



Appeal Decision

Site visit made on 21 February 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th March 2023

Appeal Ref: APP/W4325/D/22/3312388

10 Rowton Close, Oxton, Wirral CH43 2GN

- 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 & Mrs Chadwick against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/00614, dated 5 April 2022, was refused by notice dated 14 September 2022.
 - The development proposed is extensions to the side and rear of an existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for extensions to the side and rear of an existing dwelling at 10 Rowton Close, Oxton, Wirral CH43 2GN, in accordance with the terms of the application, ref APP/22/00614, dated 5 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building,
 - 3) The development hereby permitted shall be carried out in accordance with the approved plans: A/01, A/02, A/05/C, A/03, A/04, A/06/C and A/07/D.

Application for costs

2. An application for an award of costs was made by Mr & Mrs Chadwick against Wirral Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal proposal is for extensions to the side and rear. From the evidence before me there is no dispute between the parties as to the acceptability of the rear extension. I shall therefore confine my detailed considerations to the proposed side extension.
4. Both main parties have referred to the Wirral Borough Council Local Plan 2021-2037 which, since the Council made its decision, has been submitted to the Secretary of State. Although submitted it is still at an early stage of preparation and has not been examined. I cannot therefore be certain when the plan is likely to be adopted, if any policies are to be modified, or if there are any

unresolved objections. I am therefore not able to give any weight to the emerging policy in the consideration of this appeal.

Main Issue

5. The main issue is the effect of the proposed first floor side extension on the character and appearance of the existing property and the surrounding area.

Reasons

6. Rowton Close is a residential street characterised by a mix of detached properties set back from the road, behind landscaped frontages. This creates a pleasant, open, and green character to the street scene which makes a positive contribution to the character and appearance of the area. Leading off Rowton Close are Duddon Close, Manley Close and Utkinton Close. These three roads all have a similar character to Rowton Close but are self-contained cul-de-sacs. The houses on the four roads, which make up this part of the estate, are mainly detached dwellings with some bungalows, on the corners of the cul-de-sacs. The houses all have similarities in features and materials. However, different features, layouts and sizes are used to provide a mix of house types. This overall mix makes a positive contribution towards the character of this part of the estate, as a whole.
7. The Wirral Metropolitan Borough Council Supplementary Planning Guidance, House Extensions, 2004 (SPG) is referenced in Policy HS11 of the Metropolitan Borough of Wirral, Wirral Unitary Development Plan Written Statement, 2000 (UDP) as providing further guidance to support Policy HS11 and is therefore a material consideration in the appeal to which I have given moderate weight. The SPG states that side extensions, to detached dwellings, should be set back from the front of the dwelling by 1m and should have a lower ridge height. This is sought to prevent terracing and also to ensure that extensions respect the character and scale of the original house. This supports Policy HS11 of the UDP which requires extensions to be appropriate and not dominate the existing building; with design features that match or complement the existing dwelling.
8. The side extension has been designed deliberately to be indistinguishable from the existing dwelling. The proposal extends the existing first floor section at the same set back and without a lower ridge height. The proposed side extension would, therefore, not comply with the criteria in the SPG.
9. Neither the adopted policy nor the SPG require extensions to be subordinate to the original. The policy requires extensions to not dominate the existing building. Even without a further set back and set down, whilst the proposal would widen the existing dwelling it would not dominate the existing dwelling. The extension is set back the same as the existing first floor section and continues this section to the width of the existing garage. The design detailing, in terms of the roof shape and fenestration, complements the existing design features on the dwelling, as required by the development plan.
10. There are no new features proposed to the front of the extension which would draw attention to the extension, and it would be read as part of the dwelling. The proposed side extension would, therefore, not be visually intrusive when viewed with the appeal property on its own, or within the wider street scene, nor would it contest for visual prominence with the original dwelling. Although the dwelling is opposite and viewable from Manley Close the property is not

highly visible in the street scene. Moreover, the extension will not make the property any more visible or prominent. Rowton Road is the secondary road with cul-de-sacs leading off it. However, it is not more prominent or more important than any other road on the estate. For the reasons given the scale and design therefore takes into account the character and scale of the existing dwelling and the plot and would not significantly harm the character or appearance of the existing dwelling, street scene, or the wider area.

11. I have considered both main parties' evidence regarding the other extensions on Rowton Close and the three cul-de-sacs, all of which I saw during my site visit. The other extensions quoted in the evidence have differences to the appeal property in terms of their effect on the appearance of the original dwellings; some are set back or set down; and some have additional features to the fronts. Moreover, a number were approved prior to the adoption of the SPG. The houses in the immediate area have variety in scale and design and I have not been made aware of any extensions that are the same context or house type as the appeal proposed.
12. Even if I were to accept that the extensions to the dwellings on the three cul-de-sacs are in a different setting and that some of these other extensions are prominent and dominate the dwelling which has been extended, they each alter the appearance of the dwelling rather than resulting in a change to the character of the area. The evidence before me is that these other extensions referred to are not the same as the appeal proposal. Furthermore, the appeal proposal does not result in the same level of harm as some of the other extended properties. As such these other extensions are not determinative in my decision.
13. Although the proposed extension to the appeal property would not comply with some of the requirements of the SPG it would accord with the general aims of Policy HS11 and the SPG in maintaining the character and appearance of the area and not dominating the existing dwelling. As such the proposed first floor side extension would not have a harmful effect on the character and appearance of the existing property or the surrounding area. Therefore, taken as a whole, I do not consider that the proposal would conflict with the development plan or the aims of the National Planning Policy Framework.

Conditions

14. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance. Conditions specifying the time limit and approved plans are necessary as these provide certainty. In order to protect the character and appearance of the area and the existing dwelling, a condition requiring the external materials used in the construction of the extension to match those of the existing building is also necessary.

Conclusion

15. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be allowed, and planning permission should be granted subject to the conditions set out in paragraph 1 above.

K Townsend

INSPECTOR