



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: 16 March 2022

Appeal Ref: APP/W4325/W/21/3286171

5 Thurstaston Rd, Irby, Wirral CH61 0HA

- 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 Andrew Cavanagh against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00994, dated 4 May 2021, was refused by notice dated 13 August 2021.
 - The development proposed is the erection of a new dwelling on land to the rear of 5 Thurstaston Road.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling on land to the rear of 5 Thurstaston Road, Wirral CH61 0HA in accordance with the terms of application Ref APP/21/00994, dated 4 May 2021, subject to the conditions set out in a schedule at the end of this decision.

Main Issue

2. The main issue is whether or not the proposed development would provide a high standard of living conditions for prospective occupiers with particular regard to the amount of outdoor amenity space proposed.

Reason

3. The site consists of part of the garden area to 5 Thurstaston Road, a semi-detached corner property currently undergoing redevelopment. The scheme would utilise an area of about 200m², as estimated by the appellant. The land would be regraded to accommodate a single storey building with a full range of living accommodation, including 2 bedrooms. Split level gardens would be provided to the front and side of the L-plan building and a hardstanding constructed for vehicle parking. The active frontage would face on to South Drive, a residential street of varied house types.
4. Policy HS4 of the Wirral Unitary Development Plan [2000] requires new housing development to make adequate provision for individual or communal garden space for each dwelling. As no specific standards are prescribed, this is a matter of planning judgement having regard to the specific circumstances of the case.
5. According to the appellant, the building would take up some 80m². There is some dispute between the main parties as to the exact area of the proposed main outdoor amenity space, which is assessed at between 55-62m². This would be set at a raised level to the driveway and consistent with the proposed

internal floor level of the building. It would be partly enclosed by timber fencing aligning with the front gable of the building.

6. The garden would provide opportunities for creating private amenity space and it would be located where it would receive some direct sunlight and shading to facilitate outdoor seating, play or drying space. It would be augmented by the smaller front garden area.
7. Although the areas are limited compared to those associated with larger dwellings in the locality, they would be commensurate with the scale of accommodation proposed. Furthermore, the space would integrate well with the internal layout of the dwelling. It would provide direct linkages and an open aspect from within the building. The space could be enhanced by greenery.
8. The amenity area would require a screen or landscaping to achieve privacy. The proposed boundary between the main amenity space and front garden would be set back within the plot. This would allow opportunities for landscaping towards the site frontage. Compared to the existing roadside boundary, which consists of a retaining wall with fencing above, there would be no material adverse effect on the South Drive streetscape arising from the modest enclosure proposed.
9. For the above reasons, I find the proposal would provide a usable and commensurate area of outdoor amenity space. It would be consistent with the requirements of Policy HS4 of the Wirral Unitary Development Plan [2000], the National Planning Policy Framework (the Framework) and the National Design Guide as they require new housing development to provide adequate private or garden space for prospective occupiers.

Other Matters

10. I note the concerns of nearby residents in respect of the plot size, appearance and the effect of the proposals on neighbouring occupiers.
11. The dwelling would be sited in a location of mixed property types, designs and plots of different sizes. Additionally, there are examples of infill and large ancillary outbuildings which present to the street frontages within the locality, including on sites of limited depth. By virtue of the subordinate scale and arrangement of development on the site, the proposal would be largely recessive in its setting. It would thereby have a limited effect on the South Drive streetscene and on the mixed character of development in the locality.
12. The building would flank part of the rear garden boundary of 3 Thurstaston Road. The height of the structure would increase the sense of enclosure about the lower part of the garden and some loss of the sense of openness in the outlook from the dwelling and garden area of No3. However, the extent of harm to the living conditions of residents would be limited by the largely unobstructed outward views across other parts of the rear garden boundaries. Furthermore, the orientation of the respective plots would ensure that effects on daylight and direct sunlight would be very limited. I find those combined effects would not be so severe as to warrant a refusal of planning permission on those grounds.
13. The outlook from the proposed building would address the road frontage and the boundary alongside 1 South Drive. The side elevation of No1 is largely blank, save for a single side window, which is obscure-glazed. This would

ensure that privacy of nearby residents would be preserved. Acute views from the frontage or garden areas to the nearest front windows of No1 would be no greater than those afforded from the existing elevated garden area or the street frontage.

14. The scheme would provide off-street parking for 2 vehicles. This would ensure pressure for on-street parking associated with the proposal would be minimal. Even if it were the case that occupiers or visitors were reliant on on-street parking, the relatively quiet nature of the area and capacity of the local road network would ensure highway safety and accessibility to other properties nearby would not be materially affected.
15. I note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for this appeal which I have determined on its own merits.

Conditions

16. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
17. In the interests of visual amenity, details of the materials to be used in the external surfaces of the building and the landscaping of the site are reasonable.
18. To avoid adverse impacts on neighbours' living conditions or the character and appearance of the locality, restrictions to additional windows and means of enclosure on the site are necessary in the particular circumstances of the case.

Conclusion

19. For the reasons given I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

Schedule of Conditions to planning permission Ref. APP/21/00994

- 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: 145/01 Rev A, 145/02 Rev B, 145/03 Rev B, 145/04 Rev A and 145/06 Rev A.
- 3) Before any construction above slab level commences, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.
- 4) A scheme of landscape proposals including a timetable of works shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the proposed development. The scheme shall include (where practical) but not be limited to features such as bat and bird boxes, log piles, bug boxes, solitary bee houses and hedgehog homes to encourage net gains in biodiversity and full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed on the site.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no walls, gates, fences or any other means of enclosure other than those expressly authorised by this permission shall be constructed on the site.

End.