



Appeal Decision

Site visit made on 7 November 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2023

Appeal Ref: APP/W4325/W/23/3319169

175 Heygarth Road, Eastham, Wirral CH62 8AL

- 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 Stuart Graves against the decision of Wirral Metropolitan Borough Council.
 - The application Ref APP/22/01327, dated 27 July 2022, was refused by notice dated 30 January 2023.
 - The development proposed is detached house on side garden.
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Decision

1. The appeal is allowed and planning permission is granted for detached house on side garden at 175 Heygarth Road, Eastham, Wirral CH62 8AL in accordance with the terms of the application, Ref APP/22/01327, dated 27 July 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 development hereby permitted shall be carried out in accordance with the following approved plans: 940.100P01 and 940.200PLSP
 - 3) Prior to any construction works being carried out above ground level, samples of the facing materials to be used in the external construction of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
 - 4) Prior to any construction works being carried out above ground level, a landscaping plan detailing new and replacement planting for the site shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details with the landscaping plan being completed prior to the occupation of the dwelling hereby permitted.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site is a long narrow strip comprising the side garden of No 175 Heygarth Road. Adjacent to the site is a sizeable green space but the broader area is primarily residential. The development along Heygarth Road is largely characterised by a variety of styles set within rows of what would have once

been uniform groups. It was clear during my site visit that a significant number of properties had been extended or otherwise altered creating a sense of individuality even within these rows.

4. The siting of the proposed dwelling to the side of No 175 would reflect the linear pattern of development along Heygarth Road. Although the proposed dwelling would be detached, and therefore not read as part of a pair, I do not find that this would be harmful to the street. This is especially so given its location at the end of the row, adjacent to the green space and where a number of different architectural styles meet.
5. Whilst I note concerns regarding the loss of the hedgerow and vegetation along the boundary with the green space, this has already been removed. I do not, therefore, find that the proposal would result in any harm in this regard. Moreover, the relationship between the proposed dwelling and the green space would be read in the context of existing properties along Grampian Way and Athol Drive, which are similarly close to the space. I therefore, do not find the location of the proposed dwelling would harm the appreciation of the green space.
6. As noted above, houses in the surrounding area, including the properties closest to the appeal site, have been extended or otherwise altered. As part of this I noted both hipped and gable rooves and box dormers to both the front and rear elevations of properties. Given the level of variety and individuality amongst properties within the street scene, the addition of the proposed dwelling would not be incongruous or jarring. In particular, although the proposed two-tier layout would be novel in this area, box dormers are readily visible. The proposed dormers would sit comfortably in the long roof slope and would not be detrimental to the character and appearance of the surrounding area.
7. Although I note concerns regarding the proportions of the proposed windows, I do not find the windows to be so prominent, or so different in design to those in the surrounding area as to unacceptably affect the character and appearance of the street scene.
8. The proposed dwelling would not, by way of its siting or design, unacceptably affect the character and appearance of the surrounding area. It would therefore comply with saved Policy HS4 of the Wirral Unitary Development Plan which, amongst other things, supports new dwellings in primarily residential areas where they are of the right scale with appropriate landscaping and boundary treatments, and does not change the area's character.

Other Matters

9. I noted during my site visit that off-road parking spaces were common along Heygarth Road and that there was sufficient space between sections of dropped kerb to safely accommodate parked vehicles. At the time of my visit there were very few vehicles parked on the road and although my visit can only provide a snapshot, given the context above, I find the level of on-street parking is likely to be typical. Therefore, although the proposal may not be able to accommodate parking for the potential number of vehicles associated with the new dwelling, Heygarth Road could easily accommodate any overflow.

10. Some overlooking in built-up areas is to be expected given the closeness of properties. Mindful of this, and although some views at acute angles may be possible from rear windows, I find that this loss of privacy would be typical of such an area. Moreover, whilst there are a number of side facing windows on the upper floors, these directly face the side wall of the dwelling at No 175. These windows would not allow any overlooking of the neighbouring garden or through opposing windows. I therefore find that no unacceptable loss of privacy would occur as a result of the proposed dwelling.
11. I note an interested party has referred to potential restrictions or covenants on the land. Whilst this may be the case, such a matter is outside of the remit of this appeal and would need to be dealt with by the appellant separately.

Conditions

12. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability, I have made some changes to the wording.
13. For certainty, I have set out the timescale for the commencement of development. A condition is also necessary, for certainty and enforceability, requiring that the development is carried out in accordance with the approved plans.
14. The Council have suggested conditions requiring the submission of additional details of the proposed external materials and landscaping. I find that both conditions would be necessary to ensure that the proposal would be in keeping with the appearance of the surrounding area with regards to the palette of materials and the strong presence of greenery and vegetation. I do not, however, find that it would be necessary for these details to be sought under pre-commencement conditions.
15. The Council have suggested a condition removing permitted development rights for extensions to the proposed dwelling. Paragraph 54 of the Framework states that national permitted development rights should not be restricted unless there is a clear justification to do so. I do not find, in this instance, that the Council have clearly justified imposing such a restriction and as such I have not attached this condition.

Conclusion

16. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR