

Appeal Decision

Site visit made on 20 June 2022

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5TH July 2022

Appeal Ref: APP/W4325/D/22/3297670

74 Rolleston Drive, Wallasey CH45 6XF

- 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 Mike McQueen against the decision of Wirral Council.
 - The application Ref APP/21/02299, dated 3 December 2021, was refused by notice dated 2 February 2022.
 - The development proposed is a single-storey, flat roof rear extension to existing property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 76 Rolleston Drive with regard to outlook.

Reasons

3. The proposal is to extend the property to the rear by the addition of a single storey extension of just over 5 metres deep adjacent to the shared boundary. The works have already been undertaken. The neighbouring property has its main rear facing living room window in the nearest part of the adjoining rear wall. I am mindful that a 3 metres deep extension could be built in the same position. Whilst a 3 metres deep extension would reduce the outlook from this room, the additional depth undoubtedly significantly reduces the outlook further. I consider that the additional depth results in the extension being significantly more overbearing and unneighbourly. It results in unacceptable harm to the living conditions of the residents of 76 Rolleston Drive with regard to the outlook from their living room.
 4. The extension is contrary to Policy HS11(i) of the Wirral Unitary Development Plan 2000 as it represents unneighbourly development particularly with regard to the outlook from the neighbouring habitable living room. It also conflicts with part (vi) which seeks to restrict such extensions to 3 metres in depth. Although this is a policy of some age, as part (i) in particular, accords with the amenity aspirations of the National Planning Policy Framework, I afford that subsection full weight. Reference has been made to a Supplementary Planning Guidance Note on House Extensions. Whilst this supports the development plan
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policy, I am unaware of its status. In any event, it does not add to the weight that I afford to Policy HS11(i).

5. I accept that the rear garden of the neighbouring property was already enclosed by its own rear addition and its garage to the rear. This does not however suggest that different considerations should be given to the remaining outlook to the living room. I acknowledge that the rear garden is small and the larger area of garden to the south, which provides both a more open outlook and better access to direct sunlight, may offer more amenity with regard to usable outdoor space for the residents. However, this does not alter the concern with regard to the outlook from the living room.
6. Other permitted development opportunities have been identified that could potentially be built without the need for formal consent. Although these may be more imposing when in the rear garden, I am not satisfied that they would be more harmful with regard to the outlook from the neighbouring living room as this is mostly controlled by the depth of development close to the shared boundary. I appreciate that a deeper extension could have been developed subject to no objections being received from neighbouring residents, subject to a prior approval application. I have not assessed this proposal against those rules as that procedure cannot be applied retrospectively but in any event, as the neighbouring residents have objected to this proposal, it is not unreasonable to expect that they would also object to a prior approval application.
7. Examples of other large extensions have been provided which I am informed where approved by the Council prior to the introduction of the updated larger extension rules. Whilst consistency in decision making is important, I must consider the particular circumstances of this case and judge it on its own merits. Whilst the introduction of the larger extension rules postdate the development plan policy, I am not satisfied that this undermines its requirements when planning permission is required, particularly with regard to part (i) of that policy.
8. I acknowledge that the proposal would not result in harm to neighbouring residents with regard to light and privacy. It would also not detract from the appearance of the wider area. I appreciate also that the appellant would benefit from the greater space offered by the extension. However, whilst I have considered all the matters put forward, I conclude that the proposal would result in harm to the living conditions of the neighbouring residents with regard to outlook and would conflict with the amenity requirements of the development plan. I have not found there to be any matters sufficient to outweigh these concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR