



## Appeal Decision

Site visit made on 9 October 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 December 2025

**Appeal Ref: APP/W4325/W/25/3369830**

**Flat 1, 3 Victoria Drive, West Kirby, Wirral CH48 0QU**

- 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 Joseph Hearty against the decision of Wirral Metropolitan Borough Council.
- The application reference is APPH/25/00431.
- The development proposed is the erection of a single storey rear extension.

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension at Flat 1, 3 Victoria Drive, West Kirby, Wirral CH48 0QU in accordance with the terms of the application, reference APPH/25/00431, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in complete accordance with drawing No 2025 013 002 REV 01 (Proposed plans and elevations), dated 6 March 2025.

### Preliminary Matter and Main Issue

2. The decision notice issued by the Council gave a single reason for which planning permission had been refused, relating to a loss of light and outlook within the rear bedroom of the appeal property. During the appeal the appellant submitted a shadow analysis and daylight/sunlight analysis, based on which the Council accepted that the development would not lead to demonstrable harm as a result of loss of light. Nothing which has been put before me leads me to draw a different conclusion on this point.
3. The main issue in this appeal is therefore the effect of the proposed extension on living conditions for occupiers of the appeal property, with particular regard to loss of outlook.

### Reasons

4. No 3 Victoria Drive is a three-storey terraced property which was originally a single Victorian dwelling but which has been converted into three flats. The appeal property is the ground floor flat – it has a living room at the front of the building and a bedroom at the rear, with a shower room/WC and the kitchen/breakfast room in the rear return or outrigger. The proposed development is the erection of a single-storey rear extension.
5. The extension would sit alongside the rear return and, at around 2.2m wide, it would extend almost to the boundary with No 5 next door. It would be around 5.3m

long and would be built to align with the end wall of the outrigger. However, it would not be built from the main rear wall of the building, but offset with a 3.2m gap; folding doors in the extension would give access to the small courtyard created in the gap. The extension would be modest in height, at a little less than 2.5m to the underside of the eaves, and with a flat roof.

6. The Council's 2004 Supplementary Planning Guidance ("the SPG") provides advice in relation to house extensions, though it is not prescriptive and does not specifically address development proposals of the type in this case. All the same, the general thrust of the guidance is applicable – the SPG notes that extensions should not dominate the existing building, nor should they be "so extensive as to be un-neighbourly". The SPG also gives particular emphasis to considering the effect on light to neighbours' habitable rooms, and the potential for overlooking. Policy WD 23 of the 2025 Wirral Local Plan ("the WLP") deals with amenity and, among other things, says that development should "not result in an overbearing or overly enclosed form of development which materially harms the outlook of [...] users of the proposed development.
7. The Council did not identify any potential harm in respect of neighbouring residents or the appearance of the extension, and nothing I have seen leads me to disagree with those assessments. It was, however, concerned that the siting of the extension would have an unacceptable adverse effect on the rear bedroom of the appellant's own flat.
8. The bedroom window opens onto the flat's rear yard alongside the outrigger, with an outlook towards the rear of properties on the neighbouring Shrewsbury Road. There would of course be some loss of outlook from the bedroom, but, having regard to the height of the proposed extension, the separation distance would be sufficient (though only just) to ensure that it would not be harmfully overbearing. There would also be additional living space created for the occupiers of the flat and, in this case, the weight I give to this benefit would more or less balance any harm which might arise from the loss of outlook. As there would be no significant adverse impact on neighbours the effects of the scheme as a whole on living conditions would be broadly neutral.
9. I do not entirely accept the appellant's characterisation of the neighbouring walls and fences as an "overbearing or overly enclosed form of development" which mean that the room already has a poor outlook. In my professional and personal experience, the present outlook (and any perceived overlooking from dwellings on Shrewsbury Road at the rear) is entirely in keeping with what might sensibly be expected in a moderately densely-built Victorian suburb, and at 28m or so the separation distance to the rear of Shrewsbury Road comfortably exceeds the 21m minimum sought by the SPG in new developments. I also note the appellant's arguments about increased privacy in relation to overlooking from a balcony at the end of the rear outrigger which serves the first-floor flat within No 3, but again the potential for incidental overlooking did not appear to me to go beyond that which might be expected given the character of the surrounding area.
10. These additional factors may therefore be seen as benefits of the scheme by the appellant, but they have not carried decisive weight in my decision here. Nevertheless, for the reasons I have set out above I conclude that the proposed extension would not cause unacceptable harm to living conditions for occupiers of the appeal property. The development would not therefore conflict with Policies

WD5 or WD23 of the 2025 Wirral Local Plan. Together, and among other things, these policies seek to ensure that development of residential extensions does not have an unacceptable impact on amenity either in respect of neighbouring properties or for users of the development, including in respect of outlook as I have highlighted above.

### **Conditions**

11. In addition to the standard time limit condition, I have specified the approved plan so as to provide certainty; the approved plan also includes details of the materials for the extension.
12. The appellant submitted an updated drawing with the appeal but, as this did not change any of the details of the scheme, the condition I have imposed refers to the drawing which the Council originally considered.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should be allowed.

*M Cryan*

Inspector