



Appeal Decision

Site visit made on 6 March 2023

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2023

Appeal Ref: APP/W4325/D/22/3312675

35 Hillside Road, Gayton, Wirral CH60 0BJ

- 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 and Mrs Hensley against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/00418, dated 8 March 2022, was refused by notice dated 13 October 2022.
 - The development proposed is 'erection of a single storey extension facing Hillside Road and conversion of a store outbuilding to form part of dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development is taken from the appeal statement as it most accurately reflects the proposal within the submitted plans on which the Council made its decision. I proceed to determine the appeal on that basis.

Main Issues

3. The main issues of the appeal are:
 - the effect on the character and appearance of the host property and the area, and;
 - the effect on the living conditions of occupiers of neighbouring properties, with particular regard to No.33 Hillside Road in terms of outlook and light.

Reasons

Character and appearance

4. No.35 Hillside Road (No.35) is a two-storey semi-detached dwelling located on the eastern side of the street with a pitched roof and white rendered elevations. It is within an established residential area characterised by a mix of predominantly semi-detached and detached properties with variations in building lines, architectural styles, form, materials and slab levels.
5. The difference in character is particularly noticeable between the respective sides of Hillside Road, with dwellings opposite being typically within larger plots and at much higher land levels. In contrast, No.35 and the adjoining No.33 sit at a lower land level than Hillside Road. The properties have an existing shared outbuilding set forward in an upward sloping yard, with the upper part of the gable end and chimney forming the highway boundary with adjoining stone

walls of lesser height. No.35 has an unusual internal back-to-front layout relative to Hillside Road, but its exterior and that of No.33 retain the appearance of main elevations with doors onto the respective yards. The semi-detached properties have been extended and altered over time which has eroded the harmony between the pair. The alterations include a single storey front addition at No.33 and alterations to the proportions of its section of the shared outbuilding, a contrasting brick façade to the render at No.35 and significant changes to the ground floor window of the appeal property.

6. When the varied appearance of the semi-detached properties is taken with the different architectural styles, building lines, heights, materials, detailing and proportions of surrounding properties, there is a potential opportunity for suitable extensions and alterations if they would not appear overly prominent or dominant in the street scene. However, when considering such matters, the siting of the outbuilding associated with the semi-detached pair and the sense of separation from the main dwellings offered by the transition of existing lower boundary treatments are notable. Such arrangements are a distinctive and characteristic feature which also positively contribute to the rhythm of a group of similar semi-detached properties further along Hillside Road.
7. Saved Policy HS11 of the Wirral Unitary Development Plan (UDP), adopted February 2000, indicates that proposals for house extensions will be permitted subject to all of its listed criteria being complied with. The criteria, amongst other things, include the scale of the extension being appropriate to the size of the plot; not dominating the existing building; and flat roofs being restricted to the rear or side of the dwelling and only acceptable on single storey extensions. The Wirral Supplementary Planning Guidance House Extensions (SPG), July 2004, states that 'front extensions will clearly impact on the street scene and will rarely be acceptable on semi-detached properties, or detached properties in a row which are of a similar design and appearance, properties that are prominent within the street scene or where there is a definite building line'.
8. The surrounding properties are of a differing design and appearance with examples of various front extensions along Hillside Road, including a two-storey shared outrigger at Nos.29 and 31. There is also no definite building line noting the set back position of No.37 at the side and other variations along the street. However, despite the presence of those features and the reduced slab levels of semi-detached properties relative to the road, the rendered elevations of No.35 and the form and profile of the shared outbuilding are prominent features in the street scene. The sense of separation between the built form is also clearly noticeable when walking along Hillside Road offering views through to the facades of Nos.33 and 35 from the nearby northern and southern approaches respectively, despite the presence of some intervening tree and landscape screening from more distant vantage points in the street scene.
9. The single storey extension would infill the existing space between the outbuilding and No.35 incorporating a flat roof design with roof lantern. Whilst the flat roofed extension would sit lower than the ridge line of the outbuilding with a lightweight appearance, its proportions would project further into the yard with a resultant scale and form resulting in an overly dominant and incongruous transition between No.35 and the outbuilding. Consequently, the extension would appear visually intrusive and disruptive to the characteristic visual separation between those features, which would not be overcome by use of materials to match either the dwelling or the outbuilding. It follows that,

irrespective of whether the facing façade of No.35 is considered to be a front elevation or rear elevation for the purposes of Saved Policy HS11 of the UDP or associated guidance in the SPG, the proposal would result in significant harm.

10. It follows that I conclude that the proposed development would have an unacceptably harmful effect on the character and appearance of the host property and the area. The proposal, thereby, conflicts with Saved Policy HS11 of the UDP. The policy is consistent with the National Planning Policy Framework (the Framework) which requires developments to add to the overall quality of the area, be visually attractive and sympathetic to local character.

Living conditions - neighbouring properties

11. Saved Policy HS11 of the UDP also requires that the scale of the extension is not so extensive as to be unneighbourly, with particular regard to be had to the effect on light and outlook from neighbours' habitable rooms and preventing significant overlooking.
12. Based upon the evidence before me, the proposed single storey extension would increase the height of the existing shared boundary wall between Nos.33 and 35 from approximately 1.6m to around 3.1m in height. The habitable window is already flanked by an adjacent single storey extension to No.33. Nonetheless, the resultant increase in scale, bulk, massing and cumulative depth of built form in close proximity to a habitable ground floor window serving a living room in the main elevation of No.33, when compared with the modest height of the existing wall, would introduce an increased sense of enclosure resulting in a harmful overbearing and overshadowing effect.
13. I have taken into account that the elevations of the properties facing Hillside Road are orientated in a north-western direction which, together with the difference in land levels relative to the highway and the presence of boundary walls and the shared outbuilding, already somewhat limits the direct sunlight to the affected window for most periods of the day. However, such circumstances are not justification for a significant worsening of the provision of sunlight and daylight to the habitable room that would arise from the proposal and would have an unacceptable impact upon the living conditions of occupiers of No.33.
14. The absence of proposed windows in the side elevation of the extension would prevent overlooking and a loss of privacy to No.33. Nevertheless, the absence of concern with respect to matters of privacy is a neutral factor which does not justify the harm otherwise identified.
15. I conclude that the proposed development would significantly harm the living conditions of occupiers of No.33 Hillside Road. The proposal would also, therefore, conflict with Policy HS11 of the UDP in that respect. The policy is consistent with the Framework insofar as it seeks a high standard of amenity for all existing and future users of places.

Conclusion

16. For the reasons given above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR