



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: 25 March 2022

Appeal Ref: APP/W4325/W/21/3287093

14 Griffin Avenue, Moreton CH46 0PN

- 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 Design Coordination Limited against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/01164, dated 28 May 2021, was refused by notice dated 2 September 2021.
 - The development proposed is the demolition of existing garage and construction of a two bedroom detached dwelling within the side garden of 14 Griffin Avenue Moreton.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and construction of a two bedroom detached dwelling within the side garden of 14 Griffin Avenue, Moreton CH46 0PN, in accordance with the terms of application Ref APP/21/01164, dated 28 May 2021, subject to the conditions set out in a schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to outlook and sense of enclosure.

Reasons

3. The appeal site is formed by part of the domestic garden area to the side of 14 Griffin Avenue, a 2-storey semi-detached dwelling at the head of a residential cul-de-sac. An existing domestic garage, conservatory and a number of small outbuildings would be removed from the side of No14 to provide a roughly rectangular plot at the end of the row of semis on the southern side of the street.
4. The level site is bordered to its side by the rear garden boundary of 46 Grampian Way, a detached bungalow with a conservatory extension. The rear boundary of the plot forms part of the side boundary of the garden to 48 Grampian Way.
5. The proposal includes the erection of a pitched roof bungalow providing accommodation on 2 floors. The building would be finished in brick and tile and feature front and rear gables. A subordinate side gable would project from the rear-side of the building towards No14. Vehicle parking is shown to the frontage with private amenity space to the rear of the building.
6. Although the plot size would be small in relation to other plots fronting on to Griffin Avenue, there is no dispute between the main parties that the proposal

- would cause no harm to the visual setting or character of the area. According to the Council, the plot would be commensurate with others in the immediate locality.
7. The appellant's plans indicate that the proposed building would be about 800mm from the boundary common with 46 Grampian Way. This would be similar to the side-by side arrangement of development on Grampian Way and Marian Drive.
 8. The conservatory to the rear of No46 provides an outlook to its rear garden area and a detached garage and shed to one side. The position of the proposed building would be visible beyond the high close-board timber panel fence forming the common boundary. However, according to the Council's report, this would meet its adopted interface distances between the main elements of those buildings.
 9. Whilst I am not referred to any specific standard within the Council's Policies or guidance, I saw that the distance between the rear elevation of No46 and the proposed building would be typical of a residential estate setting. Furthermore, given the proposed low eaves line, the fence would screen much of the side elevation such that only the upper parts of the side wall and the roof slope would be visible above it. The roof would pitch away from the common boundary to ensure that any sense of enclosure in the garden and rear outlook of No46 would be limited. It would not therefore cause undue harm to the living conditions to occupiers of that property as an overbearing form of development.
 10. The proximity and height of the proposed building would lead to some additional overshadowing of the rear garden of No46. However, beyond the effects of the existing house at 14 Griffin Avenue, this would be for a limited period later in the day and only affect part of the rear garden area. Accordingly, the extent of harm to the occupiers living conditions would not warrant a refusal of planning permission for that reason.
 11. The rear gable would address part of the side boundary of the garden of 48 Grampian Way. The proposed building would be offset from the boundary and at some distance from the angled rear elevation of that dwelling. This would be comparable to a corresponding bungalow at the head of Marian Drive on the opposite side of the garden of No48. Given the position and intervening distance, any effect on outlook from the rear of No48, or use of the garden area, would be limited.
 12. I note the concerns of nearby occupiers in relation to the potential for overlooking. The majority of windows would be at ground floor level where the outlook would be contained by existing boundary treatments or face on to the street in a manner similar to other homes. An upper gable window would address the rear boundary of 44 Grampian Way. The rear garden area backs on to the head of the Griffin Avenue cul-de-sac but is well screened. The screening and an intervening garage building would retain reasonable levels of privacy to the rear of that property.
 13. For the above reasons, I find the proposal would not materially harm the living conditions of neighbouring residents. The proposal would align with Policy HS4 of the Wirral Unitary Development Plan [2000] as it requires development to be

of a scale which relates well to surrounding property and keep adequate distances between habitable rooms in separate dwellings.

Other Matters

14. I note other matters raised by third parties and I consider the main points here before moving to a conclusion.
15. Parking proposed within the site and at the existing dwelling would be at a level meeting the Council's requirements. This would ensure sufficient off-road parking to avoid conflict with the turning area at the head of the cul-de-sac.
16. The vehicular access would be in the same location as the existing driveway and gated access such that no increased conflict with the use of the pedestrian walkway between Grampian Way and Griffin Ave would arise. Notwithstanding the constrained width of the road, the amount of traffic generated by a single additional dwelling is highly unlikely to cause a significant adverse effect on highway capacity or safety. These are views shared by the Council's highway advisors.
17. Any effects from the construction period would be short-term and could be mitigated by careful construction management.

Conditions

18. The Council have not proposed any conditions. I have had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions and have therefore applied the 'standard' conditions. In addition to a condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
19. A condition specifying the details of the materials to be use in the construction of the external surfaces of the dwelling is necessary in the interests of protecting the visual amenity of the area. A condition requiring the sustainable drainage of the site is also necessary to minimise the risk of flooding on the site and elsewhere.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR

Schedule of Conditions to Planning Permission Ref. APP/21/01164

- 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: 1247-21-01-001 Rev P3, 1247-21-01-002 Rev P3, 1247-21-01-003 Rev P1 and 1247-21-01-004 Rev P1.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 1247-21-01-003 Rev P1.
- 4) Before any development above ground level takes place, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water to the culverted watercourse crossing the site, agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge; and
 - (v) Foul and surface water shall drain on separate systems within the site.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public sewer either directly or indirectly.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

END.