



Appeal Decision

Site visit made on 20 February 2025

by **J D Westbrook BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2025

Appeal Ref: APP/W4325/W/24/3355378

Land to the rear (west) of 26 Bromborough Road, Bebington, Wirral, CH63 7RE

- 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 Stanley Inskip, (MS Developments (Wirral) Ltd), against the decision of Wirral Council.
 - The application Ref is APP/24/00203.
 - The development proposed is the demolition of existing garages and the erection of three new dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - The character and appearance of the area around Bromborough Road and Birch Road, and
 - The living conditions of the occupiers of the proposed dwellings and of neighbouring dwellings by way of privacy, outlook, light, noise and disturbance.

Reasons

3. The appeal site comprises separate plots of land to the rear of properties on Bromborough Road and Birch Road. Access to the site is from Bromborough Road between No 26 Bromborough Road and No 1 Birch Road. The access leads to a garage court. Beyond the garage court is an area of garden associated with No 3 Birch Road and another area of apparently unused land to the rear of Nos 5 and 7 Birch Road and No 30 Bromborough Road.
4. The proposed development would involve the demolition of the garages and the construction of three dwellings on the combined space of the garage court and land behind. A pair of semi-detached dormer bungalows would be constructed on the site of the garage court and garden area to the rear, while a further detached house would be constructed on the unused land beyond. Parking spaces for 6 vehicles, in three tandem bays, would be provided immediately to the rear of Nos 26 and 28 Bromborough Road to serve all three dwellings.
5. Policy HS4 of the Council's Unitary Development Plan (UDP) indicates that proposals for new housing development on allocated sites and within Primarily Residential Areas will be permitted subject to the proposal fulfilling a number of

criteria. These criteria include that the proposal is of a scale that relates well to surrounding property, in particular with regard to existing densities and form of development; that the proposal would not result in a detrimental change in the character of the area; and that there is provision of adequate individual private garden space to each dwelling.

6. Policy HS10 of the UDP relates to backland development and indicates that proposals for between one and three dwellings behind existing dwellings and accessed by a dedicated private drive will not be permitted unless certain criteria are met. These criteria include that the proposal, including its access, should not result in detrimental change to the character of an area nor undue noise, disturbance, loss of privacy or sense of enclosure affecting adjoining residents.
7. The Council's Supplementary Planning Guidance Note No 10 on Backland Development (SPG), states that except in areas of very low density, dwellings should be erected on plots generally larger than prevailing plot sizes for similar types of development in the immediate vicinity.

Character and appearance

8. The two semi-detached dormer bungalows (Plots 2 and 3) would be set significantly back from the road on a backland plot and would not, effectively, be part of the street scene. While the eastern gable end of the dwellings would be visible along the line of the access road, the dwellings would not be prominent features and the scale of the buildings would not appear out of character with that of the surrounding area. The third dwelling (Plot 1) would be set further back within the extended site and would not be readily visible from the public realm. Again the scale of the dwelling would not be out of character with the surrounding area.
9. Plots 2 and 3 would be partially visible from Birch Road across the rear of the garden of No 3 Birch Road, but they would be relatively unobtrusive, and would be seen against a backdrop of the terraced houses along Bromborough Road.
10. On this issue, therefore, I find that the proposal would not be harmful to the character or appearance of the area around Bromborough Road and Birch Road, and would not conflict with the criteria set out in Policy HS4 of the UDP.

Living conditions

11. With regard to Plot 1, the dwelling would be aligned with habitable room windows facing east and west. By virtue of the set-back of the proposed dwelling within its plot and the length of the rear garden at No 30, there would be sufficient distance between the east-facing front windows and rear windows in No 30 Bromborough Road to ensure adequate levels of privacy for the occupiers of both houses. There is also adequate distance between the gable side elevations of the proposed dwelling and nearby houses to the north and south to ensure adequate outlook from the neighbouring dwellings, and to ensure no significant loss of light to Nos 5 and 7 to the north. The plot would have a good sized private amenity area to the rear. On this basis, there would be no harm to living conditions resulting from the development of the house on Plot 1.
12. With regard to Plots 2 and 3, I have significant concerns relating to the size of the plots and the effects of this on the siting and orientation of the dwellings. The dwellings would be semi-detached dormer bungalows with habitable rooms facing

north and south. Each would have a modest rear garden to the north with a depth of only around 5.5 metres. There would be a 1.8 metre high fence at the rear boundary with No 3 Birch Road, with a slightly higher brick wall, formed by rear outbuildings at No 3, behind the fence. This would result in a somewhat oppressive outlook for the ground-floor habitable rooms in the proposed dwellings.

13. There would be first-floor bedroom windows in the north elevation of the proposed dwellings and the window in the dwelling on Plot 3 would be in very close proximity to the rear elevation of No 3 Birch Road, albeit at an acute angle, and also to the rear garden area at No 3 which might expect a reasonable degree of privacy. This level of overlooking at close range would be harmful to the occupiers of No 3 Birch Road.
14. The gable end of the proposed dwelling on Plot 2 would be in close proximity to the rear elevation and rear garden of No 5 Birch Road. I have no details of daylight or sunlight factors, but it seems likely that the juxtaposition of the two dwellings would lead to adverse effects on light and outlook for the occupiers of No 5.
15. The windows in the south elevation of the dwellings on Plots 2 and 3 are in relatively close proximity to the proposed dwelling on Plot 1. The habitable room windows in the front elevations of the dwellings on Plots 2 and 3 would be only between 10 and 20 metres from the nearest habitable room windows in the dwelling on Plot 1, which would not meet standards set out for outlook and privacy requirements in the SPG, albeit the windows would be generally set at somewhat of an angle.
16. The parking area for the proposed dwellings would be situated on part of the appeal site immediately to the rear of Nos 26 and 28 Bromborough Road and close to the rear of No 30. The parking spaces would be in tandem fashion, which would be likely to result in a significant amount of vehicle manoeuvring into and out of spaces, and around the turning space to the side of the dwelling on Plot 3. Such an arrangement, in very close proximity to the existing and proposed dwellings would be likely to result in noise and disturbance from vehicle movements, harmful to the residential amenities of the occupiers.
17. In conclusion on this issue, therefore, I find that the proposal would be harmful to the living conditions of the occupiers of the proposed dwellings and neighbouring dwellings on Bromborough Road and Birch Road by way of privacy, outlook, light, noise and disturbance. On this basis, it would conflict with Policies HS4 and HS10 of the UDP, and with guidance in the SPG.

Other Matter

18. The appellant has made reference to the Council's emerging Local Plan (LP) and the current situation with regard to Housing Land Supply in Wirral. The LP is at an advanced stage of preparation and its policies may be afforded moderate weight. There is currently a shortfall in identified housing land in the Council area. The complex appeal site is partly brownfield, and I acknowledge that the principle of housing on the appeal site is acceptable. However, for my reasons given above, I consider that the scale and layout of the proposals as submitted would give rise to adverse impacts on the living conditions of the occupiers of both proposed and existing dwellings on and around the site.

19. In this instance, therefore, and in the light of Paragraphs 11 and 135 of the National Planning Policy Framework, I find that the adverse impacts would significantly and demonstrably outweigh the benefits of the proposed new dwellings as submitted.

Overall Conclusion

20. The proposal would not be harmful to the character or appearance of the area around Bromborough Road and Birch Road, but would be harmful to the living conditions of the occupiers of the proposed dwellings and neighbouring dwellings. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR