



Appeal Decision

Site visit made on 1 March 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2022

Appeal Ref: APP/W4325/W/21/3283382

Grosvenor Court, Grosvenor Road, Hoylake CH47 2BJ

- 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 GB Developments against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00527, dated 16 March 2021, was refused by notice dated 5 August 2021.
 - The development proposed is an additional floor level on top of the existing block B to create 4 No 2 Bed apartments across the same footprint of the existing block.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the Council's consideration of the planning application, a revised layout plan was received showing a different arrangement of the layout to the south-westernmost apartment. This showed a kitchen window facing on to Grosvenor Road. I have determined the appeal on the basis of the revised plan which was before the Council when it made its decision.
3. The appellant has included the details of a previous scheme which was refused planning permission¹ by the Council. Those plans show an extension over only part of the existing upper floor. However, they did not form part of the application subject of this appeal and that scheme was refused for an alternative reason.
4. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles, the degree of engagement of all parties and the interests of fairness. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.

Main Issue

5. The main issue is the effect on the living conditions of occupiers of 5 Cable Road with particular regard to outlook and sense of enclosure.

¹ APP/19/01712

Reasons

6. The site lies in a residential area close to a local centre providing commercial services and transport links. The long, narrow site includes two blocks of apartments with associated parking and landscaped areas. The buildings are set between a railway line and the Grosvenor Road street frontage.
7. The proposal seeks a third level of 4 additional apartments to the existing block of 8 flats. This would consist of the upward extension of the existing external walls and replicate the proportions and positions of existing window openings to the apartments on the upper floor. Large windows to the first and second floors stairwells would be incorporated. The existing roof form would be reproduced at a level estimated by the Council as 2.7m higher than the existing roof structure.
8. The building is centred opposite the end of Cable Road, a residential street of 2-storey buildings. The corner plots lie opposite the recessed flank elements of the apartment block and consist of a residential house and garden at 5 Cable Road, and the rear garden area of 3 Cable Road.
9. The gable of No5 is set a short distance from the back of the pavement on Grosvenor Road, a road of limited width with a single footway. Although the wing of the apartment block opposite No5 is set back from the central section of the building, the distance between the buildings is limited.
10. The gable of No5 contains a single window serving a room in the roofspace. A rear return includes windows addressing the Grosvenor Road boundary across a limited rear amenity space.
11. The close proximity of the apartment block ensures it is prominent in the outlook from the side of No5 and the rear garden area. The proposed additional height would significantly increase the massing of the building such that the nearest part would dominate the outlook from the side windows and garden area. The building would loom large, particularly from within the rear amenity space, where it would be of sufficient scale to overbear on users of that area.
12. Furthermore, the effect would be exacerbated by an increased level of overshadowing of the garden. The apartment block lies south-east of No5 such that a result of the increased height of the building would be to cause additional overshadowing during morning hours. Although this would not extend to the gable window, and would be limited in high summer, the degree of overshadowing would be extensive at other times of the year. The overshadowing would significantly compound the effects of the scale of development on the living conditions of occupiers of that property.
13. I note that another block of flats within the site has recently been extended to provide an additional floor. However, that building has a much greater level of spaciousness about it due to the presence of a surface car park on the opposite side of the road and its offset position to buildings fronting Albert Road. It is therefore distinct from the case before me, a case I have considered on its own merits.
14. In support of the proposal the appellant refers me to a large development² allowed by the Council on Albert Road. However, little detail of that proposal

² APP/17/01191

has been provided in evidence and I am therefore unable to draw comparisons, or otherwise, to the proposed development.

15. For the above reasons, I find that the proposal would result in poor outlook from the nearby residential property at 5 Cable Road and overbear on occupiers of that site. It would conflict with Policy HS4 of the Wirral Unitary Development Plan [2000] and Supplementary Planning Document 2 - Designing for Self-Contained Flat Developments and Conversions as they require development to be of a scale which relates well to surrounding property and is not visually overbearing or dominant when viewed from adjoining property. For the same reasons, it would conflict with the National Planning Policy Framework as it seeks the similar aims of requiring development to be sympathetic to the surrounding built environment and promotes high standards of amenity for existing residents.

Other Matters

16. The proposal would contribute to the Council's supply of housing in a location accessible to shops and services. It could be constructed to avoid overlooking of the nearby residential neighbours. However, these matters do not outweigh the significant harm identified.
17. I acknowledge the other concerns submitted by third parties. However, pursuant to my finding on the main issue, my decision does not turn on those matters.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR