



Appeal Decision

Site visit made on 22 February 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2024

Appeal Ref: APP/W4325/W/23/3329271

54 Upland Road, Upton, Wirral CH49 6LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alex Griffiths against the decision of Wirral Council.
 - The application Ref is APP/23/00198.
 - The development proposed is the demolition of existing detached garage adjacent to Number 54 Upland Road and the construction of a 2 bed detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published in December 2023. I have had regard to this in reaching my decision.

Main Issue

3. The main issues are the effect of the proposed development on: (i) the character and appearance of the area; and (ii) the living conditions of nearby residential occupiers, with regards to outlook.

Reasons

Character and appearance

4. The appeal site comprises of a semi-detached property with a garage to the side. The road contains a variety of houses, although semi-detached properties predominate which have regular features such as two storey front bay windows. The houses are set back from the road, and typically have single storey garages or driveway areas to the sides. These provide for a pleasant order and spaciousness to the patten of development which contribute positively to the character and appearance of the area.
5. The proposal would replace the existing single storey garage with a two-storey dwelling that would introduce development which spans most of the width of the plot and be close to the existing buildings to either side. This would alter the regular pattern of spaces that exists at first floor level between properties and would result in a cramped form of development. Although the neighbouring property at 60 Upland Road has a different appearance to nearby semi-detached properties, it has a single storey conservatory to its side which contributes to the spacious characteristics of the area.

6. I conclude that the proposal would have an unacceptable adverse effect on the character and appearance of the area. As such, it would be contrary to Policy HS4 of the Wirral Unitary Development Plan (UDP) which seeks, amongst other matters, for proposals to relate well to existing densities and form of development and to ensure that it does not result in a detrimental change in the character of the area. It would also be contrary to Paragraph 135 of the Framework which seeks development that is sympathetic to local character.

Living Conditions

7. There are a number of windows to the side elevation of the existing property, 54 Upland Road which would directly face the proposed dwelling at a close distance. The Council acknowledge that these are not the sole windows to habitable rooms and from my site observations, I was able to see that they were obscure glazed. I do not therefore find that the proposal would be harmful to the outlook of occupiers at No. 54.
8. The side conservatory to the neighbouring property at No. 60 is situated close to the shared boundary with the appeal site and this positioning, as well as the obscure finish to the conservatory roof, limits side facing views from it towards the appeal site. Whilst the two-storey scale and the proximity of the proposed dwelling would have some effect on this neighbouring conservatory, as the conservatory has large glazed elements with an outlook to the front and rear, I do not consider that the proposal will have an unacceptable overbearing impact.
9. Given the above, I conclude that the proposed development would not have an unacceptable adverse impact on the outlook of neighbouring residential occupiers with regards to outlook. As such, it would accord with Local Plan Policy HS4, which seeks, amongst other matters, an adequate separation between dwellings and Paragraph 135 of the Framework which seeks a high standard of amenity for existing and future users.

Other Matters

10. The proposal would provide an affordable dwelling suitable for occupation by a small family. These considerations weigh in favour of the development, but they would not however outweigh the harm that I have identified on the first main issue.
11. The proposed dwelling would make adequate provision for parking, external amenity space, and meet internal space standards. These are however neutral considerations and are not matters which weigh in favour of the development.
12. The appellant has made reference to the suggested amendment of changing the roof form to a hipped form, and the lack of engagement by the Council. This appeal follows the Council's formal decision, and I can confirm that I have dealt with it accordingly on its own merits.
13. Reference has been made to a two-storey extension to the existing property at No. 54 and that it would have a similar impact to the appeal proposal. Such an extension would require planning permission, as acknowledged by the appellant, which would include an assessment of its effects on the character and appearance of the area. There is nothing before me that demonstrates that planning permission has been obtained for a two-storey extension at the

appeal site, despite other properties in the area having been extended. This therefore limits the weight that I can attribute to the fallback position.

Conclusion

14. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR