



Appeal Decision

Site visit made on 18 May 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/W4325/D/22/3297380

9 Radley Road, Wallasey Wirral, Merseyside CH44 2BU

- 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 Sam Wilkinson against the decision of Wirral Council.
 - The application Ref: APP/21/02221, dated 8 November 2021, was refused by notice dated 8 February 2022.
 - The development proposed is conservatory to the rear and part side of the property. The proposed conservatory has a width of 3.50 m, and projects from the rear of the property 4.50 m on one side and 3.40 m on the other side adjacent to the outrigger.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of No.11 Radley Road in respect of outlook.

Reasons

3. No.9 Radley Road is a two-storey semi-detached dwelling located in an area of similar residential properties. The adjoining dwelling of No.11 Radley Road has a glazed door in its rear elevation with a window at either side. The door leads onto a small timber decked patio. The windows and patio area are relatively close to a boundary fence and the brick boundary wall of No.9.
4. The Council's Supplementary Planning Guidance 11: House Extensions advises that rear extensions including conservatories should not dominate or significantly alter the existing levels of sunlight, privacy, and daylight to adjoining properties. In situations where properties are relatively close together, single storey extensions within 1 metre of a boundary should not project more than 3 metres from the original rear wall of the property.
5. The side elevation of the proposed conservatory would be located close to the boundary with No.11 and would project towards the rear garden of No.9 by around 4.5 metres. The proposal would therefore conflict with the Council's supplementary guidance. The conservatory would only project by an increase of 1.5 metres over the guideline and the appellant advises that there is a fall-back position whereby an extension projecting for 3 metres could be erected under permitted development rights. However, I consider that the side elevation of the conservatory as proposed in this appeal would harm the

outlook from the ground floor rear windows in No.11 and also when neighbours were using the rear patio area, because of its height, proximity to the boundary and degree of projection of the conservatory along the party boundary. There would also be some increased loss of sunlight to the neighbours' patio area from the conservatory at the early part of the day.

6. The appellant has referred to the lack of objection from neighbours and possibility of a larger extension with a projection into the rear garden of up to 6 metres. However, such a fall-back position is not guaranteed and has not been established.

Other Matters

7. The appellant has referred to other conservatories which have been constructed at No.1 and No.24 Radley Road. No details have been submitted of how these developments came about, and I consider that their existence would be insufficient reason to justify the proposal before me in this appeal.
8. I have considered the status of Wirral Unitary Development Plan (UDP) policy HS11 given that the development plan was adopted in February 2000. Paragraph 219 of the National Planning Policy Framework (the Framework) states that existing policies should not be considered to be out of date simply because they were adopted or made prior to the publication of the Framework. In reviewing the consistency of the policy with the Framework I find that it continues to serve a purpose, amongst other things, of protecting residential amenity. That is consistent with the aim of the Framework to ensure that developments create places with a high standard of amenity for existing and future users. Consequently, notwithstanding the age of the plan, I find that the policy is not out of date.

Conclusion

9. I conclude that the proposal would have a significant harmful effect on the living conditions of the occupiers of No.11 Radley Road in respect of outlook. It would conflict with UDP policy HS11(vi) regarding the maximum projection of rear single storey extensions.
10. I have taken all other matters raised into account. However, for the reasons given above, I conclude that the appeal should be dismissed.

Martin H Seddon

INSPECTOR