



Appeal Decision

Site visit made on 2 August 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal Ref: APP/W4325/W/22/3296036

33 Saxon Road, Hoylake CH47 3AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Brian O'Mara against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/21/02037, dated 20 October 2021, was approved on 7 January 2022 and planning permission was granted subject to conditions.
 - The development permitted is the construction of first floor side extension. Garage conversion. (resubmission of APP/21/00949).
 - The condition in dispute is No. 1 which states that: *The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on (20 October 2021) and listed as follows: (drawing no: PL11, dated October 2021).*
 - The reason given for the condition is: *For the avoidance of doubt and to define the permission.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. A previous planning application Ref APP/21/00949 was submitted by the appellant to the local planning authority for the '*Construction of first floor side extension. Garage Conversion, loft conversion with a side and rear dormer*'. This application was refused by the Council on 7 October 2021.
3. Planning application Ref APP/21/02037 was subsequently submitted for the '*Construction of first floor side extension. Garage conversion. (resubmission of APP/21/00949)*'. This application included the front elevation of the first-floor side extension being built above the converted garage to be set back 1 metre, with the previously proposed side and rear dormers being omitted. The Council considered that this overcame the previous reasons for refusal and the application was approved on 7 January 2022.
4. The appellant wishes to vary condition 1 of that permission to enable the substitution of approved drawing no PL11 with drawing no PL11A which would see the removal of the 1 metre set back and the first-floor side extension being constructed flush with the existing front elevation of the property. The Council's objection is on the grounds that the removal of the 1 metre set back would result in the extension appearing dominant and causing a terraced appearance with the neighbouring property.

5. I observed during my site visit that development had commenced and was substantially complete. However, it was clear from both my own observations and from the various representations received that what has been built on site does not appear to be in accordance with either approved plan no. PL11 or proposed plan no. PL11A. Notwithstanding the above, I am required to assess the proposal upon its own merits and as set out in the submitted plans.
6. The main issue is therefore whether the variation of condition 1 would be acceptable, having regard to the character and appearance of the area.

Reasons

7. The appeal property is a detached two-storey dwelling with tall bay windows and a front entrance porch. The property is located within a residential area comprising a mixture of detached and semi-detached dwellings of various styles and designs. Many of these dwellings appear to have been extended or altered, however gaps between the side elevations of adjacent properties have largely been retained, particularly at first floor level, providing visual breaks and affording views in-between properties.
8. Planning permission Ref APP/18/01616 was granted for a two-storey side extension at the neighbouring property to the south-east, 32 Saxon Road. This two-storey extension has been constructed and extends virtually up to the boundary between No's 32 and 33, with only a very small gap of less than 10cm between the side elevations of the two properties. Although their front elevations are not exactly on the same building line, the properties are nevertheless in a line, and given the negligible gap between them, there is a real prospect that the proposed extension could result in them having a 'terraced' appearance.
9. The Council's Supplementary Planning Guidance House Extensions (SPG) advises in respect of two storey side extensions that, in order to maintain a visual break and to ensure that the extension respects the character and scale of the original house, the extension should be set back from the front of the dwelling by 1 metre and should have a lower ridge height.
10. The proposed replacement plan seeks to alter the existing planning permission by enabling the first-floor side extension above the converted garage to be constructed flush with the existing front elevation of the dwelling, thus removing the 1 metre set back previously approved. Whilst the proposed extension would have a lower ridge height, I find that the building of the first-floor side extension flush with the front elevation would result in the extension appearing dominant in scale and not subservient to the host dwelling. This would be to the detriment of the character and appearance of the area.
11. Additionally, the lack of a 1 metre set back at first floor level would significantly exacerbate any creation of a 'terraced' appearance between the properties. The proposed extension would largely infill the gap at first floor level between the original side wall of the house and the boundary. Consequently, due to the negligible gap between their respective side elevations, the mass of the proposed extension, and the lack of any visual break, when viewed in the street scene the properties would appear as one mass of built form. This results in the properties having a 'terraced' appearance which would be out of keeping with the character and appearance of the area.

12. I therefore conclude that the proposal would harm the character and appearance of the surrounding area. Accordingly, it would conflict with Saved Policy HS11 of the Wirral Unitary Development Plan (2000) and guidance contained within the SPG which seek, amongst other matters, to ensure that residential extensions do not appear out of scale with the original dwelling or create a terraced appearance.

Other Matters

13. My attention has been drawn to another detached property on Saxon Road which is double fronted with two sets of bay windows. I observed during my site visit that the property concerned did not appear to have been extended to its side, with clear gaps remaining between its side elevations and the boundary with neighbouring properties. Therefore, whilst I acknowledge that the proposed scheme would result in the appeal property having two sets of bay windows, I do not consider that the presence of this nearby property provides any justification for the appeal proposal.
14. Reference has been made by both the appellant and interested parties to the dormer window which has been installed on the north-western roof slope of the appeal property facing towards 37 Saxon Road. This dormer window however does not feature on either the approved plan (PL11) or the proposed plan (PL11A), and therefore express planning permission has not been sought for its retention as part of the scheme before me. Consequently, the dormer window, including whether it would benefit from permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), does not fall for me to consider as part of this appeal.
15. The appellant states that planning permission has been granted for side extensions which do not have a set back at first floor level at properties on Meols Parade. I have not been provided with the specific details of these cases however, I note that Meols Parade is not in the immediate vicinity of the appeal site. In any event, each case has to be assessed on its own merits and their presence would not justify the harm which I have identified that the appeal proposal would cause.
16. The appellant has alleged that the two-storey side extension erected at No 32 may not be in accordance with the approved plans, including its front elevation at first floor level not being set back the full 1 metre. Such matters are outside of the remit of this appeal and do not fall for me to consider.
17. The appellant has also referred to the Party Wall Act and issues pertaining to alleged boundary encroachment and the ability to maintain the property. These matters however fall outside of the remit of this decision and have had no impact upon my consideration of the appeal.

Conclusion

18. The proposal would conflict with the development plan, when taken as a whole, and there are no material considerations which would outweigh this finding. The appeal is therefore dismissed.

David Jones INSPECTOR