



Appeal Decision

Site visit made on 20 July 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2022

Appeal Ref: APP/W4325/W/22/3294800

Kirsty's Surprise, 46 Birkenhead Road, Hoylake, Wirral, CH47 3BW

- 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 R Ollenderhead against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/00692, dated 9 March 2021, was refused by notice dated 28 October 2021.
 - The development proposed is the erection of a three storey extension to provide three Class C3 apartments.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area, and
 - ii) the living conditions of the occupiers of neighbouring properties, particularly those at 44a Birkenhead Road, with particular regard to outlook.

Reasons

Character and appearance

3. The appeal property forms the end of a terrace fronting onto Birkenhead Road, which turns the corner into Sandringham Avenue. The space above and to the rear of the shop unit at 46 Birkenhead Road has previously been converted into 3 flats, and the proposed development would provide a further 3 units.
4. The side elevation of the appeal property, fronting onto Sandringham Avenue, comprises of a large gable with two storey rear outrigger, set back from the pavement behind a low wall and area of hardstanding. Beyond the two storey element is a flat roofed, single storey addition, open yard area and enclosed garden.
5. The proposed development would replace the existing single storey extension with a new three storey addition. This would extend much further along the Sandringham Avenue frontage than the existing built form, with a projection of some 13m beyond the existing outrigger. It would occupy a significant part of the existing yard, and part of the enclosed garden area.

6. The proposed addition would be lower than the main part of the building fronting onto Birkenhead Road, but the ridge height would exceed that of the two storey outrigger to which it would be attached. The height and length of the proposed building, together with the lack of any set back from the main side elevation, would mean the extension would not be subservient to the existing building. Rather, when viewed from Sandringham Avenue, it would appear overly dominant and disproportionately large in relation to both the plot and the existing building.
7. The rear of the Birkenhead Road terrace is characterised by repeating two storey outriggers, but proposed extension would be considerably longer and higher than those elements. As a result, it would appear out of character with the existing pattern of development.
8. Corner plots can often accommodate larger and more prominent buildings than those in the immediately surrounding area, but in this case, the existing Sandringham Avenue elevation, with its large gable and bay windows, already provides such a feature in the streetscene, with a slightly larger outrigger than those of the adjacent properties along the terrace. The proposed development would appear overly large within the streetscene, and its scale is not justified by the corner location.
9. The appellant has directed me to another example at the corner of Birkenhead Road and Newton Road. Like the appeal property, that building has a large and prominent side gable with two storey outrigger. This has been extended along the Newton Road frontage, but that addition is lower in height than the main outrigger, with a much shorter projection than that proposed in the appeal scheme. Unlike the current proposal, the extension at Newton Road is clearly subservient to the original building. As such, this example does not provide a reason to allow the appeal.
10. I note that efforts have been made to improve the appearance of the Sandringham Avenue elevation, but despite this, the design would relate poorly to the style of the host property and the surrounding buildings. In particular, the proposed size and pattern of fenestration would fail to reflect that of the original building, and owing to their irregular position, the end dormers would appear cramped. The vertical windows contained within the slightly lower, end element, would be different again, resulting in an incoherent appearance to the building.
11. The appellant has confirmed that the eaves height would be similar to that of the existing outrigger, but it is unclear from the submitted plans whether the angle of the roof would match that of the existing outrigger, or, if due to the difference in ridge height, it would be steeper. Any such difference in roof pitch would further exacerbate the mismatch in appearance between the proposed extension and the host property.
12. The rear elevation of the proposed development, facing towards Manor Road, would comprise of a large, blank brick wall. This would be visible from Manor Road, and would appear to fill the existing gap in built form at the rear of the terraces. Because of the distance between the proposed building and Manor Road, any harm to the streetscene would be modest. However, the large, blank elevation would be visible from the rear windows and gardens of properties along the terrace. Owing to its size and height, the proposal would appear imposing and prominent, particularly from the closest vantage points.

As such, it would harm nearby residents' appreciation of the character of the area.

13. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. It would conflict with UDP Policy HS4, which requires that new housing development is of a scale which relates well to surrounding property, and does not result in a detrimental change in the character of the area.
14. UDP Policy HS13 is primarily concerned with conversions of buildings to self-contained flats, but also requires that any extensions comply with Policy HS11 on house extensions. The proposal fails to comply with the requirements of Policy HS11, in particular the need for extensions to be of an appropriate scale which does not dominate the existing building, and for design features to match or complement those of the existing building.
15. The proposal would also fail to comply with the detailed guidance on designing for self-contained flats contained in Supplementary Planning Document 2 (SPD). Amongst other considerations, the SPD requires that the size and scale of any extension should be subsidiary and not dominate the existing building.
16. There would be further conflict with the requirements for achieving well-designed places contained in paragraph 130 of the National Planning Policy Framework (the Framework).

Living conditions

17. The neighbouring property closest to the proposed development is the flat at 44A Birkenhead Road (No. 44a). The occupier has confirmed that the flat comprises of accommodation across the first and second floor of the building. At the rear of the flat are windows serving a bathroom and utility room. As they do not serve main habitable rooms, these windows are not particularly sensitive in terms of their outlook, but there is also a single window serving a kitchen.
18. From the information provided, it is unclear whether the kitchen is used solely for cooking, or whether it is used for other functions such as dining. Either way, the kitchen is often a room in which a considerable amount of time is spent. The outlook from this space will already be significantly affected by the two brick walls formed by the rear outriggers on either side, but the proposed extension would further exacerbate this. The proposed addition would extend the existing 'tunnel' and would further reduce natural light into the kitchen.
19. The rear dormer window on the main part of the building appears to serve a bedroom at No. 44a. Its position higher on the building means that the bedroom would be less affected by the proposed development than the kitchen. The proposed extension would alter the outlook from the bedroom, but not to the extent that it would appear overbearing.
20. The outside area, to the rear of the single storey garage at No. 44a, appears to form part of that residential property, rather than in any commercial use. The proposed development would introduce a blank brick wall at full height for the length of the existing rear garage at No. 44a, before stepping down slightly. As a result of its overall scale and mass, the proposal would appear overbearing from the rear amenity space associated with No. 44a.

21. Although slightly further away, the proposal would also introduce an overly dominant form of development which would affect the rear amenity space of 42 Birkenhead Road.
22. Taking these considerations together, I find that the proposal would cause harm to the living conditions of neighbouring occupiers. In particular, it would cause unacceptable harm to the outlook from the kitchen and outdoor amenity space of No. 44a. The proposal would therefore conflict with UDP Policy HS11, which requires that extensions are appropriate in scale and not so extensive as to be unneighbourly.
23. The proposal would also conflict with the requirement for a high standard of amenity contained in paragraph 130 of the Framework.

Other Matters

24. In its appeal statement, the Council has commented on the loss of outdoor amenity space, and the potential implications for occupiers of the existing flats at 46 Birkenhead Road. The size of the proposed apartments would be below the Nationally Described Space Standards, raising concerns about whether satisfactory living conditions for future occupiers would be provided. These are legitimate concerns, but as I have found harm in relation to the main issues, it is not necessary for me to consider these matters, or other issues raised by local residents including parking, any further.

Conclusion

25. The proposed development would conflict with the development plan and the Framework. Material considerations, including that the provision of three flats would support the government's objective of boosting the supply of homes, would not outweigh these findings.
26. For the reasons given above, the appeal is therefore dismissed.

R Morgan

INSPECTOR