



Appeal Decision

Site visit made on 29 October 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2024

Appeal Ref: APP/W4325/D/24/3346808

13 Acacia Grove, West Kirby, Wirral CH48 4DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3 (1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England), Order 2015.
 - The appeal is made by Richard Ollerhead against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is RESX/24/00484.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is made pursuant to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England), Order 2015 (as amended) (GPDO). Development is permitted under Part 1, Class A where it relates to the enlargement, improvement or other alternation of a dwellinghouse. For development to be permitted under Class A, it must satisfy the limitations as set out in the GPDO. These conditions establish a requirement for developers to apply to the local planning authority for a determination as to whether prior approval will be required in relation to several prior approval matters.
3. Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required to assess the impact of the proposed development on the amenity of any adjoining premises. In refusing the application, the Council have found harm with the proposal on the amenity of neighbouring occupiers. There is no suggestion that the proposal otherwise conflicts with the parameters of Part 1, Class A of the GPDO.
4. The decision notice provided does not specifically mention which aspects of amenity would be harmed. I have examined the officer report which has informed the main issue as detailed below.

Main Issue

5. The main issue is whether or not prior approval is required and should be granted for the proposed extension, having regard to the amenity of the neighbouring occupiers with regard to daylight, sunlight, outlook and privacy.

Reasons

6. The appeal property is a three storey end terraced dwelling. The rear garden, where the extension would be located, is narrow in width and limited in its depth. This narrow width and limited depth of the rear garden is a characteristic of the other rear gardens in this terraced row. A small outrigger of a limited size currently exists to the rear of the appeal property.
7. When viewed from the rear ground floor window of the neighbouring dwelling, No. 11 Acacia Grove, the proposal would appear as a rearward projection of a significant depth, with a large height and at a close distance away from the shared boundary. This design, combined with the small garden space, would create a confined outlook when viewed from the ground floor window of No. 11.
8. In addition, the properties which form the terraced row have easterly facing rear windows. As such, the rear facing windows of No. 11 receive daylight in the morning and midday. After this time, as the sun moves to the west, this light would reduce. The provision of an extension of considerable height and depth with a close proximity would significantly reduce the daylight and sunlight experienced in these rooms throughout the day.
9. The Council have suggested that the proposal would reduce the privacy currently enjoyed by neighbouring occupiers. The proposal would contain a rear facing access door, window and a rooflight. The window and door would face onto the existing rear garden space. Due to the height of the structure, the rooflight would not be easily accessible to view from when stood inside the proposed extension. Owing to the position of the windows and access door, these windows would not allow visibility into or towards the windows or private amenity spaces of neighbouring properties. Therefore, the proposal would not reduce the privacy currently enjoyed by neighbouring occupiers.
10. Collectively, the proposal, by means of its overall height, depth and proximity, would have a harmful effect upon the amenity currently enjoyed by No. 11 Acacia Grove, with specific regard to outlook, daylight and sunlight. For the reasons set out above, the proposed extension would be significantly harmful to the amenity of the adjacent neighbouring property, No. 11 Acacia Grove. Therefore, I conclude that prior approval should not be granted.

Other Matters

11. The compliance with the dimension requirements for proposals made under Schedule 2, Part 1, Class A, including the use of matching materials, would not outweigh the harm identified to the amenity of neighbouring occupiers.

Conclusion

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

J Smith

INSPECTOR