

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/22/3296429

18 Ruskin Way, Noctorum CH43 9HQ

- 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 M Scullion against the decision of Wirral Council.
 - The application Ref APP/21/00795, dated 16 April 2021, was refused by notice dated 22 February 2022.
 - The development proposed is a dormer loft conversion.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of the residents of 24 Palmer Close with regard to privacy; and the effect on the character and appearance of the area.

Reasons

3. The proposal would result in a large dormer window in the rear roof slope. This would provide for a bedroom with rear facing windows; and rear facing glazed doors behind a Juliet balcony. These openings would look directly down from a significant height into the main kitchen window of the property behind, 24 Palmer Close. The kitchen includes a dining table within it. The existing first floor bedrooms currently look towards the kitchen window, but the greater height and larger glazing areas of this proposal would result in an increase in overlooking and a greater perception of being overlooked. The proposal would result in unacceptable harm to the living conditions of the residents of 24 Palmer Close with regard to privacy within their kitchen.
 4. I am mindful that an application to increase the height of this dwelling, to create a full second floor, was dismissed at appeal in March 2021. That proposal included two rear facing windows to a large second floor bedroom. The inspector, whilst considering those windows and the neighbouring kitchen, found that the proposal would lead to 'an unacceptable loss of privacy, given that there are only about 12 metres between the facing elevations'. There is nothing in the evidence before me to suggest that a different conclusion should be reached now, particularly as the new glazing areas would be larger.
-

5. The appellant has made reference to a rear dormer at Palmer Close. It is comparable in appearance to the rear dormer now proposed. However, the council have not raised concerns with regard to the currently proposed rear dormer's size or design. I do not have the details of the planning history associated with that roof extension and I am not fully aware of the relationship of that property with the neighbouring properties. I cannot assume that the council has been inconsistent when making decisions. In any event, I must consider this proposal on its own merits.
6. The extension would be contrary to Policy HS11(i) of the Wirral Unitary Development Plan 2000 as it represents unneighbourly development particularly with regard to the significant overlooking of the neighbouring property. Although this is a policy of some age, as part (i) accords with the amenity aspirations of the National Planning Policy Framework, I afford it full weight. Reference has been made to a Supplementary Planning Guidance Note on House Extensions. I am unaware of its status and it has not therefore influenced my decision.
7. The proposal would also include a dormer to the front of the property which the council is concerned would detract from the character and appearance of the area. Whilst it would sit centrally within the proposed extended area of roof, it would be set high up in the roof slope. Whilst there are some dormer windows to the front of other properties in the area, such as that referred to in Ruskin Way, these are generally in the lower parts of roofs and have a much more limited prominence whilst respecting the designs and proportions of the host property. I agree with the council that this dormer would be particularly prominent due to its height, it would be at odds with the existing pattern of fenestration and it would compete visually with the feature front facing gable. This element would be at odds with the design requirements of Policy HS11(i & iv) as it would dominate the frontage when the policy seeks to direct such additions to the rear. These elements of the policy generally accord with the design aspirations of the National Planning Policy Framework and can be afforded full weight.
8. I conclude that the proposal would result in unacceptable harm to the residents of 24 Palmer Close with regard to privacy; and would detract from the character and appearance of the area. Whilst I have had regard to the matters put forward by the appellant and I acknowledge that the works would bring benefits with regard to living accommodation and provide investment within the area, I am not satisfied that the matters in favour of the proposal when taken together would be sufficient to outweigh the concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR