



Appeal Decision

Site visit made on 28 May 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2024

Appeal Ref: APP/W4325/W/23/3335871

59 Mill Hill Road, Wirral CH61 4XA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Christine Jensen against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is OUT/23/00828.
 - The development proposed is new detached dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the proposal would be more accurately described as the demolition of existing garage and construction of driveway to side of property to facilitate detached house in rear garden. I note that the parties have entered this revised wording on the decision notice and appeal form.
3. The planning application was submitted in outline with all matters reserved. I have therefore determined the appeal on this basis and taken all plans and images submitted to be for illustrative purposes only.
4. Whilst the draft Wirral Local Plan 2021-2037 has been through Public Examination, its policies were given limited weight in the determination of the planning application. The Council has confirmed that the progress of the draft Local Plan since the original decision has not changed this, and I have determined the appeal on this basis.
5. The decision notice includes a reason for refusal concerning a lack of information adequately describing the ecological characteristics of the site. However, on receipt of additional information regarding ecology, the reason for refusal is considered to have been addressed and the Council is content not to pursue it further.

Main Issues

6. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

Character and appearance

7. The proposal is for a detached dwelling in the rear garden of 59 Mill Hill Road (No 59), a detached two-storey property. The back gardens of residential properties at Martin Close lie to the rear of the appeal site. Mill Hill Road is a residential area, with a pleasant, suburban character.
8. The outline proposal would see a driveway being created to the side of No 59, adjacent to the boundary with 57 Mill Hill Road (No 57), a semi-detached bungalow. The illustrative plans indicate a detached dwelling with an integrated garage. The proposed driveway would have a turning head, which would define the reduced rear garden for No 59. The proposed dwelling would have a front and rear garden.
9. Mill Hill Road comprises semi-detached and detached two-storey dwellings and bungalows arranged in a linear form. The houses are not of uniform design or type, but all are set back from the road, facing the street behind front gardens or short driveways. This regular rhythm of development gives a pleasing, harmonious and cohesive feel to the street scene.
10. Rather than being an incongruous feature in the locality, the neighbouring properties along Mill Hill Road all have particularly generous rear gardens. These gardens allow for considerable intervening distance between the rear elevations of properties. Consequently, the rear garden areas have a spacious, green and verdant undeveloped character, with no visible examples of backland development on Mill Hill Road in the vicinity. Although neighbouring gardens feature outbuildings, these are not untypical features in a rear garden, and none are of the size or scale as a dwelling. Moreover, they do not have the same domestic paraphernalia, lighting or driveway normally associated with a residential property. The proposal would introduce built form into an area otherwise characterised by residential gardens, eroding the sense of space and disrupting the prevailing pattern of development.
11. Whilst the application is in outline with all matters reserved, it is sufficiently clear that as the garden of No 59 is extremely spacious, the proposal would allow for No 59 and the proposed dwelling to have adequate gardens to meet the needs of residents. However, these would be smaller than those of surrounding properties, again at variance with the urban grain and being untypical for the locality.
12. Moreover, the long driveway which would extend beyond the back wall of the existing residential property would be uncharacteristic of the surrounding area, which generally features shorter driveways which run to the front of the house or just a short way behind the frontages.
13. Many properties along Mill Hill Road have added extensions or garages to their side, which screen views into rear gardens from the street. Furthermore, due to its position to the rear of the main linear development fronting Mill Hill Road, the proposed dwelling would be partly screened by No 59 and by foliage and landscaping. However, the proposed demolition of the garage to facilitate the driveway would allow for the development to be viewed from certain vantage points along Mill Hill Road, despite the garden's dip in land levels, and this would make it incongruous in the street scene. Whilst the long rear gardens

which contribute to the area's character are not discernible from Mill Hill Road, development should respect its local context and character, regardless of its visibility from specific public vantage points.

14. There is a gap between Number 19 and Number 21 Martin Close (No 21) which would allow for views over the garage of No 21 to the proposed dwelling, introducing a house beyond the established building line and out of keeping with the predominant layout of development. Whilst the illustrative images indicate that the proposed dwelling would be partially screened by foliage, which would minimise the impact of the proposed development, there is no certainty that trees will not be removed at some stage. As such, the current screening is not a determining factor when considering the permanent impact that the proposal would have on the character and appearance of the area.
15. I appreciate that the proposal is outline, and as such the layout, scale and appearance of the dwelling would be determined under a future reserved matters application. The new dwelling could be designed so as to appear subordinate. Furthermore, the appellant has suggested that a condition could be imposed to limit the height of the dwelling to that of a dormer bungalow to reduce its prominence. However, such a condition would not negate the concerns that I have regarding the introduction of built form and the effect of backland development on the character and appearance of the area.
16. I acknowledge that policies within the Wirral Unitary Development Plan (2000) (UDP) are adopted before publication of the National Planning Policy Framework (the Framework). However, this in itself does not result in the policies being out-of-date. Insofar as the reason for refusal relates to character and appearance, I find no inconsistencies between UDP Policies HS4, HS10 and the Framework, which, at paragraph 135, highlights that development should be sympathetic to local character, including the surrounding built environment.
17. I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policies HS4 and HS10 of the UDP which seek to ensure that proposals would not result in a detrimental change in the character of the area.

Living conditions

18. The layout of the proposal would see the creation of a new vehicular driveway to the side of No 59, alongside the boundary with No 57, which would run some distance along the length of the garden of No 59. Although only illustrative, the submitted drawings show that the driveway would feature a turning area and an integral garage. The drive would run close to the side elevations of No 57 and No 59.
19. Policy HS10 of the UDP requires the proposed access to be 3m wide with amenity strips and adequate passing places. Supplementary Planning Guidance Note 10 – Backland Development (SPG) includes guidance on this. It seeks an access with a width of 3m, and a further 1m on either side as an access strip. There should then be a separation of at least 4m where there are non-habitable room windows and 6m to habitable room windows. The proposed access road would not be wide enough for two cars to pass, and the separation distances detailed in the SPG would not be met.

20. The proposed development would introduce additional vehicle movements and associated noise from engines starting and stopping along with car and garage doors opening and closing. Notwithstanding the failure to achieve the minimum separation distances set out in the SPG, I consider that the number of vehicular movements likely to be caused by the single dwelling would be relatively infrequent and would not result in significant noise and disturbance over and above what is to be expected in a built-up residential area. Moreover, as the proposal would only be for one dwelling, the likelihood of two cars passing each other is slim, and lack of a passing place would therefore not be unduly problematic.
21. Consequently, I conclude that the proposed development would not harm the living conditions of neighbouring residents with regard to noise and disturbance. As such, the proposal would be in accordance with Policies HS10 and PO3 of the Wirral UDP which seek to ensure that noise will not cause unacceptable intrusion or persistent nuisance, and that development does not result in undue noise and disturbance to adjoining residents.

Other Matter

22. The appellant has suggested that the large size of the gardens along Mill Hill Road means that they are difficult to maintain. However, I have not been provided with substantive evidence to demonstrate that the gardens are considered as burdensome or too large by residents. Furthermore, I have not been provided with any guidance or policies relating to specific or appropriate ratios of house size to gardens to suggest that the gardens are an unreasonable size.

Planning Balance

23. The appeal site is located within a primarily residential area of Wirral which is a focus for residential development. There is therefore no objection in principle to the proposed development. Furthermore, the new dwelling would be in a sustainable location close to services and facilities. The proposal would make effective use of land, avoid development in the Green Belt and would boost the supply of homes in line with the Framework.
24. I acknowledge the contribution that a new dwelling in a sustainable location would make to the local housing stock, as well as the social, environmental and economic benefits from the construction of the dwelling in terms of additional expenditure in the local economy, the creation of construction jobs and the safeguarding of the countryside.
25. Whilst I attribute these benefits modest weight in the overall planning balance, they do not outweigh the harm to the character and appearance of the area, contrary to the Development Plan and the Framework.

Conclusion

26. I have found that the proposal would not harm living conditions for neighbouring residents with regard to noise and disturbance. However, I conclude that the proposal would harm the character and appearance of the area. This harm is the overriding consideration in this case.
27. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the

appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

L C Hughes

INSPECTOR