



Appeal Decision

Site visit made on 1 December 2009

by **Siân Worden BA DipLH MCD MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
23 December 2009

Appeal Ref: APP/W4325/A/09/2112290 2 Douglas Drive, Moreton, Wirral CH46 6BU

- 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 Chi Lam against the decision of Wirral Metropolitan Borough Council.
- The application Ref APP/2009/5338, dated 20 March 2009, was refused by notice dated 14 August 2009.
- The development is a garage (application for built works to the garage).

Application for costs

1. An application for costs was made by Mr Chi Lam against Wirral Metropolitan Borough Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal, and grant planning permission for a garage at 2 Douglas Drive, Moreton, Wirral CH46 6BU in accordance with the terms of the application, Ref APP/2009/5338, dated 20 March 2009, and the plans submitted with it.

Procedural matter

3. The garage has been built and the planning application was retrospective.

Main issue

4. I consider that the main issue in this case is the effect of the proposed development on the living conditions of the occupiers of 4 Douglas Drive and 47 Digg Lane with regard to outlook.

Reasons

5. The appeal building is a garage to the rear of a dwelling in a mainly residential area. It has replaced a smaller outbuilding. The new garage contains a utility room as well as the main car space and is over 8m long, 5.2m wide and about 3.5m high to the ridge of the roof. I noted at the site visit that it is a similar height to the existing house extension. With its plain design and shallow, gabled roof, however, it is not an unduly obtrusive or incongruous feature.
 6. The long elevation is immediately adjacent to the boundary with No. 47 and the southern elevation of that dwelling is about 5m from it. It appeared to me that there is a door in this elevation and some small, secondary windows which
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are at least partially obscure glazed. The occupiers do not therefore have much opportunity to look out onto the new garage. In my view it does not have an overbearing impact on them particularly since there was previously a garage in a similar position, albeit a smaller one. The neighbour at No. 47 has stated that he intends to install French windows which would look out onto the garage. As these are not currently in place I can give them little weight in reaching my decision.

7. The new garage's shorter elevation abuts the boundary with No. 4. Although it is visible from the rear windows of that house to my mind it is not sufficiently large or close to have a significantly over-dominant impact on the outlook from the property. As the garage is to the north east of No. 4 I do not consider that it causes considerable overshadowing or loss of light.
8. The scale of the garage is appropriate to the size of the plot, does not dominate the existing building and is not so extensive as to be unneighbourly with particular regard to the outlook from neighbours' habitable rooms. It therefore complies with Policy HS11 of the Wirral Unitary Development Plan and the Council's supplementary planning guidance *House Extensions*.
9. I have seen the petition and letters of objection to the garage. I appreciate neighbouring residents' concerns surrounding the use of the garage and vehicles at or visiting the property and understand that the Council is looking into these matters. My role, however, is only to determine the proposal before me and the matter of a potential business on the site is separate from that. I saw the gap at the end of the garage but do not consider that it causes harm to neighbouring occupiers. If the garage has encroached onto neighbouring land any harm arising from that will have to be addressed through other channels. I have noted that the application was retrospective and that some neighbours feel they have been disregarded but am able to attach limited weight to this.
10. The Council has not suggested that any conditions should be imposed and I do not consider that any are necessary in the terms of Circular 11/95 *The Use of Conditions in Planning Permissions*.
11. For the reasons given above I conclude that the appeal should be allowed.

Siân Worden

Inspector