



Appeal Decision

Site visit made on 2 January 2025

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/W4235/D/24/3348169

142 Heygarth Road, Eastham, Wirral, CH62 8AG

- 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 Nicholas Harrahill against the decision of Wirral Council.
 - The application Ref is APPH/24/00573.
 - The development proposed is side and rear extensions to bungalow and creation of new first floor.
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Decision

1. The appeal is allowed and planning permission is granted for side and rear extensions to bungalow and creation of new first floor at 142 Heygarth Road, Eastham, Wirral, CH62 8AG in accordance with the terms of the application Ref APPH/24/00573, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5711-3 location and site Plans; and 5711-2 - proposed elevations and floor plans.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of number 111 Plymyard Avenue, with regard to outlook.

Procedural Matter

3. The Council officer's report refers to the neighbouring property as 111 Plymyard Road. However, the submitted location plan and the Royal Mail Postcode Finder gives the address as Plymyard Avenue. I have, therefore, referred to the property as 111 Plymyard Avenue.

Reasons

4. The appeal dwelling is a single-storey bungalow, which is situated in a residential area in which house types vary in terms of their age, scale and appearance. Two storey dwellings, including number 111 Plymyard Avenue, adjoin the site on both sides.

5. The proposal would enlarge the existing bungalow by constructing side and rear extensions to create a two-storey dwelling. Given the mix of house types in the area, I consider that the proposal would reflect the character and built form of its surroundings.
6. The proposed wall of the side extension would be positioned close to the rear garden boundary of number 111 Plymyard Avenue. The Council considers that the proposal would have an overbearing impact on number 111 Plymyard Avenue, because it would fail achieve a 14m separation distance between the side wall of the extension and the rear facing windows of the neighbouring dwelling.
7. The Council states that the proposal would conflict with Policy HS11 of the adopted Wirral Unitary Development Plan 2000 and with Policy SPG11 of the Council's Supplementary Guidance on house extensions. These policies seek to ensure (amongst other things) that house extensions should not have an unneighbourly impact on neighbouring property and that a separation distance of 14m is achieved between main habitable room windows and a blank facing wall.
8. The Council states that the separation distance would be approximately 13m, whereas the appellant refers to between 13m – 15m depending on whether the distance is measured from ground floor or first floor windows of number 111.
9. I acknowledge that the separation distance, when measured from the ground floor extension windows of number 111 is slightly less than the 14m advocated by the Council. However, SPG11 is to be used only as guidance and consequently, some flexibility can be exercised when reaching a decision.
10. The proposed extension would be separated from the shared boundary by a footpath leading from the front of the appeal property to its rear garden. Furthermore, the garden and dwelling at number 111 Plymyard Avenue is relatively wide and not all of it would directly face the proposed extension. In my opinion, whilst the proposal would have some impact on number 111, it would not be unacceptably harmful to the living conditions of its occupants. I have also given weight to the fact that the separation distance between the first floor windows of number 111 and the proposed extension would comply with the Council's guidance.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. In addition to the standard conditions relating to the period in which to commence the development and the listing of the approved plans, a further condition requiring the use of external matching materials is also imposed. This is necessary to ensure a satisfactory external appearance.

Conclusion

12. For the reasons given above, It is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR