



Appeal Decision

Site visit made on 17 March 2025

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref. APP/W4325/D/24/3357564

6 Bromborough Village Road, Bromborough, Wirral CH62 7ES

- 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 James Jones against the decision of Wirral Metropolitan Borough Council.
- The application ref. is APPH/24/00758.
- The development proposed is: Proposed ground floor rear extension, breakfast room rear extension to the first floor with balcony and external staircase.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of the proposal in the heading above is taken from the Council's decision notice. It is more accurate than the one provided on the application form.
3. Planning law requires that applications for planning permission be determined in accordance with the development plan, in this case the Wirral Unitary Development Plan (UDP), unless material considerations indicate otherwise.
4. The National Planning Policy Framework (the Framework) is a material consideration in planning decisions. The version of the Framework published in December 2024 does not materially differ from the previous version, insofar as the planning policies around the main issue in this appeal are concerned.
5. Supplementary Planning Guidance 11: *House Extensions* (SPG11) and Supplementary Planning Document 2: *Designing for Self Contained Flat Development and Conversions* (SPD2) are also material considerations, as is the emerging Wirral Local Plan (WLP). The WLP is at a very advanced stage in its progress to adoption. Weight can be given to its policies. I have been supplied with a copy of WLP Policy WD 5 which is included in the first reason for refusal.

Main issue

6. Even though the Council's decision notice contains 2 reasons for refusal, the relevant considerations can be gathered under one main issue, that being whether the proposed development would promote a sufficiently high standard of amenity for existing and future occupiers of the site and neighbouring first floor occupiers.

Reasons

7. The appeal concerns a mid-terraced 2-storey property in mixed use. It has a commercial use at the front of the ground floor. The proposals seek to enlarge the first floor flat (which also has a bedroom in the loft) and the ground floor space at the back of the commercial unit which would be combined together to create a 3-bedroom residential unit.
8. I have assumed that the loft space would remain as existing and I have dealt with the proposal on the basis of the intended occupation of the residential unit going forwards by 2 adults and a child, as fully described in the appellant's planning appeal statement. Unfortunately for the appellant, that planning appeal statement does not go on to address the specific objections to the proposal that appear in the Council's decision notice and delegated report.
9. I saw at my site visit that the building is in a town centre area. This is confirmed at section 4.1 of the Council's delegated report. That being the case, I cannot see how UDP Policy HS4, quoted in the second reason for refusal, is directly relevant since it covers the criteria for proposals for new housing development on allocated sites and within defined Primarily Residential Areas.
10. The plans do not demonstrate that an adequate and properly designed private outdoor amenity space would be available in the rear garden that would remain for the significantly larger 3-bedroom residential unit being proposed. The scale of the extension would not be appropriate for the size of the plot. The rear extension would take up a large part of the existing amenity space. From my site inspection, it seemed that the amenity space beyond the rearmost elevation of the proposed development would be reduced to less than 3m in depth across part of the width of the plot. This would be unsatisfactory for future occupiers of the site.
11. I consider that the occupiers on the first floor of the site would notice an adverse change in their existing outlook from the sole window to the rear bedroom on account of the height, proximity and width of the proposed extension. It would be wider than the existing outrigger and be separated from that window by a distance of only about 5m. Occupiers of the bedroom would find the proposed development to be overbearing. Even allowing for the town centre location where the 14m standard separation distance required by SPG11 may not always be practically achievable, the significant diminution in the outlook from this bedroom window would be another unsatisfactory consequence of the proposal for future occupiers.
12. There is an existing balcony area at the rear at first floor level. The appeal balcony would be significantly larger, both in depth and width. Users of the proposed balcony, standing, or even sitting, close to the end of the balcony would have more commanding, direct and intrusive views from an elevated level back towards the neighbouring first floor habitable room windows at nos 4 and 8. The overlooking would be across short distances and could be for sustained periods given that the balcony would be large enough for sitting out and may become preferable, especially on warm days and evenings, to the outdoor space that would remain in the rear garden given its reduced size and proximity to boundary structures.
13. Sizeable and elevated outdoor platforms like that proposed, and the obvious presence of a person or a small group of people outside, regardless of where they

might be actually looking, would combine to create a much more intrusive feel and a disturbing and intimidating psychological perception of being overlooked. When compared to the current situation, the actual and perceived loss of privacy for the first floor occupiers of both neighbouring properties would be unacceptably increased. In the case of no. 8, this would be compounded by the viewing that would be possible by people on or descending the proposed external staircase.

14. The finished development would not directly encroach onto the properties on either side. However, building out to the rear adjacent to the common boundary with no. 4 in the manner proposed would result in a visually overbearing and dominant form of development when viewed from the closest rear first floor habitable room window at no. 4. This visually intrusive effect would be unneighbourly.

Concluding comments

15. Drawing together the above, I find on the main issue that the proposed development would fail to promote a sufficiently high standard of amenity for existing and future occupiers of the site and neighbouring first floor occupiers. The harmful effects I have found in this regard would place the scheme in conflict with UDP Policy HS11, WLP Policy WD 5, SPG11, SPD2 and the Framework, all of which broadly and variously seek to safeguard the quality of life for residents living on or nearby to development sites. There are no other material considerations to outweigh that finding. So, for the reasons given and taking into account all other matters raised, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR