



Appeal Decision

Site visit made on 21 January 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 February 2025

Appeal Ref: APP/W4325/W/24/3349772

Falkland House, 140 Leasowe Road, Wallasey, Wirral CH45 8PD

- 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 Steve Wainwright against the decision of Wirral Metropolitan Borough Council.
 - The application Ref is APP/23/01574.
 - The development proposed is Demolition of the existing detached bungalow on site and extension of existing flats building, including minor internal reconfiguration of existing flats layouts, increasing the number of flats from 4 to 8, with associated external works for amenity spaces and parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging Wirral Local Plan 2021-2037 has been submitted for independent examination by Inspectors, public hearings have occurred, the examining Inspectors have issued a post-hearing note, and proposed modifications published for public comment. The emerging local plan is therefore at an advanced stage and so weight can be given to these policies. However, the Wirral Unitary Development Plan 2000 (UDP) remains the adopted development plan.
3. On the 12 December 2024 the Government published a revised National Planning Policy Framework (The Framework). The revised Framework is a material consideration which should be taken into account from the day of publication. Insofar as it is relevant, its content has not been materially altered in respect of the main issues before me, and therefore it has not been necessary to go back to the parties in this regard. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers with regard to internal living space, outlook and privacy; and
 - the living conditions of the occupiers of 12 Burdett Road (No 12) and 14 Burdett Road (No 14) with regard to outlook.

Reasons

Character and appearance

5. The appeal property, 140 Leasowe Road (No 140), is a former detached house, which has been converted into flats. No 40 is located in a predominantly residential area. Surrounding properties comprise modern detached dwellings, older semi-detached and terraced properties, and a number of flats and apartment blocks. As such, there is no distinct or uniform pattern of development. The property is set further back from the busy road than many of the later twentieth century dwellings that have been built around it, but more recent modern detached properties have been built in proximity, broadly following No 140's building line.
6. The information before me suggests that the property was constructed towards the end of the nineteenth century, and was likely to have originally been a farmhouse. I have not been presented with evidence that it has been listed, locally listed or is a non-designated heritage asset. Nevertheless, the brick built and symmetrical building makes an attractive contribution to the street scene.
7. Whilst the proposal would not be viewed as subservient to the original farmhouse, it would not appear as unduly unbalanced. It would be well designed, and would complement the style, materials and architectural features of the front elevation of the original dwelling. As such, it would be in keeping with the intrinsic character and general appearance of the existing property.
8. The proposed extension would double the width of the existing building. However, the proposal would sit on a large plot, set back from the road. Therefore, despite its side elevations being close to the boundary edge, it would not appear as overdeveloped or cramped, with the plot's large frontage still appearing as a spacious visual buffer within the street scene. Due to the mix of size, styles, design and house types in the vicinity, the proposal would not appear as incongruous or visually obtrusive.
9. The proposal would not therefore harm the character and appearance of the area. As such it would comply with Policy HS4 of the Wirral Unitary Development Plan (2000) (UDP) which seeks to ensure that developments are of a scale which relates well to surrounding property and do not result in a detrimental change in the character of the area. It would also conform with Paragraph 135 of the Framework, which highlights that developments should be sympathetic to local character.

Living conditions – future occupiers

10. The Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standard (NDSS) are not specifically referenced in the Council's planning policy documents, and as such should be treated as guidance in assessing the requirements for the gross internal floor area of new dwellings.
11. The evidence before me indicates that the proposed first-floor units provide approximately 45m² of accommodation. The NDSS standards indicate that for a one bedroom, two-person apartment, the floor space should be 50m². The appellant has indicated that the submitted drawings showed an indicative layout, with a double bed, but that the first-floor flats would be one-person units.

12. The first-floor flats would exceed the NDSS recommended standards for a one-person unit. Moreover, the submitted plans indicate that the proposed first-floor flats would be dual aspect, with sufficient room for furniture and adequate circulation space for either one or two occupants. As such, the proposal would provide adequate internal space for future occupiers.
13. Whilst there are private front gardens serving some of the flats, and there would be front gardens to the proposed new ground floor flats, the submitted plans indicate that there would be a shared communal garden at the rear of the property which would be used by the occupiers of the flats.
14. The proposed communal garden would be relatively shallow, but could be attractively landscaped to provide a pleasant outlook. Moreover, the garden would be of a functional and usable scale, with adequate space for typical garden activities such as sitting or dining outside, hanging washing and gardening.
15. However, three of the ground floor apartments would have habitable room windows which would face onto the communal gardens, with the two proposed ground floor units having patio doors which would open out onto the garden area. There would be no screening to prevent any users of the shared communal gardens from looking directly into these units at close range. The proposed communal garden would therefore not allow for adequate levels of privacy for future occupiers.
16. Therefore, whilst the proposal would not harm the living conditions of future occupiers with regard to internal space or outlook, it would harm the living conditions of future occupiers with regards to privacy. It would not comply with UDP Policy HS4 which seeks to ensure the provision of adequate communal garden space to new dwellings. It would also conflict with Paragraph 135 of the Framework as it would not provide a high standard of amenity for future occupiers.

Living conditions – occupiers of 12 and 14 Burdett Road

17. The proposed development would be setback from the existing rear building line of the property, and has been designed so as not to disrupt the building line of the front elevation of the original dwelling. However, the evidence suggests that the windows of the first-floor flats would be approximately 18m from the rear habitable windows of No 12 and No 14. The Council have indicated that this would not meet its recommended separation distance guidance between properties, which states that facing habitable rooms should be 21m apart.
18. There is an existing bungalow which would be demolished as part of the proposal, which lies closer to the rear boundary of No 12 and No 14 than the proposed development. However, due to the proposal's height and limited separation distance it would appear as a significant and conspicuous structure, resulting in an expanse of built form when viewed from the rear windows and gardens of No 12 and No 14, and would be overbearing and imposing. The proposal would result in an unacceptable sense of enclosure for the occupiers of No 12 and No 14, to the detriment of their living conditions.
19. Smaller separation distances are not uncommon in tightly knit built up environments, the effects of which are likely to be similar to the appeal proposal. Moreover, the existing flats are situated closer to the rear of other dwellings along Burdett Road than the proposed development would be from No 12 and No 14.

However, this does not mean that such conditions are acceptable or that smaller separation distances should be replicated, given that the Framework states that developments should ensure a high standard of amenity for existing and future users. Given that the rear of No 12 and No 14 do not face other two-storey properties at present, there would be a substantial and stark contrast between the existing outlook from these properties and that which would result from the proposed development.

20. My attention has been drawn to other permissions at the appeal site. Permission¹ was granted at the existing flats for a first-floor rear extension to allow for additional headroom within an existing room. However, that development was not considered to have an adverse impact on the living conditions of neighbouring occupiers over and above the existing arrangement as, unlike in this appeal, a separation distance below 21m already existed. The approved dwelling² at the site has a larger separation distance from the rear of neighbouring dwellings than the proposed development. As such, I do not find these developments to be directly comparable to that which is before me, which I have considered on its own merits and site-specific circumstances.
21. The proposal would harm the living conditions of the occupiers of No 12 and No 14 with regard to outlook. The Council have referenced UDP Policy HS13 in their decision notice. This policy relates to flat conversions and as such has not been determinative in my consideration of this appeal. However, the proposal would not comply with UDP Policy HS4 which seeks to ensure that an adequate distance should be kept between habitable rooms in separate dwellings. Moreover, it would not comply with Paragraph 135 of the Framework as it would not provide a high standard of amenity for existing users.

Other Matters

22. The appellant is aggrieved with the Council's handling of his application. However, this is a matter between the parties and is outside the remit of the appeal. I have only had regard to the planning merits of the case, on the basis of the evidence that is before me.

Planning Balance

23. The Government is seeking to significantly boost the supply of housing. The Framework encourages and supports the effective and efficient use of land and recognises that small sites can make an important contribution to the Council's housing supply. The proposal could be built out quickly. Taking into account the proposed demolition of the bungalow, the proposal would provide an additional three residential units, contributing positively to the Council's housing supply.
24. I nevertheless find that in this case the small scale of the appeal scheme would make a limited contribution to housing supply such that I give these benefits moderate weight.
25. Whilst acknowledging the support in the Framework and the emerging Wirral Local Plan for new housing to be delivered at an appropriate density making the best use of land, I have found that the proposal would be harmful to the living conditions of future occupiers with regard to privacy and would be harmful to the

¹ Planning reference APP/22/01685

² Planning reference APP21/02146

living conditions of existing occupiers with regard to outlook. I ascribe these matters substantial weight.

26. As such, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole.

Conclusion

27. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
28. For the reasons given above the appeal should be dismissed.

L C Hughes

INSPECTOR