



Appeal Decision

Site visit made on 30 August 2022 by N Unwin BSc (Hons) MSc

Decision by J Hunter BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2022

Appeal Ref: APP/W4325/D/22/3301649

19 Bassenthwaite Avenue, Prenton CH43 9RA

- 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 Ms Smith against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/00150, dated 25 January 2022, was refused by notice dated 11 April 2022.
 - The development proposed is described within the application form as a proposed two storey side extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension and single storey rear extension; creation of a new driveway and access onto Bassenthwaite Avenue at 19 Bassenthwaite Avenue, Prenton CH43 9RA in accordance with the terms of the application, ref: APP/22/00150, dated 25 January 2022, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: 279-BA-2021-03 E.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description in the banner heading above is taken from the planning application form. For the purposes of this decision, in the interest of preciseness, I have used the description given within the Council's decision notice and the appeal form.
4. At the time of my site visit, work on the proposed side and rear extensions had already commenced.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of the occupiers of no. 21 Bassenthwaite Avenue, with particular regard to levels of sunlight.

Reasons for the Recommendation

6. The appeal site comprises a two-storey semi-detached dwelling adjacent to but set back from Bassenthwaite Avenue. There is an overall conformity to the position of the front elevations of the pairs of semi-detached dwellings within the area. However, the three pairs comprising no's 13 to 23 Bassenthwaite Avenue are increasingly stepped back resulting in a large variation in the relationship of their front elevations.
7. No. 21 shares a close spatial relationship with the appeal property, separated by their adjoining single storey garages. The front elevation of no. 21 is set back from that of the host dwelling by a sizable distance, in addition to being at a higher elevation than the appeal site. There are three windows within the end gable of no. 21, with the window positioned closest to the front elevation the sole window to a bedroom.
8. The proposal would see the replacement of the existing single storey garage with a two-storey side extension. The proposal would also involve a single storey rear extension, driveway, and access which the Council has raised no objections to. From the evidence before me, I see no reason to take an alternative view.
9. The Council has drawn my attention to the House Extensions Supplementary Planning Guidance (2004) (SPG), specifically the requirement of a separation distance of 14 metres between the sole window to a habitable room and a blank wall.
10. The proposal lies to the south-east of no. 21 and would result in the built form at first floor level extending closer to the boundary. Nevertheless, this increase is relatively modest limiting the proposal's impact on the levels of sunlight received from the first-floor bedroom window within the end gable of no. 21. Moreover, the proposed side extension would not extend beyond the existing ridge height or rear elevation of the host dwelling, further limiting its impact on levels of sunlight.
11. The unique relationship of the appeal property with no. 21 described above would result in the first-floor end gable bedroom window of no. 21 largely overlooking the roof slope of the proposal, rather than being faced by the blank gable end. This has been further demonstrated by the appellant through the inclusion of the window's position in relation to the proposal within the submitted plans and appeal statement. As such, the proposal would not result in a materially significant impact on the existing level of sunlight received from the aforementioned bedroom window.
12. I acknowledge that the proposal would result in the separation distance between the appeal property and bedroom window within the end gable of no. 21 being reduced. Nevertheless, the existing separation distance is substantially below that specified within the SPG. As there would be no unacceptable loss to levels of sunlight, I consider it acceptable to depart from this section of the SPG in this instance.
13. Therefore, for the reasons given above, the proposed rear extension would not cause harm to the living conditions of the occupiers of no. 21, with particular regard to levels of sunlight. Consequently, the proposal would accord with

Policy HS11 of the Wirral Unitary Development Plan (2000), which seeks to protect the living conditions of the occupiers of neighbouring properties.

Conditions

14. I recommend that a condition be imposed requiring that the development is carried out in accordance with the approved plans in the interests of certainty and precision.
15. As work has already started on the proposed side and rear extension there is no need for the standard time limit condition to be attached.
16. The materials to be used in the construction of the external surfaces of the development are specified within the submitted plans. As such, there is no need for a separate materials condition.
17. The Council has suggested an informative regarding highway matters, however appeal decisions do not include informatives. Nonetheless, the appellant will be aware of the matter from the Council's submissions in any case.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR