefore be certain whether the date listed on the decision notice is an error, or whether there was a further subsequent amended plan which was approved.
15. It is common ground between the parties that the previous planning permission has now lapsed, and there is therefore no possibility of it being implemented. In any event, given what is before me under this appeal in my judgement the previous planning permission would not justify allowing a proposal that I consider would be harmful to the living conditions of the occupiers of No 93.

Conclusion

16. The proposal would conflict with the development plan and there are no material considerations which would outweigh this finding. For the reasons given above the appeal is dismissed.

David Jones

INSPECTOR