



Appeal Decision

Site visit made on 12 January 2025

by A Hartley LLB (Hons) Solicitor MBA

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/W4325/D/24/3353233

52 Hertford Drive, Egremont, Wirral CH45 7PX

- 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 Stephan Walker against the decision of Wirral Council.
 - The application Ref is APPH/24/00470.
 - The proposed development is for a first- floor extension to a single storey bungalow.
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Decision

1. The appeal is dismissed

Preliminary Issue

2. I have taken the description of development from the Notice of Decision as it more properly describes the proposal.
3. At the site visit I attended 51 Radnor Drive and observed the outlook from the ground floor kitchen/diner and the first-floor bedroom from the windows on the side elevation facing the appeal property. I also saw the main outside amenity area to the front of the adjoining property. I was able to see the relationship between the appeal property and the side elevation windows at 50 Hertford Drive from the public highway.
4. The National Planning Policy Framework (the Framework) has been updated since the appeal representations were made. However, as the revisions do not affect the matters under consideration in this appeal, (other than paragraph references) it was not considered necessary to seek further comment.

Main Issues

5. The main issues are the effect of the proposal on (i) the character and appearance of the host dwelling and the surrounding area, and (ii) the living conditions of the occupiers of 50 Hertford Drive and 51 Radnor Drive with particular regard to access to natural light and outlook.

Reasons

Character and Appearance

6. The appeal property is an early 20th Century detached single storey bungalow, with the boundary walls, front elevation and the Hertford Drive side elevations in red brick. To the rear and shared boundary with 51 Radnor Drive, the materials appear to be of concrete block with some pebble dash and metal cladding and are less attractive.
7. The appeal property is of notable character. It has a flat roof with red brick crenelated features at the parapet on the side and front elevations giving the appearance of a fort. This reflects the history of the area and its connection with magazine storage. It is situated at the corner of Hertford Drive and Magazine Promenade in a prominent elevated position fronting the promenade. The retaining walls along the Magazine Promenade frontage and Hertford Drive are substantial and feature some crenelation. There is an outdoor amenity area to the front of the property in an elevated position. This affords exceptional views across the River Mersey and of the city skyline of Liverpool.
8. Within the immediate surrounding area, there are properties of three storeys in scale. Their well-proportioned designs including pitched tiled roofs and a scale and massing commensurate with their plot, contribute positively to the character of the area. The three-storey property on the opposite corner of Hertford Drive includes a crenelated turret feature. The appeal proposal is not within the setting of the Magazine Conservation Area (MCA) as it is some distance from the MCA and is not seen within the same vista from any public viewpoints along the Magazine Promenade. However, the MCA is within walking distance of the appeal site along the Magazine Promenade. I observed on the site visit that within the MCA the fortified gate of the Magazine Store remains, together with some original walls. Another property within the MCA exhibits crenelated features and is visible from the Magazine Promenade.
9. The appeal property is highly prominent in the street scene. It is not of listed status nor within the MCA or its setting. Nevertheless, it contributes positively to the identified character and appearance of the surrounding area by virtue of its distinctive and unusual design, with crenelation echoing features from within the MCA, and its single storey scale and prominent position on the Magazine Promenade.
10. The appeal proposal would introduce a first floor to the appeal property, with a flat roof and two pitched roofs on the southwest and southeast facing elevations. It would mimic some of the existing crenelation features at the new increased eaves height. The extension would be set back from the front elevation. It would remove some of the existing crenelated features and substantially increase the height and bulk of the existing dwelling at a prominent corner. I find however, that despite the set back from the existing front elevation and the proposed new crenelated features, the extension would overly dominate the plot and fail to respect the unique design and scale of the existing dwelling because of a combination of its bulk, height and unsympathetic roof design. The appeal proposal would also appear incongruous in the street scene and the positive contribution to the identified character of the area made by the existing dwelling would be lost.

11. Consequently, the appeal proposal would harm the character and appearance of the host dwelling and the surrounding area and conflict with saved Policy HS11 of the Wirral Unitary Development Plan (2000) (LP), the Supplementary Planning Guidance 11- House Extension (2004) (SPG) and the Framework, which seek high quality design appropriate to its context.

Living Conditions

12. 51 Radnor Drive is adjacent to the appeal property. It is a substantial detached three storey residential dwelling. It is in an elevated position, with lower retaining walls along the boundary with Radnor Drive and Magazine Promenade, enclosing garden areas. Whilst there is a rear outdoor space, the main outdoor amenity space is to the front of the property, where the views of the River Mersey can be best appreciated. The properties are close to each other at the shared boundary, with the side elevation of the appeal property appearing to form the boundary with No. 51. The appeal property is in a more elevated position than No. 51 and due to the topography of the site, the ground floor side elevation windows of No. 51 are below the ground floor levels of both the appeal property and the crenelated walls of the appeal site.
13. From my observations on site at No. 51, I find there to be a limited amount of natural light to the kitchen/diner and first floor bedroom due to the proximity of the appeal property and the difference in site levels. Consequently, I find that the proposed increase in height to the appeal property would further reduce the amount of natural light to the kitchen/diner and first floor bedroom at No. 51 to an unacceptable level.
14. Whilst I do not find that the appeal proposal would give rise to an unacceptable level of overlooking, I do find that the proximity and height of the proposal would give rise to an undue sense of overbearing on the occupiers of No. 51 within the dwelling.
15. Overall, I find that the proposal would have an unacceptable effect on the living conditions of the occupiers of No. 51 in respect of loss of outlook and access to natural light.
16. 50 Hertford Drive is to the rear of the appeal site. It is converted into flats. The side elevation to No. 50 includes five windows that serve the flats and is close to the boundary with the appeal property. The appeal proposal would introduce a blank elevation within approximately 4 metres of the side elevation windows and would impact on the level of natural light received at No. 50 at all windows. Due to the height and proximity of the blank elevation it would also give rise to an undue sense of overbearing on all the occupiers.
17. Overall, I find that the effect of the appeal proposal on the living conditions of all the occupiers at No. 50 to be unacceptable in relation to their reduced access to natural light and loss of outlook.
18. Consequently, I find that the appeal proposal conflicts with saved policy HS11 of the LP, the SPG and the Framework in that its effect would be so extensive as to be unneighbourly and fail to provide a high standard of amenity for existing and future users.

Other Matters

19. The appeal site is also adjacent to a Ramsar Site and Site of Special Scientific Interest (SSSI). However, no evidence has been submitted to suggest that the appeal proposal would have any impact on the SSSI or the Ramsar Site.
20. Interested parties have raised issues including structural viability, loss of views and impact on house prices. These are not matters to which I am able to attribute any weight in my determination of this planning appeal.
21. Interested parties have raised concerns about the impact of the proposal on the living conditions of occupiers of Nos. 49 and 49a Radnor Drive and Nos. 43 and 45 Hertford Drive. I have had regard to these concerns but find that due to the separation distances and the physical relationship with the appeal site in their context, the appeal proposal would not have an unacceptable effect on the living conditions of those occupiers by way of overlooking, outlook, overshadowing, privacy or loss of natural light.
22. The appellant indicates dissatisfaction with the Council's handling of the proposal. Such matters are outside the scope of this planning appeal.
23. My attention has been drawn to existing window openings on the side elevation of the appeal property and whether they benefit from planning permission. This issue is also outside the scope of this planning appeal.

Conclusion

24. In conclusion, having regard to all representations made, I find that the appeal proposal conflicts with the development plan as a whole and with the provisions of the Framework. There are no material considerations that would justify a decision other than one in accordance with the development plan. Therefore, the appeal should be dismissed.

A Hartley

INSPECTOR