



Appeal Decision

Site visit made on 6 August 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd August 2024

Appeal Ref: APP/W4325/W/23/3331412

4 Hillcrest Drive, Greasby, Wirral CH49 3NL

- 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 Graham Bailey against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APPH/22/02134.
The development proposed is demolition of existing garage to boundary and construction of proposed two storey side extension with single storey extension to rear and new porch to front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted Summer and Winter Sun studies with the appeal documents. I am satisfied that the Council has had the opportunity to review these studies and that no party would be prejudice if I take them into consideration in the determination of this appeal.
3. The Council, in its statement of case, refers to Policy WD5 of the emerging Wirral Local Plan (eLP), which has been submitted for examination and public hearings have taken place. However, there is no clear evidence as to whether there are unresolved objections to that policy and, as such, it carries limited weight in the determination of this appeal.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 2 Hillcrest Drive and 24 Greasby Road, with particular regard to outlook and light.

Reasons

5. The proposal would extend along a significant proportion of the rear boundary of the adjoining property, 24 Greasby Road (No 24). Due to its angled position, the separation distance between the rear elevation of No 24 and the first-floor element of the proposal would increase from front to back. Nonetheless, regardless of where the measurement is taken, it would fall materially short of the minimum distance of 14 metres between a sole window to a main habitable room and a blank wall, as set out in House Extensions Supplementary Planning Guidance (SPG11). Even at its most distant point it would be positioned very close to the rear boundary of No 24.

6. Given the modest length of the garden, the proposal would have a significant enclosing and dominating effect on the outlook from the rear windows of that property, particularly those at ground floor. It would also create a visual intrusion that would unacceptably diminish the enjoyment of the rear garden of No 24. Consequently, the living conditions of the occupiers of that property would be unacceptably harmed.
7. SPG11 is guidance rather than a prescriptive document and I acknowledge that it is inconsistent with, and more stringent than, guidance set by other Merseyside Councils. Even so, there is no compelling evidence before me that the SPG11 guidance is inappropriate or unreasonable. Furthermore, when measured from the rear facing ground floor windows of No 24, the appeal proposal would not meet the quoted guidance of other such Councils.
8. The proposal would only extend a very short distance along the rear boundary of 2 Hillcrest Drive (No 2) and would be viewed at an oblique angle from its rear facing windows. Given such a relationship I do not consider that the outlook from the rear windows of No 2, or from within the rear garden of that property, would be unduly affected.
9. The statement of case submitted by the appellant includes summer and winter sun studies. Such studies show that the gardens of No 2 and 24 would experience very little overshadowing because of the proposal. I have not been presented with any alternative evidence or adopted guidance against which to assess the impact of the proposal on daylight and sunlight. Consequently, there is no basis for me to conclude that the proposal has an unacceptable impact in this regard.
10. Accordingly, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of 24 Greasby Road with particular regard to outlook. Therefore, it would conflict with Policy HS11 of the Wirral Unitary Development Plan and SPG11, insofar as they seek to ensure development is not unneighbourly. It would also conflict with the design aims of paragraph 135 of the National Planning Policy Framework.

Conclusion

11. 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.
12. For the reasons given above the appeal should be dismissed.

Elaine Moulton

INSPECTOR