



Appeal Decision

Site visit made on 17 September 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2024

Appeal Ref: APP/W4325/D/24/3345692

2 Blakeley Court, Raby Mere, Wirral CH63 0ND

- 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 Paul Gordon against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APPH/23/00851.
 - The development is described as proposed first floor extension with dormers.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Comment has been made raising concern regarding the plans upon which the Council made their decision, as indicated on the decision notice. While this list is incomplete, the application form and the Councils questionnaire confirm the full list of plans which were submitted and considered by the Council. I have determined the appeal on the basis of all of these plans submitted.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of No.65 Raby Drive with particular regard to loss of light and overbearing.

Reasons

4. No.2 Blakeley Court (No.2) is a two-storey detached dwelling with L-shaped footprint. To the front, the dwelling has an external terrace at first floor level, and part catslide roof over a single storey front projection. The dwelling is located within a predominantly residential area and lies perpendicular to No.65 Raby Drive (No.65). No.65 has ground floor openings which face towards the appeal site. These windows are within both the original dwelling and a single storey extension to its rear. The depth of No.65's rear garden is not significant while it also sits at a lower land level than No.2.
5. The statement of the appellant focusses on the effect from the window within the rear extension of No.65. It is clear from the Councils Officer Report that the concern relates to the window within the "original dwelling" and not the extension. The window in the extension sits forward of the appeal dwelling meaning that and the proposed extension would be offset in views. As such this window would maintain views over the rear boundary without the extension

- appearing dominant or overbearing. In addition, the juxtaposition between this window and the proposed extensions, means that this window would not result in any significant loss of light.
6. The kitchen/dining room window of No.65 is located within the original dwelling and is the only window serving that room. From this window the existing two-storey flank elevation of the appeal dwelling is prominently located along the boundary, at close proximity to the window. In addition, the side elevation of the single storey extension to No.65, in part, envelops views from this opening. As existing, the front projection of the appeal dwelling is set away from the boundary of No.65 and, as such, this part of the dwelling is not prominent in views from the window. The set back of the single storey front projection means that the window retains a reasonable degree of outlook between its extension and the existing two storey flank elevation of the appeal dwelling.
 7. The proposal seeks to extend the dwelling to the front at ground floor and first floor level. This would essentially infill the gap between its forwardmost projection and the flank elevation of the dwelling, while continuing the existing roof pitch to create a continuous catslide roof to the front.
 8. The proposed development would be constructed above the existing first floor terrace, while also adding a greater depth of built form along the boundary. This increase in height, depth and mass along the boundary would result in further enclosure of built form around the window. This would erode the level of outlook, resulting in a more oppressive relationship. The higher land level would mean that the apparent scale of additional built form along the boundary would be exacerbated. The roof design would, to some degree, lessen the overall mass of the extension. Nonetheless, the development would result in further built form projecting above the boundary fence at close proximity to the window. As such, the resultant increased mass of development along the side boundary would add further prominence to the appeal dwelling, which would be dominant from the window resulting in an unacceptable level of overbearing.
 9. The existing relationship between window, the existing extension and the appeal dwelling means that light infiltration to the window is generally restricted. It is likely that the extension would result in some additional overshadowing to parts of the garden, although I am not persuaded that the scale of the development would be so significant to result in any additional adverse loss of light to the window itself. Nonetheless, this does not lessen the harmful overbearing effect that the development would have on this window.
 10. For the above reasons, I do not consider that the development would have an unacceptable effect on the living conditions of the occupants of No.65 with particular regard to loss of light. However, it would have an unacceptable effect on the living conditions of the occupants of No.65 with particular regard to overbearing. Therefore, the development is contrary to Policy H11 of the Wirral Unitary Development Plan (2000). This requires, amongst other things, that extensions are not so extensive as to be unneighbourly. The development is also fails at accord to the guidance contained within House Extensions Supplementary Planning Guidance (2004), which requires that extensions are not visually overbearing or dominant when viewed from neighbouring houses.

Other Matters

11. The development would result in the removal of the external terrace which is situated at first floor level on the front elevation of the appeal dwelling. From here there are clear views into the garden and windows within the rear elevation of No.65. There are also reverse views from No.65 towards the terrace. These views are intrusive and result in a poor relationship between the properties. The development would address this relationship. Nonetheless, this is an established relationship and it would ultimately be replaced with a development which raises other significant concerns regarding the living conditions for the occupants of No.65 as I have outlined above. Therefore, while I acknowledge this to be a benefit of the scheme, it would not outweigh the harm that I have identified.

Conclusion

12. For the above reasons the appeal is dismissed.

D Cleary

INSPECTOR