

## Notes on the Planning Officer's Final Report:

You will note in the final report that Councillor Hodson raised a formal objection to the planning application. However, in the Freedom of Information requests submitted to the council, there was a specific request for all communications relating to the application, including those from Councillor Hodson. None of these communications were provided. A second Freedom of Information request was submitted after it became clear that much of the requested information was missing, but this request was also refused.

In the Freedom of Information response that was provided, there is a redacted email sent from a neighbour to the Planning Officer stating, “I have been informally told that the plans have been rejected.” This information could only have come from a council official with access to that decision. The most likely source of this informal information is Councillor Hodson. This raises an obvious question. Where are the communications between Councillor Hodson and the neighbour, and between Councillor Hodson and Planning Department staff?

It also raises further questions about the extent of Councillor Hodson’s influence. What role did he play in diverting the application away from the Planning Committee? What influence or pressure, if any, did he exert on the Planning Officer, particularly given that the plans in question were clearly her own design?

Turning to representations, the Planning Officer places significant emphasis on the number of objections received. However, she fails to counterbalance these objections with the substantial evidence provided by the applicant. This evidence included credible indications that racism was a motivating factor behind some, if not all, of the objections. These concerns were fully documented and provided to the Planning Officer at an early stage.

The evidence also included factual examples. One neighbour, Aaron Borbora, who had previously refused to make the unregistered tree safe, told the applicant that he and his wife would call round to discuss the application on a specific Saturday morning. They failed to attend and never engaged with the applicant about the plans. Another neighbour slammed the door in the face of the applicant’s wife, who is Black, and their mixed-race daughter, who was three years old, repeatedly screaming, “I don’t want to talk about it,” when they attempted to discuss the planning application. This incident, along with other relevant responses from objectors, was reported to the Planning Officer by email.

Despite this, the Planning Officer’s report strongly emphasises the objections. It is worth remembering that these objections were made to her own design. At the same time, she simply ignores the applicant’s explanations and supporting evidence. This raises a serious question as to whether the Planning Officer failed in her duty to properly assess the representations before her.

It is also notable that the same neighbour involved in the door-slamming incident appears to be the author of the redacted email stating that the plans had been “informally” rejected. This suggests the existence of an informal back channel into the Planning Department. Confirmation of this will only be possible when the council complies with its legal obligation to release the relevant communications in full and unredacted form.

The Planning Officer also failed to note that none of the objectors attempted to discuss the plans with the applicant directly. Instead, they submitted objections remotely from their keyboards. When the application is eventually considered by the Planning Committee, these objectors will have the opportunity to

attend and raise their concerns face to face. That will be the true test of their commitment to those objections.

The report also raises concerns about overlooking. The area sits on the valley sides of the Dee estuary, where overlooking is inherent due to the steep topography. One of the nearby roads is so steep it is locally known as “Angina Hill.” In such an environment, houses inevitably overlook those below them. The extension will not create any new overlooking beyond what already exists, and the property itself is already overlooked. These are the Planning Officer’s own plans, yet she does not address or counter these points in her report.

To elaborate on the steep nature of the topography further, the property to the right hand side of the applicants’ property is a single story bungalow. The applicant’s property on its right hand side is three storeys high. The neighbour’s single story bungalow is at the same level as the applicant’s third story!!

The report further states that “another set of plans were submitted,” which implies that the applicant designed and submitted them. This is misleading. The design and specification were set by the Planning Officer, documented in emails, marked out on site with the applicant and his architect, and then submitted exactly as instructed. The applicant and his architect followed every instruction given. The report does not reflect this reality and neither does the planning officer’s anecdotal comment ‘another set of plans was submitted’ reflect this reality

There are also references to plastic grass allegedly causing drainage issues. This assertion is unfounded. Appropriate drainage would, as a matter of course, be installed. References are also made to trees and bushes being affected. A tree consultant’s report, commissioned at the Planning Officer’s request, clearly states that no trees or bushes would be impacted. The applicant also intends to re-landscape both the front and rear gardens after construction, yet none of this is mentioned.

Some objections verge on the implausible. For example, concerns are raised that balconies would cause noise. The property already has two balconies at the front, including one serving the main open-plan family living space with bi-folding doors which fully open the main living / kitchen dining space to the outside. These are used regularly, including during summer months, and no noise complaints have ever been received. Concerns about light pollution are equally misplaced. The lane outside the property has no council street lighting. Existing downlights on the applicant’s wall already provide limited illumination for public benefit, and the extension would not introduce additional lighting.

The overall impression is that this section of the report seeks to list as many objections as possible, regardless of their factual accuracy. This is misleading.

The report also refers to objections from the Heswall Society. However, correspondence from the Heswall Society does not appear in the Freedom of Information material provided by the council. The Society itself has no statutory remit and does not publish its internal discussions, meeting minutes, or correspondence relating to planning objections. It also did not contact the applicant, a consistent pattern among objectors. Steps are now being taken to request disclosure of the Society’s discussions relating to this application, and an offer has been made to meet with them. Any responses or outcomes will be published.

The report states that “one letter of support was received” and provides a brief summary. This is inaccurate. Multiple letters of support were submitted. The report also fails to disclose that the letter referenced was from a Labour peer in the House of Lords, a war hero, twice knighted for services to his country, and a member of the Privy Council. He explicitly referenced the racist behaviour directed at the applicant and his family. This context is entirely absent from the report, resulting in a distorted presentation of the balance of representations.

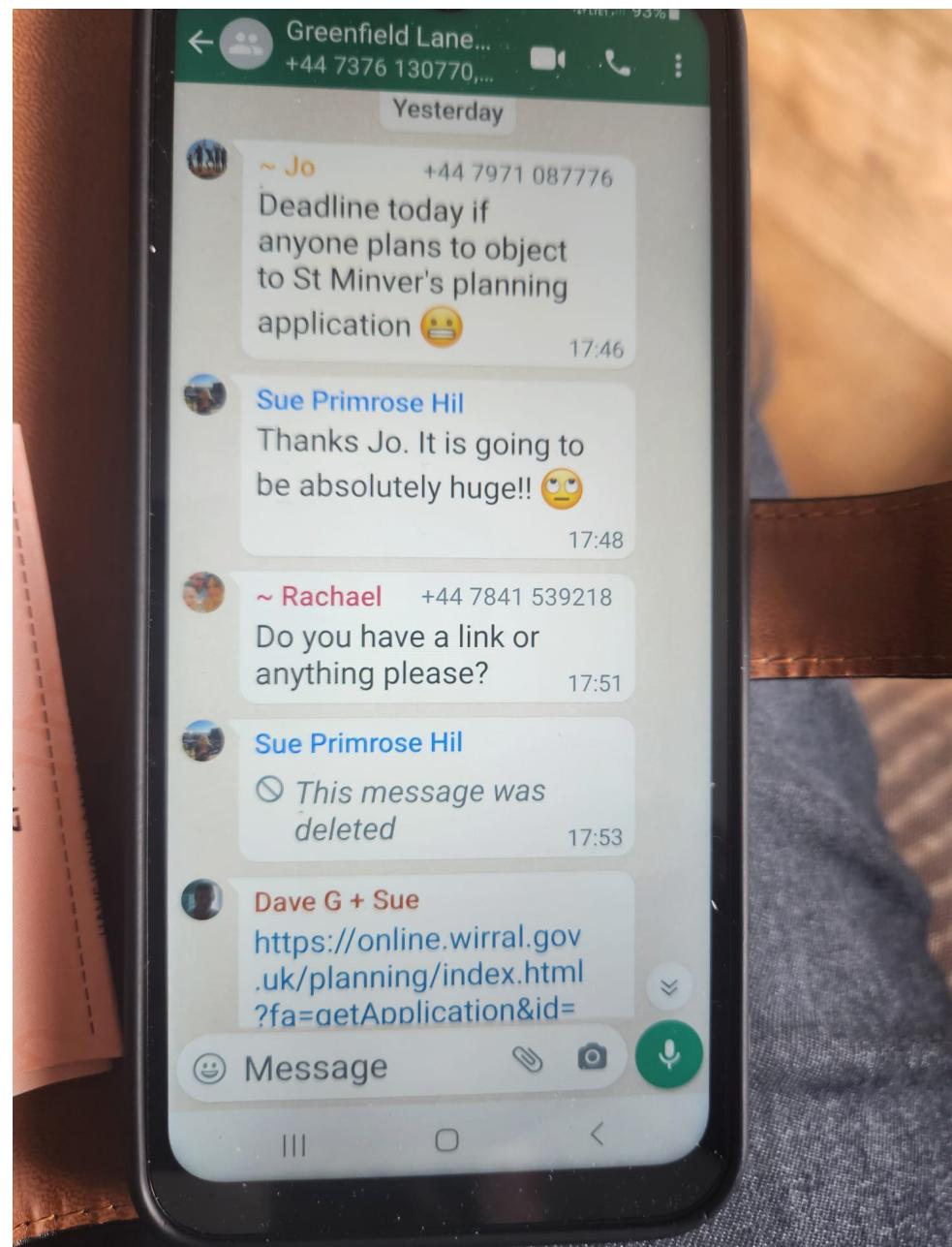
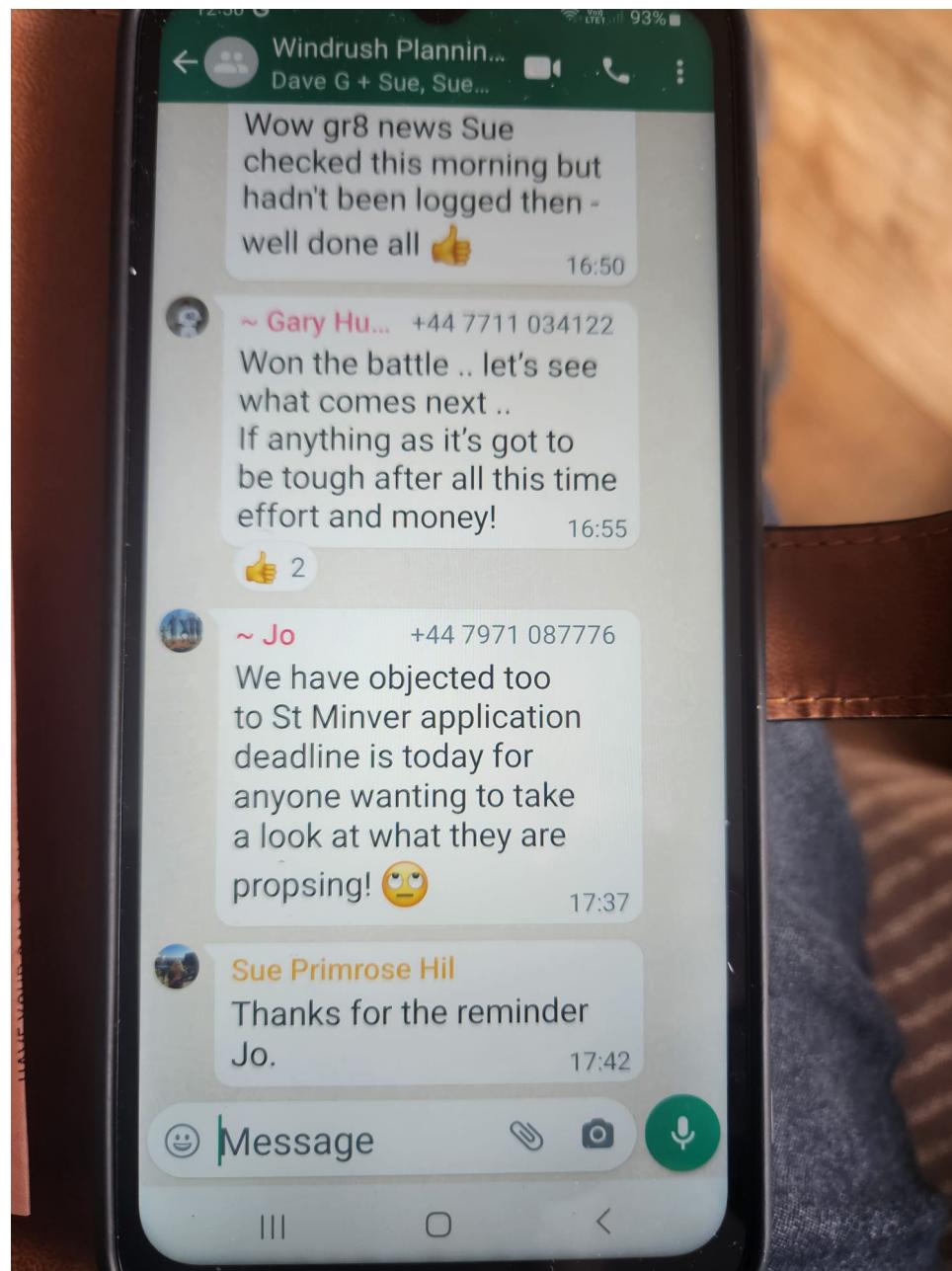
As a further point, the applicant declined additional offers of support letters at the time, as these were the Planning Officer's own plans. Should the application be resubmitted, the volume of support letters will be substantial.

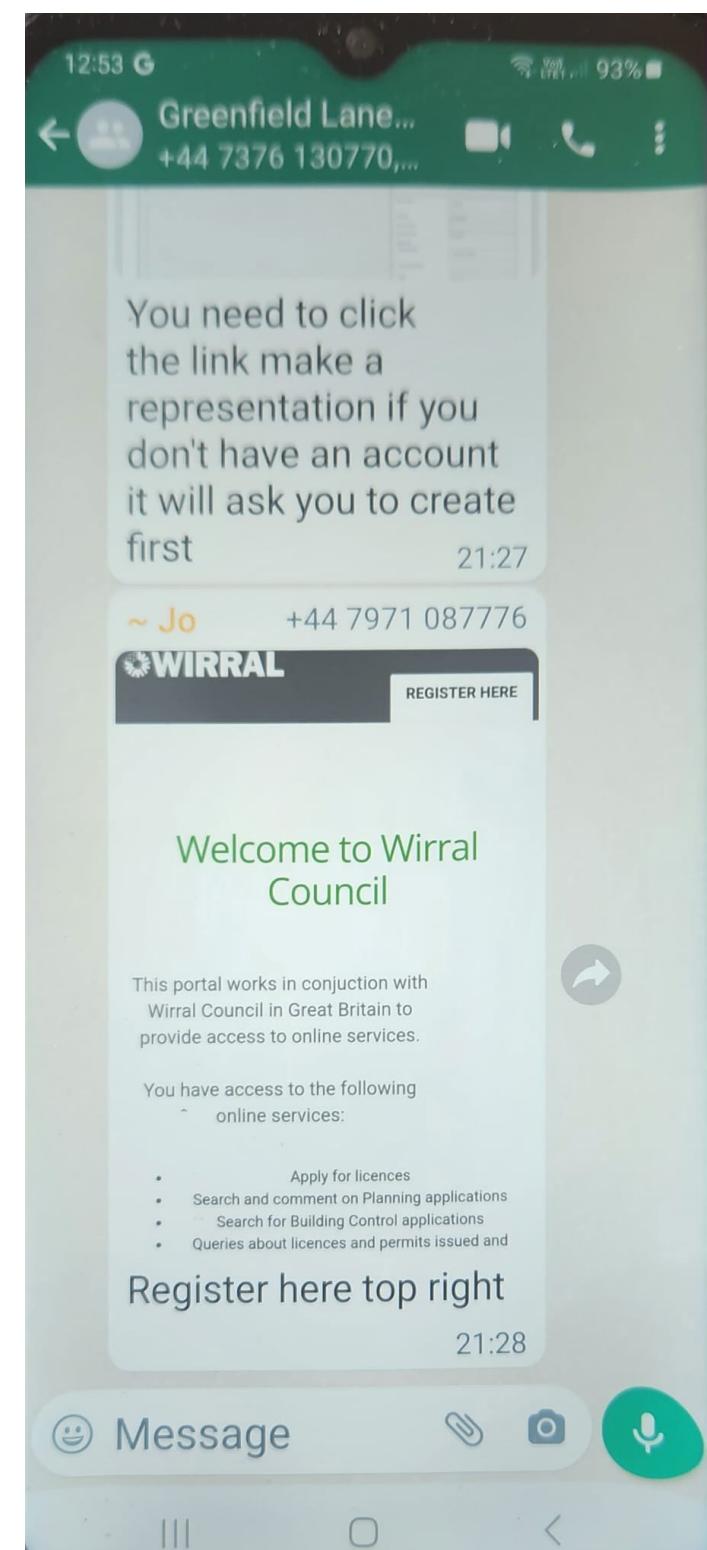
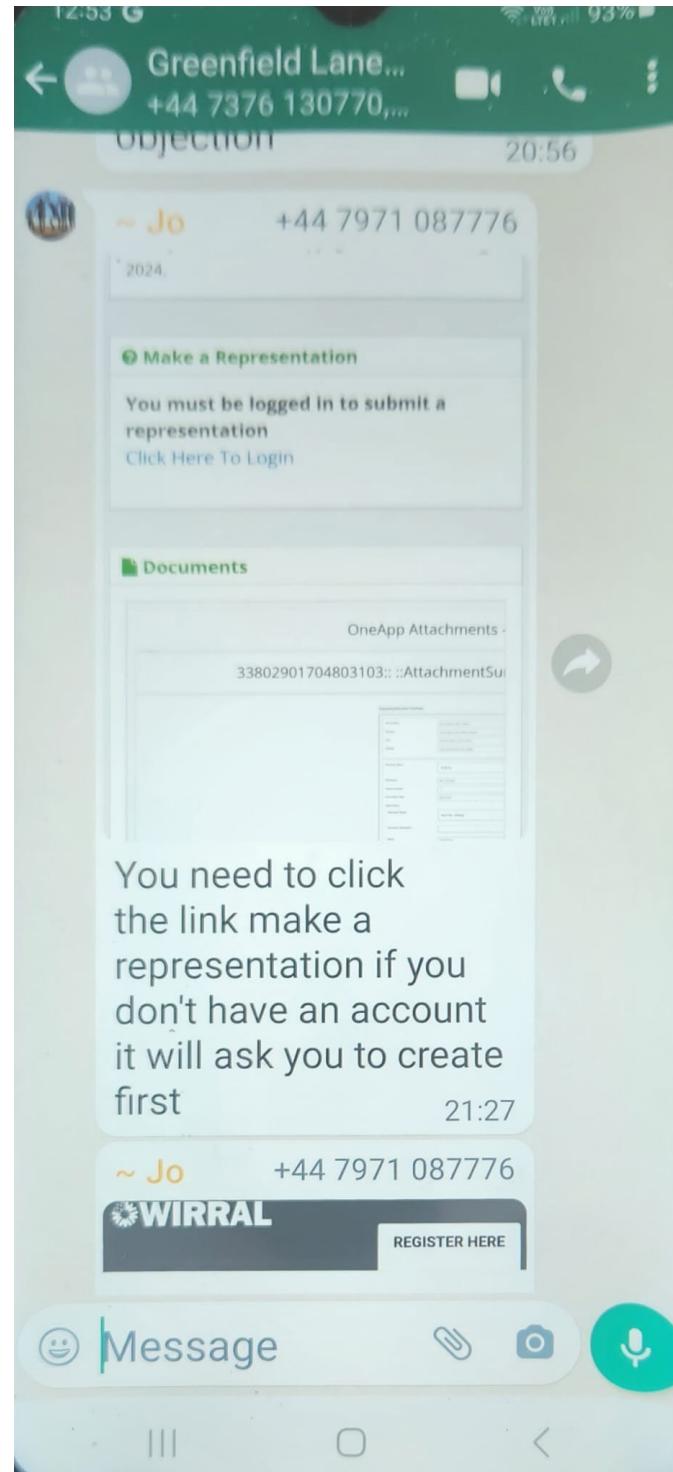
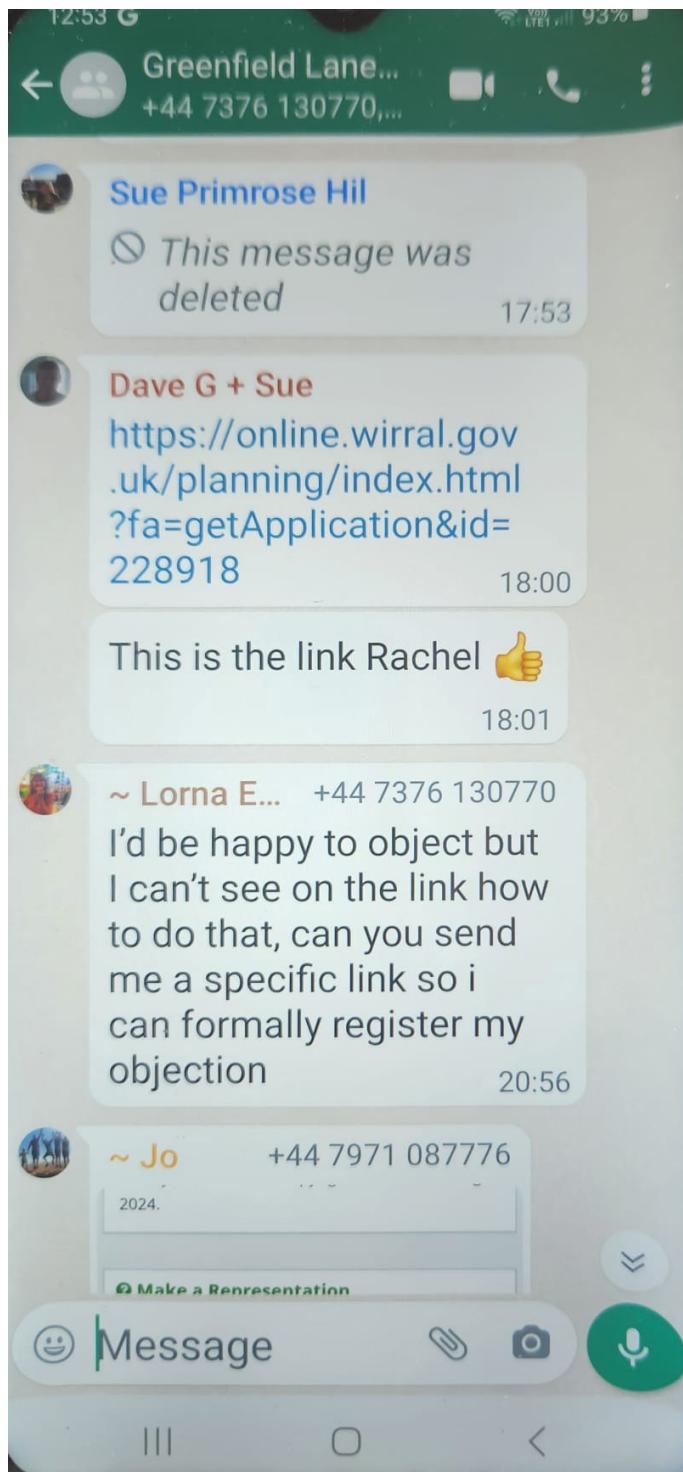
Finally, it is worth recalling that the Planning Officer herself stated in an earlier email that planning applications are not refused simply because objections are received from neighbours. Despite this, her report places disproportionate weight on objections to her own design, while misrepresenting both their content and the level of support.

A further issue arises from the Planning Officer's site visit. During the visit, the applicant pointed out that neighbours had recently cut back hedging between the two properties, creating new sightlines into the applicant's garden. Given the neighbours' long-standing aversion to carrying out such work themselves, this was unusual. The applicant recorded a video of the hedge cutting, complete with date, time, and location metadata, and offered it to the Planning Officer. She declined to view it.

The relevance of this becomes clear in the final report, which includes photographs taken from the neighbours' rear garden through the newly created gaps in the hedging. These images conveniently show the applicant's property from a position that did not previously exist. The report does not acknowledge this context, nor does it mention that the Planning Officer was offered video evidence explaining it.

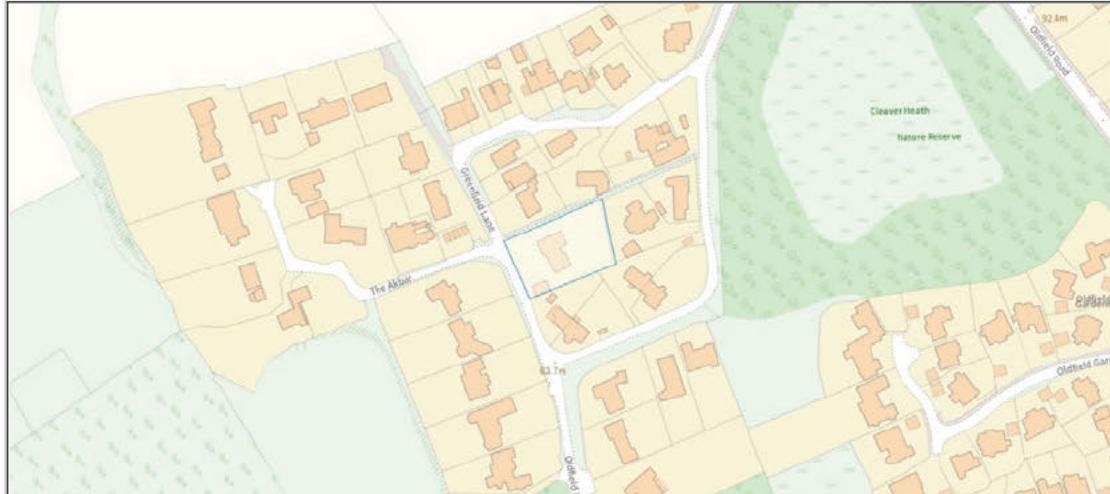
Taking all of the above into account, the reader is entitled to ask whether the Planning Officer's report reflects the facts, whether it complies with council and government guidance when faced with allegations of racism, and whether the conclusions reached were genuinely her own or influenced by external pressure.





Reference:	PS Development Code	Case Officer:	Ward:
	Q21 - Householder Developments		

<b>Location:</b>	
<b>Proposal:</b>	Proposed second floor roof extension with front and rear gables and balcony to front. Pitch roof above existing first floor flat roof. 1.5-storey extension to front, side and rear with first floor balcony to front elevation. First floor balcony to rear elevation and single-storey rear extensions (AMENDED DESCRIPTION AND AMENDED PLANS RECEIVED)
<b>Applicant:</b>	
<b>Agent :</b>	

**Site Plan:**

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<b>1. Development Plan designation:</b>	Primarily Residential Area SSSI Impact Risk Zone
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<b>2. Planning History:</b>	<ul style="list-style-type: none"> <li>- Variation of condition 2 of dwelling as built - Approved 12/04/2019 to retain the amended elevations to the</li> <li>- Proposed 1.6m high boundary wall with piers and electric sliding gates - Approved 03/12/2018</li> <li>- Erection of a 1.6m high boundary wall and detached double garage - Approved 22/03/2018</li> <li>- Demolition of existing bungalow and replacement with new dwelling, including external hard and soft landscaping - Approved 28/04/2015</li> </ul>
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**3. Summary Of Representations and Consultations Received:**

<b>3.1 Ward Member Comments</b>	Councillor Hodson cited concerns the proximity of the proposal adjacent to the neighbour would harm their amenity.
<b>3.2 Summary of Representations</b>	<p><b>REPRESENTATIONS</b></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 7no. notification letters were sent to neighbouring properties on 23 January 2024. In response, 14 representations objecting to the application were received. Comments made within submitted representations are summarised below:</p> <ol style="list-style-type: none"> <li>1. The scale of the development is out of character with the surrounding properties (area characterised by bungalows and two-storey dwellings) and will have a harmful visual impact on its surroundings and the historic semi-rural character of the area;</li> <li>2. The scale will be harmful to neighbours' amenity and will result in a development that is overpowering, overbearing, visually obtrusive, and dominant, coming closer to properties with an enormous blank wall, far higher and longer than it is now. It will cause a loss of sunlight into homes and gardens. The proposal is contrary to Policy HS11 - House Extensions and contrary to SPG11 which sets out development must be 14m away from a habitable room;</li> <li>3. Overlooking and loss of privacy harmful to neighbour amenity. The balcony will result in overlooking and loss of privacy. The height of the building and the gradient of the land exacerbates overlooking;</li> <li>4. Proximity to boundary exacerbates the overbearing, dominant appearance;</li> <li>5. There are trees and shrubs affected by the proposal;</li> </ol>

6. The scale is akin to introducing a new dwelling to the plot;
7. Highway concerns: Construction will lead to further deterioration of the already poor road surface in the locality with further construction traffic needing access. This has long term safety impacts on both the residents and other road users, including pedestrians and horse riders. There will be access problems from traffic accessing this very narrow lane. No traffic management plan has been submitted;
8. The proposal has the appearance of a hotel, which is out of context on [REDACTED];
9. The large overbearing mass looks ready for future conversion to apartments;
10. Noise pollution from the balconies will be a nuisance to a very quiet area;
11. Noise during construction;
12. Intrusive external roadside wall lights causing light pollution;
13. Adverse environmental impact;
14. The application is to substantially further extend an already disproportionately large and intrusive property that is already out of keeping with the surrounding area;
15. The 'incremental' stage-by-stage creep to achieve permission for a development that would not have been accepted as part of the original application;
16. The proposed dwelling would have a plot ratio and a plot coverage of well over 0.5 and is out of keeping with a low density area. Allowing smaller and smaller plot ratios and denser and denser dwellings results in a material change to the area;
17. The property is far larger than the plot can accommodate, resulting in it becoming cramped and oversized and out of character with the area resulting in a detrimental change;
18. The proposed dwelling would be extremely close to its side and front boundaries, unlike any other property in the immediate vicinity or wider area;
19. The proposed dwelling is not comparable to close and adjacent properties;
20. The proposal is not of a scale that relates well to surrounding densities or form of development. The adjacent and close properties on [REDACTED] are bungalows or established 3 or 4 bedroom detached houses, most of which are screened by mature trees. Although larger properties are to be found on opposite side of [REDACTED], the topography of the area means they are effectively built into the slope of the land, meaning they are not visually intrusive. [REDACTED] is located towards the top of the slope, meaning that it is already intrusive for those below it;
21. The frontage of [REDACTED] is entirely open, with no screening/ landscaping;
22. Surface water drainage in the area is poor, artificial, plastic "grass", felling the trees and further reducing the available ground area by increasing the size of the dwelling would increase this surface water run-off, risking flooding;
23. Potential damage to surrounding properties;
24. Approximately double the volume of the current large dwelling, extending both outwards and upwards to create an over-dominant building that is wholly out of character with the surrounding dwellings;
25. Loss of a private view.

The Heswall Society submitted the following objection:

1. The scale and lack of trees and shrubs reinforce prominence and will harm the character of the neighbourhood.
2. The scale creates a cramped appearance and emphasises the increase in bulk.
3. The adjacent property [REDACTED] will be overshadowed by a huge blank elevation which will dominate the view from habitable rooms. The separation distance from this overpowering blank elevation is far less than required by the SPG on extensions, especially taking into account the difference in ridge heights.
4. Trees impacted by the foundations of the proposed extension.

One letter of support was received citing the following:

1. There are other examples of properties occupying the entire width of the plot which does not, and the larger plot size was referred to in appeal decision A [REDACTED];
2. A previously approved drawing in 2018 showed a ground floor extension with first floor balcony;
3. The approved garage establishes the building line;
4. There is already a degree of overlooking between properties in this locality due to the geology of [REDACTED];
5. The proposal will improve the appearance of the existing building.

Amended plans were received and a second public consultation was carried out as the drawings were significantly different and the description of development had also been amended. Four additional objections were received citing the following concerns:

1. The revised proposal remains equally unsuitable - it is even more visually intrusive and overpowering and overbearing on the adjacent properties
2. Out of keeping with the rural and historic locality.
3. Results in an incremental stage-by-stage creep to achieve permission for such a larger development when it would not have been accepted as part of the original application
4. Intrusive external roadside wall lights causing light pollution;
5. Construction traffic resulting in disruption and long-term damage to the infrastructure in the area. Developers should be required to make a contribution to the repair and maintenance to access roadways - the impact of cranes and wagons risks vehicle and pedestrian safety;
6. This property is already very large and dominant on the street scene as noted by the Planning Inspectorate under appeal [REDACTED].
7. Overbearing and over-shadowing on the neighbouring property and the transition between the properties will look very strange;
8. Overlooking and loss of privacy;
9. The amended scheme still does not achieve the required separation distance set out in SPG11;
10. The width of the extension has been reduced by only 70cm;
11. The Treesure report is incorrect, the trees/shrubs to the boundary are well established;

12. The plot ratio does not reflect the low density of the surrounding area;  
 13. Further neighbour consultation required regarding the impact [REDACTED] and [REDACTED];  
 14. Potential damage to neighbouring properties;  
 15. Loss of habitat for birds and bats.

#### **CONSULTATIONS**

MEAS - no objection, requested conditions.

#### **4. Site and Surroundings**

4.1	<p>The site comprises a contemporary detached rendered dwellinghouse of individual design, situated in a Primarily Residential Area of mixed design bungalows and two-storey properties. Due to the topography of the area the development pattern has a stepped character, falling towards the River Dee.</p> 
	<p>The property to the south " [REDACTED] " is a two-storey semi-detached property set forward of and at an approximate 45 degree angle, with habitable windows to the rear elevation. The property to the north " [REDACTED] " is a detached bungalow, set back from the highway and at a higher level. The surrounding streetscene comprises a mixture of traditional semis, bungalows and larger detached homes.</p>

#### **5. Proposed Development**

5.1	<p>The application originally was submitted as a three-storey extension to front, side and rear with balconies and pitch roof above existing first floor. The scale and design was considered harmful to the character of the street scene and the amenities of the neighbouring property, and amended plans were requested to significantly reduce the size of the extension. Due to the significant changes to the scale and design and the additional rear balcony a second 21-day neighbour consultation was undertaken.</p> <p>The amended plans propose a second-floor roof extension to reflect the existing front and rear gables and balcony to front, and a pitch roof above existing first floor flat roof. It also includes a 1.5-storey extension to front, side and rear with first floor balcony to front elevation, first-floor balcony to rear elevation and single-storey rear extensions.</p> <p>The amendments are not considered to have overcome the concerns of scale and design and the impact on the character of the streetscene and the amenities of neighbouring properties.</p>
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#### **6. Development Plan**

6.1	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <p>Policy HS11 House Extensions which considers scale and design, and the impact on the original building and neighbouring buildings.</p> <p>Policy GR7 Trees and New Development considers the impact of the proposal on existing trees on and adjacent to the site.</p> <p>Policy NC7 Species Protection sets out the proposal shall not have an adverse effect on protected wildlife species.</p>
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18<sup>th</sup> July 2013) is also applicable.</p>

#### **7. Other Material Planning Considerations**

7.1

**The National Planning Policy Framework**

The updated NPPF supports well designed sustainable development which promotes the choice of high quality homes and takes the opportunities to improve the quality and character of the area. Poor design that fails to take opportunities for improving the character of an area should be refused.

7.2

**The Emerging Local Plan**

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at [www.wirral.gov.uk/lpexam](http://www.wirral.gov.uk/lpexam)

On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors view on certain matters and what should now be done. It should be read as the Inspectors initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. The modifications required to make the Plan sound were published by the Council for public comment on 25 September 2024. For the purposes of decision making, the post-hearing note and the publication of the modifications does not change the status of the emerging Local Plan. The Plan is however at an advanced stage and weight may be given to relevant policies in the emerging Plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.

In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
3. the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."

The following emerging plan policies are relevant to the determination of this planning application:

Policy HS11 will be replaced by policy WD5 Residential Extensions which sets out development proposals for residential extensions should demonstrate that:

1. the scale and design of the proposed extension is appropriate having regard to the size of the plot, the relationship with existing buildings on the site and within the street scene, and the impact on amenity of neighbouring properties; and
2. the materials match and/or complement those of the existing building; and
3. design features such as lintels, sills, eaves and roof form and line match or complement those of the existing building; and
4. proposed roof extensions should relate well to the design and scale of the property and be in keeping with both the local context and the established character of the area; and
5. where the property forms part of a uniform street frontage, any two storey side extension will be appropriately set back and have a lower roof ridge line to retain the rhythm of the street; and
6. an adequate area of amenity space, and unobscured vehicular access will be retained; and
7. the extension(s) would otherwise be subordinate to and complement the character of the original dwelling.

7.3

**Supplementary Planning Guidance 11 House Extensions**

SPG11 sets out main habitable windows should be 14m away from a blank gable but if there are differences in land levels or ridge heights a greater separation distance should be provided and increases by 2m for every 1m difference in ridge/land levels. Balconies than increase overlooking will not be supported.

7.4

**Tree, Hedgerow and Woodland Strategy 2020-2030 (hereafter referred to as The Tree Strategy)**

Sets out the importance of protecting trees and tree planting.

**8. Assessment**

8.1.1

The main issues pertinent in the assessment of the proposal are the scale and design of the proposal and its impact on the streetscene (paragraph 8.3) and the amenities of neighbouring properties (paragraph 8.4).

**8.2 Principle of Development**

8.2.1

Extensions to dwellings are acceptable in principle subject to policy HS11 and SPG11.

**8.3 Design**

8.3.1

The existing dwelling is taller and wider than the adjacent dwellings (which comprise of a bungalow and a semi-detached dwelling) and appears visually prominent from [REDACTED] and the neighbouring properties. The rendered finish and large areas of glazing appear more stark in appearance than the adjacent dwellings. Its dominant appearance is exacerbated by its elevated position when viewed from the streetscene and the lack of vegetation to soften its appearance.

8.3.2

The three-storey proposal initially submitted resulted in an even more dominant building than existing, and was disproportionate in scale resulting in harm to the character of the original property and the character of the streetscene which is characterised by bungalows and two-storey dwellings. Amended plans were requested to reduce the scale of the extension.

8.3.2

The proposal has been amended to reduce the scale of the side extension to 1.5-storey and retained the proposed pitch roof above the existing first floor flat roof and the second floor roof extension with front and rear gables

The amended proposal remains too large in scale and will harm the character of the area. The existing property sits centrally within the plot, the spacing and the flat roof provides a visual transition between the smaller adjacent properties. The proposal will occupy the majority of the width of the plot and the extensions, in particular the second storey roof extensions and the front gable to extend the top floor, will significantly increase the bulk of a building which is already larger and more dominant than the surrounding properties. Consequently the roofscape will not result in an acceptable transition between the adjacent smaller properties and would appear incongruous within the streetscene. The stark design with large areas of glazing will exacerbate the visually obtrusive appearance.

8.3.3

The scale of the extension is contrary to policy HS11 House Extensions of the adopted Wirral Unitary Development Plan and SPG11 House Extensions in that it is inappropriate to the size of the plot and will dominate the existing building and neighbouring buildings and will have an adverse impact on the character of the area.

**8.4 Amenity**

8.4.1

The principle concern regarding amenity is the scale, massing and proximity of the proposal to the south boundary, and the impact on the amenity and living conditions of the occupiers of [REDACTED]

8.4.2

[REDACTED] is located to the south of [REDACTED] and is orientated so the rear elevation and garden is positioned at roughly 45 degrees to the application site.

8.4.3



Location plan

8.4.4

There are habitable windows to the rear elevation of [REDACTED] including an artist studio window, kitchen window/door, and a dining room window (duel aspect room) at ground floor, and a bedroom window at first floor. The fan shaped rear garden is 27m in length and is used as a sitting out space. There is a garage and vegetation to the boundary, and a 2m high wooden fence.

8.4.5





Rear elevation and rear garden of [REDACTED]

8.4.6

Policy HS11 sets out the scale of an extension should be appropriate to the size of the plot not dominating the existing building and not so extensive as to be unneighbourly particular regard being had to the effect of light to and the outlook from neighbours' habitable rooms and not so arranged as to result in significant overlooking of neighbouring residential property.

SPG11 echoes this advice and sets out main habitable windows should be 14m away from a blank gable but if there are differences in land levels or ridge heights a greater separation distance should be provided and increases by 2m for every 1m difference in ridge/land levels.

8.4.7

The proposal as originally submitted measured 9.9m in height to the ridge, 6m to the eaves, and projected 18m along the boundary and its scale, massing and proximity was considered harmful to the outlook from the rear facing habitable windows of [REDACTED] which is orientated approximately 45 degrees towards [REDACTED] In addition the original proposal would have resulted in a dominant and overbearing appearance when viewed within the rear garden of [REDACTED] diminishing its enjoyment.

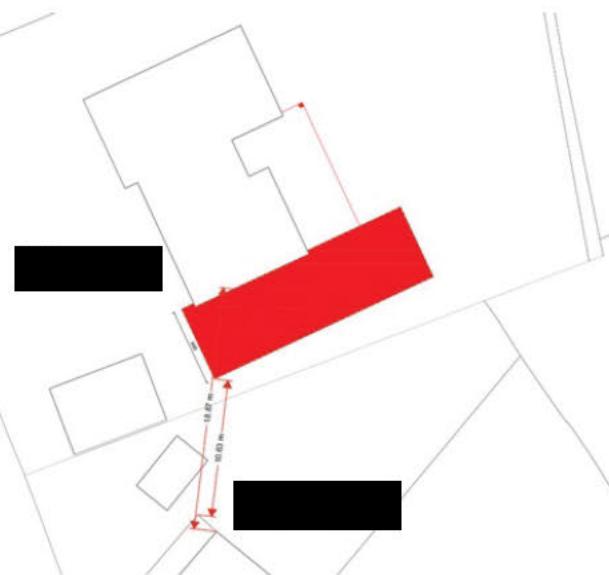
8.4.8

Amended plans were requested reducing the scale of the proposal.

8.4.9

Impact on [REDACTED]

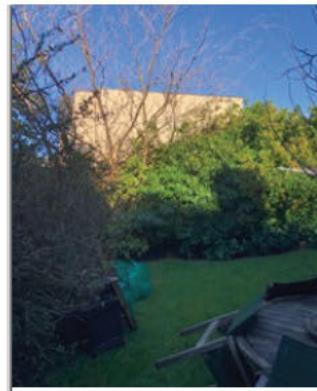
The originally three-storey extension adjacent to the south boundary has been reduced to 1.5 storey and is 2m away from the boundary. However the proposal remains overbearing when viewed from [REDACTED]



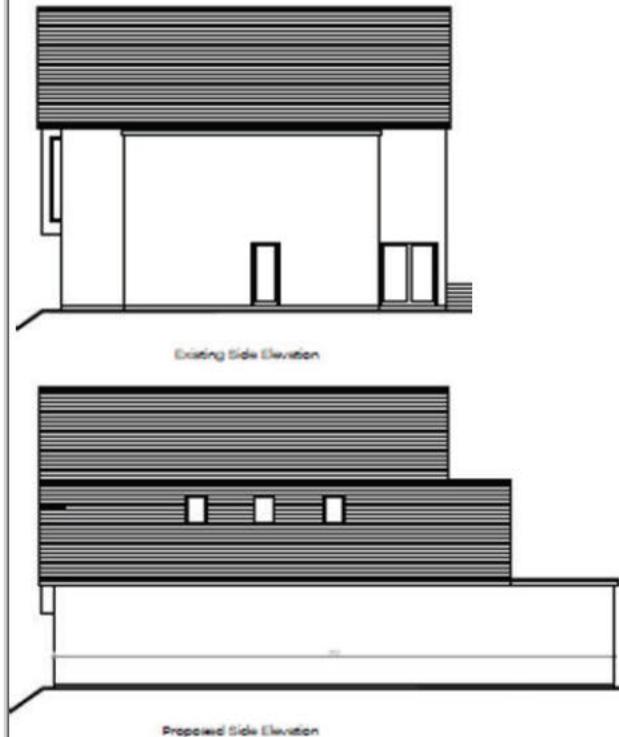
The kitchen windows, dining room window and bedroom window at [REDACTED] achieve the 14m separation distance from the 1.5-storey extension, as set out in SPG11. The nearest habitable window in [REDACTED] to the proposal (ground floor window in the rear elevation serving an artist studio) would have a direct outlook of 20m to the extension and a 45 degree outlook measuring 11m to the closest point of the extension.

The three-storey element is 18.8m away from the habitable window. It is also a material consideration [REDACTED] is positioned higher, no land levels have been provided.

The scale of the proposal is still considered to be overbearing when viewed from [REDACTED] The two-storey flat roof of [REDACTED] as existing is currently very visible from the rear garden. The proposal will add an additional second storey to the flat roof gable, and the 1.5-storey extension will be significantly closer.



Existing view of [REDACTED] from [REDACTED]



Existing elevation and Proposed elevation

It is considered the increased height, length, proximity and overall bulk of the proposal will appear far more visible and overbearing when viewed from [REDACTED] and will have a detrimental impact on the outlook from the habitable windows or the enjoyment of the garden of Ashlar. The proposal is contrary to policy HS11 and SPG11

#### Overlooking

Overlooking and loss of privacy is also a planning consideration, and SPG11 sets out balconies than increase overlooking will not be supported. The application proposes further balconies at first and second floor. These balconies remain 50m away from the dwellings opposite (west) and whilst they may increase the perception of being overlooked they do not significantly increase overlooking. The first-floor balcony nearest Ashlar is inset and the walls act as a privacy screen preventing direct overlooking to the south.

There is a proposed first floor terrace centrally positioned to the rear elevation. This will not result in direct overlooking to [REDACTED] as it is screened by the extension. The terrace is positioned 29.5m away from the property to the rear (no.66), and is not considered to result in overlooking to this property which is positioned at a higher level. The terrace is 17.3m away from the property boundary to the north ([REDACTED]) and a screen would prevent direct overlooking to the dwelling. A condition would be required to ensure the flat roof above the gym is not used as a balcony.

#### 8.4.10

The scale and design of the proposal is considered to have a harmful and adverse impact to the amenities that the occupiers of neighbouring properties should expect to enjoy. The proposal is contrary to policy HS11 House Extensions of the adopted Wirral Unitary Development Plan, SPG11 House Extensions and the National Planning Policy Framework.

## 8.5 Ecology

### 8.5.1

#### Protected species

MEAS were consulted on the application and confirmed a PRA was not required. They advised conditions requiring bird and bat nesting boxes and native shrubs should be planted.

#### Biodiversity

BNG is not a requirement for a householder application.

#### Trees

In the neighbouring garden to the south boundary there is a mix of vegetation including berberis, rhododendron, brambles and cherry saplings. There are two young holly trees and 1 conifer which are over 4m behind the fence. A tree assessment was submitted by TreeSure (dated 1st July 2024) confirming the proposed footprint of the extension was outside the root protection areas.



## 8.6 Highways

### 8.6.1

There are no highway implications relating to this proposal. Objections have cited concerns regarding the impact of construction traffic on the unmade highway, but a condition to require the developer to contribute a sum of money towards the highway would not meet the 6 tests of a condition.

## 9. Summary of Decision (planning Balance)

### 9.1

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following:-

### 9.2

The scale and design of the proposed development is considered to have a harmful visual impact on its surroundings and the character of the area. The proposal is contrary to policy HS11 House Extensions of the adopted Wirral Unitary Development Plan, SPG11 House Extensions and the National Planning Policy Framework.

The scale and design of the proposal is considered to have a harmful and adverse impact to the amenities that the occupiers of neighbouring properties should expect to enjoy. The proposal complies with policy HS11 House Extensions of the adopted Wirral Unitary Development Plan, SPG11 House Extensions and the National Planning Policy Framework.

## 10. Recommended Decision:

REFUSE

## Recommended Conditions:

1 The scale and design of the proposed development is considered to have a harmful visual impact on its surroundings and the character of the area. The proposal is contrary to policy HS11 House Extensions of the adopted Wirral Unitary Development Plan, SPG11 House Extensions and the National Planning Policy Framework.

2 The scale and design of the proposal is considered to have a harmful and adverse impact to the amenities that the occupiers of neighbouring properties should expect to enjoy. The proposal complies with policy HS11 House Extensions of the adopted Wirral Unitary Development Plan, SPG11 House Extensions and the National Planning Policy Framework.

<b>Last Comments By:</b>	15-02-2024
<b>Expiry Date:</b>	19-March-2024