



Appeal Decision

Site visit made on 2 July 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/W4325/W/23/3329816
215 Seaview Road, Liscard, Wirral CH45 4PD

- 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 Steven Hand against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APP/22/02193.
 - The development proposed is subdivision of building to create two additional residential units, erection of single storey rear extension and rear dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. For the avoidance of doubt, where reference is made in this decision to paragraph numbers they are taken from the latest version.
3. Amended drawings, titled 'Proposed Floor Plans' and 'Existing and Proposed Elevations', were submitted with the appeal documents. Such plans introduce two roof lights and correct an inconsistency in the plans submitted as part of the planning application. The amendments would not materially alter the proposed development and I am satisfied that my acceptance of them would not prejudice the interests of the Council or any interested parties.

Main Issue

4. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers of the ground floor units with particular regard to outlook.

Reasons

5. The appeal property is in a densely developed area, comprising commercial and residential uses, characterised by terraced properties. An external yard area is located at the rear enclosed on all sides by a tall boundary wall.
6. The kitchen/dining room of the ground floor unit on the right as shown on the submitted floor plans (right unit) would have a fully glazed patio door that would look out onto a narrow gap between the two-storey outrigger of the appeal property and the boundary wall. Whilst such a window is larger than is typical, the substantial enclosing and dominating effect of the adjoining built form would result in an oppressive outlook which would not be satisfactory.

7. The proposed rooflight to the kitchen/dining room of the right unit would, due to its position above head height, offer a view of the surrounding buildings and the sky only. Therefore, the outlook from it would be poor. Furthermore, even if the internal door was left open, the distance to the windows in the front elevation would mean that they would not provide a meaningful outlook from within the kitchen/dining room.
8. The patio door to the main living space of the proposed ground floor unit on the left (left unit) would be enclosed by the boundary wall on one side and the external staircase on the other. Accordingly, whilst it would look out onto a modest sized yard area, the outlook from the patio door would be restricted and poor.
9. The outlook from the side facing window of the left unit is also severely constricted as it looks onto, at a close distance, the boundary wall. Furthermore, the proximity of that side facing window to the patio door of the right unit would result in an unacceptable amount of overlooking and loss of privacy. Whilst this could be addressed if the side facing window of the left unit were obscure glazed and non-opening, no outlook at all would then be provided from that window. The suggested erection of a bamboo screen would also obstruct such intervisibility but that would further restrict the outlook from the patio door to the right unit which I have already found to be unacceptable.
10. I acknowledge that the main living space of the left unit would also be served by a rooflight. However, for the reasons set out above, that would not provide an acceptable level of outlook.
11. Consequently, I find that the proposed development would not provide satisfactory living conditions for the future occupiers of the ground floor units due to an inadequate outlook. It would therefore conflict with Policies HS4 and HS13 of the Wirral Unitary Development Plan, the principles set out in the Supplementary Planning Document 2, and paragraph 135f) of the Framework, which all seek to ensure that new development provides a high standard of amenity for future occupiers.

Other Matters

12. The provision of one additional residential unit, in a short time frame, over and above that previously permitted would make a very modest contribution towards meeting housing needs in an accessible location. Even if the proposed accommodation would meet the national minimum space standards and there would be no harm due to a lack of parking provision, these would be neutral factors and would not weigh in favour of the scheme.
13. The benefits of the proposal would not outweigh the harm that I have identified. Moreover, even if paragraph 11 d) ii) of the Framework were engaged, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole.

Conclusion

14. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.

15. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR