



## Planning Committee Supplementary Agenda

<b>Date:</b>	<b>Thursday, 20 February 2014</b>
<b>Time:</b>	<b>6.00 pm</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Vicky Rainsford  
**Tel:** 0151 691 8271  
**e-mail:** [victoriarainsford@wirral.gov.uk](mailto:victoriarainsford@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

- 14. FAILURE TO COMPLY WITH PLANNING ENFORCEMENT NOTICE AT 137 RAEBURN AVENUE, EASTHAM WIRRAL CH62 8BE (Pages 1 - 8)**

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## Corporate Services Department

Kevin Adderley  
*Interim Director*

Cheshire Lines Building  
Canning Street  
BIRKENHEAD, Wirral CH41 1ND

Application           **APP/11/00548**  
Decision Date       **09/06/2011**

## Notice of Refusal of Planning Permission

Town and Country Planning Act 1990

**To:** Mr Usherwood  
Garry Usherwood Associates Limited  
The Old Barn 59 Northcote Road  
Wallasey  
Wirral  
CH45 8LQ

**For:** Mr & Mrs Edwards  
  
137 Raeburn Avenue  
Eastham  
Wirral  
CH62 8BE

Subject **Retention of single storey garage side extension**

Location **137 RAEBURN AVENUE, EASTHAM, CH62 8BE**

Wirral Borough Council hereby refuses planning permission for the development specified in the application and accompanying plans submitted by you subject to the following reasons:-

- 1 The proposed development is contrary to the current Supplementary Planning Guidance 11 on side extensions located on a corner plot, the extension including the previous extensions exceeds half the width of the side garden and half the width of the house frontage. The extension is therefore unacceptable by reason of the overall visual impact onto the open character of the street scene and contrary to SPG11 on House Extensions.

### **Rights of Appeal**

If you disagree with this decision, you are entitled to appeal to the Secretary of State. You must however do this within 12 weeks of the date of this notice and on forms which may be obtained from:- The Planning Inspectorate, Room 3/06b Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN

If you are undecided whether to appeal or not, the Council's planning officers will be able to help you. In any case it may be a good idea to discuss your application with them to see if you could reach agreement upon an amended proposal.

### **Notes To Applicant**

The Local Planning Authority has displayed a Site Notice advertising your application. It is normally mounted on a fence, lamp post or other item of street furniture. In order to keep the environment of Wirral clean and tidy would you please arrange to have this Notice removed as soon as possible.

A handwritten signature in black ink, appearing to read 'Kevin Adderley', written in a cursive style.

**KEVIN ADDERLEY, INTERIM DIRECTOR  
CORPORATE SERVICES**



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# Appeal Decision

Site visit made on 6 September 2011

**by Gary Deane BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 13 September 2011**

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**Appeal Ref: APP/W4325/D/11/2157355**

**137 Raeburn Avenue, Eastham, Wirral CH62 8BE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs C Edwards against the decision of Wirral Metropolitan Borough Council.
  - The application Ref APP/11/00548, dated 6 May 2011, was refused by notice dated 9 June 2011.
  - The development proposed is the retention of single storey garage side extension.
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## Decision

1. The appeal is dismissed.

## Procedural matter

2. The proposed development is complete and appears to have been constructed broadly in accordance with the plan.

## Main issue

3. The main issue is the effect of the development on the character and appearance of the local area.

## Reasons

4. The appeal property, 137 Raeburn Avenue, is a semi-detached house that has been extended at the side to include a 2-storey addition and a single storey garage. It occupies a prominent corner position at the junction of Raeburn Avenue and Kilburn Avenue. The site lies in a predominantly residential area that is largely characterised by pairs of semi-detached houses of similar design, age and appearance. While there is variety in the boundary treatment of nearby residential properties, low-level walls and vegetation generally mark the highway frontages of dwellings in the vicinity of the site. Taken together, these characteristics give a broad uniformity and general consistency to existing development and a spacious feel to the local street scene.
  5. The Council's Supplementary Planning Guidance 11, *House Extensions*, (SPG) advises that great care is needed in the design of extensions involving corner plots because these locations often provide an open appearance, greenery and are prominent from both streets. Accordingly, the SPG advises that the width of the extension should be no more than half the width of the property's
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- original frontage and no more than half the width of the side garden/plot between the property and the adjacent highway. The single storey addition extends the front building line of No 137 up to the site's boundary with Kilburn Avenue. In doing so, the combined width of the two extensions made to the appeal property would not accord with this general guidance.
6. When viewed from the adjacent highways, the substantial built form of No 137 and the considerable expanse of brickwork, including the boundary wall and gate that have also been erected along the site's boundary to Kilburn Avenue, are particularly evident. This creates an abrupt and formal transition between the appeal property and the adjacent highway. It sharply contrasts with the corner plot property on the opposite side of the same junction, which forms part of a modest sized pair of semi-detached houses with a relatively generous side garden, well stocked with bushes and trees, next to the highway. To my mind, the characteristics of this nearby property, unlike No 137, combine to create some sense of space and informality that is broadly consistent with the overall character of the local area.
  7. Taking all of these points into account, particularly the 2-storey side addition to No 137, it is my view that the extension has disrupted the pattern of existing development, significantly increased the prominence of the appeal property, and unduly eroded the space around the adjacent junction. As such, it is an unwelcome and obtrusive addition to the local area, in conflict with the Council's SPG. In reaching this view, I have taken into account the use of external materials to match the host dwelling.
  8. I saw that several properties in the local area have been altered and extended, including those to which the appellants have referred. However, none of the properties have extensions that are comparable in design, scale and position nor do they occupy prominent corner plots with the same relationship to nearby buildings as in this instance. Therefore, these developments do not weigh in support of the appellants' case.
  9. I therefore conclude that the development causes significant harm to the character and appearance of the local area, in conflict with the Council's SPG.
  10. The appellants consider that the proposal accords with Policy HS11 of the Wirral Unitary Development Plan, and in particular criterion (i). This part of the policy mainly relates to the relationship of house extensions to the size of the plot and the existing building. My concern is much broader than these particular considerations. It primarily relates to the effect of the extended dwelling on the local street scene and the pattern of existing development in the local area.
  11. I have had regard to all other matters raised. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR

**IMPORTANT- THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**WIRRAL BOROUGH COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**ENFORCEMENT NOTICE - MATERIAL CHANGE OF USE**

ISSUED BY: WIRRAL BOROUGH COUNCIL ("the Council")

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES**

Land at 137 Raeburn Avenue, Eastham, Wirral, CH62 8BE shown edged red on the attached plan.

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Erection of a single storey side extension.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last ten years.

The extension by reason of siting and scale on a corner plot property is unacceptable by reason of visual impact onto the character of the area and street scene. The development is contrary to Wirral's adopted Supplementary Planning Guidance Note 11 - House Extension.

5. **WHAT YOU ARE REQUIRED TO DO**

Permanently remove the single storey side extension within a period of four months from the date on which this Notice takes effect.

6. **WHEN THIS TAKES EFFECT**

The notice takes effect on 17 February 2011 unless an appeal is made against it beforehand.

Dated: 10 January 2012.



Signed.....  
Director of Law, HR and Asset Management

Bill Norman  
Director of Law, HR and Asset Management  
Town Hall  
Brighton Street  
Wallasey  
Wirral

## ANNEX

### YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 17 February 2012. The information sheet issued by the Planning Inspectorate and enclosed with the covering Enforcement Notice letter tells you how to make an appeal.

### WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on 17 February 2012 and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 5 of the notice. Failure to comply with an enforcement notice that has taken effect can result in prosecution and/ or remedial action by the Council.

ENFORCEMENT NOTICES\137 RAE BURN AVENUE\NOTICE





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