
APP/2009/5817

WARD West Kirby and Thurstaston

Location: Rowardennan 3 Croft Drive East Caldy Wirral CH48 1LT

Proposal: Demolition of existing building and erection of replacement dwelling

Applicant: Mr J Radcliffe
c/o Taylor Young Ltd
Vanilla Factory
39 Fleet Street
Liverpool
L1 4AR

Agent: Mr Mark Cawood
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Liverpool
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Development Plan allocation and policies: Primarily Residential Area
Conservation Area
Design and Density Guidelines Area

Caldy Village Conservation Area Appraisal
HS4: Criteria for New Housing Development
CH3: Demolition Control in Conservation Areas
CH11: Caldy Conservation Area
Regional Spatial Strategy - DP1, DP2, DP3
Interim Housing Policy
PPG15: Planning and the Historic Environment.

Planning History: 20085987 - Demolition of existing building and erection of replacement dwelling
Refuse 05/08/2008 - Appeal decision: Dismissed 08/05/2009.

2009/6028 - Conservation Area consent for the demolition of the existing dwelling
Decision pending.

Representations and consultations received: Representations:

A site notice was displayed on the front gate on the 3rd August 2009. A total of 5 letters of notification have been sent to properties in the area. At the time of writing this report two individual letters of objection has been received, listing the following grounds:

- The proposal is parallel with the boundary and 8.2m from No.1;
- The depth of the dwelling has increased;
- The height and width of the proposal has increased;
- The proposal will result in loss of light and sunlight to the lounge and bedrooms of No.1;
- Doubling the size of the dwelling will not fit in with surrounding dwellings;
- Suggestions for alternative developments;
- The proposal is a gross extension of the existing footprint with no resemblance to what is being replaced;
- Increasing the footprint from 145 sq m to 280 sq m is totally out of proportion to the plot area;
- No.1 will be over-dominated;
- No trees should be removed to preserve the neighbours privacy;
- There is a distance of 17m between the staggered rear wall of No.3 as seen from the lounge of No.1, reducing to 15.7m as shown on the amended plans;
- The effect of the increase in the height, width and depth into the garden has increased by 75%;
- The proposed garage has been amended to be set along the boundary of No.1 right in front of the lounge window of No.1, with a steeply pitched roof measuring 4.7m tall,
- Committee refused planning application 2008/5987 on design and scale.

Councillor Geoffrey Watt requested the application be removed from delegation on the grounds the replacement dwelling is a much larger house which does not respect the

footprint, size and relationship between the neighbouring and existing dwellings, both contrary to the Caldly Village Conservation Area Appraisal and Management Plan.

Consultations:

Director of Technical Services (Conservation): No objection subject to conditions.

Director of Technical Services (Tree/Landscaping Officer): No objection subject to a condition to retain a tree in the front garden.

Director of Technical Services (Traffic Management Division): No objection.

Director of Technical Services (Highway Maintenance): An application for a vehicle crossing is required and must conform to WBC specifications.

Caldly Conservation Advisory Committee: Objected on the bulk, height, size of the proposal within the Caldly Conservation Area. The proposal is identical to a previously refused application 2008/5987. The windows on the south elevation of No.1 Croft Drive East and principle habitable windows. The materials are not inkeeping with the area.

Directors comments: The application was deferred for a committee site inspection on the 22nd October 2009.

PROPOSAL

Demolition of existing building and erection of replacement dwelling.

PRINCIPLE OF DEVELOPMENT

The principle of a replacement dwelling is acceptable providing the building being demolished is considered to have little historic importance and visual merit, and the replacement dwelling will enhance the Caldly Conservation Area and comply with policy HS4 and CH11.

SITE AND SURROUNDINGS

The site comprises a detached two-storey brick built house with single storey garage, situated in an area of mixed design, large and well spaced dwellings. To the front boundary there is a 1m high fence and mature tree vegetation, which is reflected in neighbouring property boundary treatment. There is mature tree and shrub vegetation to the side and rear boundaries (some higher than the houses), and Green Belt land to the rear.

No.1 Croft Drive East has one ground floor window and two first floor windows to the south elevation, which appear to be the principal windows serving habitable rooms.

POLICY CONTEXT

The application will be considered in relation to policy CH11, CH3, HS4, SPG11 and the Caldly Conservation Area Appraisal.

SEPARATION DISTANCES

No.1 Croft Drive East has one ground floor window and two first floor windows to the south elevation. These windows serve habitable rooms, and as such a 14m separation distance is required between these windows and the new dwelling house. As such the plans have been amended to achieve the 14m separation distance between the dwellings. In doing this, the position of the single-storey garage was amended to the boundary adjacent to No.1. Whilst the height of the garage is 4.6m, the pitch roof slopes away from No.1 and the garage remains 5m away. The facing lounge window is not the only window serving the habitable room, there is a window to the rear elevation (measuring 1.63m width) and a window to the front elevation

(measuring 2.32m in width). It is not considered the proposals will result in any significant loss of outlook or light to No.1.

The windows in the proposed new dwelling are not considered to result in any significant increase in overlooking or loss of privacy to neighbouring properties to the west which remain 48m away. The 21-metre separation distance is achieved between habitable windows. There is no overlooking to the rear.

APPEARANCE AND AMENITY ISSUES

The site is within an area subject to the Interim Housing Policy. However, as the proposal is for a replacement dwelling, it is considered acceptable in relation to this policy.

It has been established through the recent appeal decision that the principle of demolishing the existing property is acceptable. Although the appeal was dismissed on the basis of inaccurate information the Inspector considered the main issues related to the case, including the demolition of the existing property and was clear in his view that the existing property did not make a positive contribution to the character of the conservation area. It is acknowledged that at this time the Conservation Area Appraisal for the area had not been adopted and it was therefore afforded limited weight. However the Inspector did have regard to the document and despite the designation of the property as making a neutral contribution was extremely clear in his view that it was not worthy of retention.

Notwithstanding the Inspectors view, the advice contained within PPG15 clearly states that proposals for demolition should not be granted until there are acceptable proposals for the redevelopment of the site. Policy CH3 Demolition within Conservation Areas echoes this advice stating that detailed plans for redevelopment have been approved by the LPA and would serve to enhance the character of the area. An application has been received for Conservation Area consent for the demolition of the existing building (2009/6028).

In considering the layout of the site, policy CH11 (Caldy Conservation Area) would seek to retain the low density maturely landscaped suburb with substantial houses set within large grounds. Additionally the recently adopted Conservation Area Appraisal recognises that parts of the area are affected by the redevelopment of modest sized housing and recognises that some plots comprise larger dwellings.

The proposed dwelling is larger than the existing property and will extend across the width of the frontage. It does however retain a spacious feel with an 8m gap from the north boundary and over 9m between the property and boundary to the south. It has been set back and orientated in line with the building line, which is acceptable in terms of siting within the street scene. Within the surrounding area several properties have been built within close proximity to the boundary. On the whole the plot retains an open and green feel which combined with the attractive landscaped setting will preserve the appearance of the Conservation Area.

The main dwelling and the double garage have been deliberately detached to reduce the overall bulk and mass of the built form within the site and to retain an open and green feel around the property. The garage has been re-sited adjacent to the north boundary in order to achieve the required separation distances, and its position is deemed acceptable. The proposal would appear inkeeping with surrounding properties as many of the garages are detached and have been deliberately set away from the main dwelling. The design of the garage ensures it appears as a more subordinate feature, simple in form and appearance.

The design is considered appropriate within this context. The proposal reflects the style and character of surrounding arts and crafts' properties. Although there is a mix of different styles of property within the area this prevails as the most dominant architectural style. The proposal does therefore not appear unduly prominent or

obtrusive and is inkeeping with the general character of the area. It is considered the design is inoffensive and inkeeping to preserve the character of the area.

The design of the property has incorporated features that are characteristic of this period with a large sweeping roof, gables, casement windows and an arched doorway. Additionally the simple palette of materials is appropriate and fitting for this style. The materials will be conditioned to ensure that such important detailing is not lost in the detail of the construction.

The introduction of a second vehicle entrance point is not uncommon within the surrounding area. Furthermore the width of the plot frontage would ensure that it does not appear as a disruptive element within the existing street scene.

In considering this element of the proposal at appeal the Inspector was of the view that it would not detract from the street scene but did not consider the unduly harsh wall and gate piers to be appropriate.

The boundary treatment has now been simplified to reflect the Inspector's comments. It comprises of a simple timber fence, 1.5m high brick posts set back into the site and timber gates. An appropriately worded condition will ensure that the materials and finish of this element of the works is acceptable. The Conservation Area Appraisal recognises that the inclusion of high fences can and has negatively affected the street scene and therefore recommends that the boundary treatment should not exceed 4 feet 6 inches and should be of oak or stained timber. The proposal would only just exceed the height requirement but will be softened by substantial planting but will comply in terms of materials and finish. Planning conditions will be attached to ensure this remains the case.

The appraisal recognises that the landscaping setting is an attractive feature and an important attribute of the character of the Conservation Area. The mature dense boundary treatment along the frontage of the property is to be retained and will ensure that any impact resulting from the proposed property on the existing street scene and Conservation Area is very limited.

Overall, the proposal is considered to be of a scale and design which relates well to surrounding properties and does not result in a detrimental change in the character of the area. Therefore the proposal is acceptable in relation to Policy HS4 and CH11 of the Wirral Unitary Development Plan and the recently adopted Caldby Conservation Area Appraisal.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

The proposals are considered to represent a good re-use of the site in line with current sustainable and environmental guidelines.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

Having taken the Planning Inspector's comments into consideration and assessed the development against policies HS4 and CH11, the proposal is deemed acceptable. The principle of the demolition of the property has been established. The design and scale of the proposal is deemed inkeeping with the surrounding properties. The proposal is not considered to result in a detrimental impact to neighbouring properties in terms of loss of outlook, loss of light or overlooking.

Summary of Decision:

The proposal is considered to be of a scale and design which relates to surrounding properties and does not result in a detrimental change in the character of the Caldby

Conservation Area. The proposal is deemed acceptable due to the lack of significant impacts on the amenities of neighbours on every side. The proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. As such the proposal complies with Policy HS4 and CH11 of the adopted Wirral Unitary Development Plan and it is considered that the proposal will have no adverse impact on the character of the area or neighbouring properties.

Recommendation: Approve

Condition(s):

- 1 Full planning permission: standard commencement date. (C03A)
- 2 Development according to plans received on 8th October 2009. (C24C)
- 3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and improved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4 No development shall take place until details and cross section drawings (scale 1:5 or 1:2) of windows and doors to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and improved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5 Details of gates and fencing and their colour staining shall be submitted to and approved in writing by the Local Planning Authority and retained as such thereafter.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any revoking and re-enacting that Order with or without modification) no new windows shall be introduced nor shall any existing windows be altered in its north elevation at first floor without the prior written approval of the Local Planning Authority.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any revoking and re-enacting that Order with or without modification) no extensions shall be permitted without the prior written approval of the Local Planning Authority.
- 8 No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the LPA. This scheme shall include:
 - a) A plan to a scale and level of accuracy appropriate to the proposal that shows the position, crown spread and Root Protection Area (para. 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - b) The details of each retained tree as required at para. 4.2.6 of BS5837 in a separate schedule.
 - c) A schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
 - d) The details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
 - e) The details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
 - f) The details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
 - g) The details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

- h) The details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
 - i) The details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees.
 - j) The details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction.
 - k) The details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
 - l) The details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 9.2.3 of BS5837).
 - m) The details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).
 - n) The timing of the various phases of the works or development in the context of the tree protection measures.
- 9 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the building works for the redevelopment of the site has been made, and evidence of that contract has been supplied to Wirral Borough Council as Local Planning Authority.

Reason for conditions

- 1 Standard (CR86)
- 2 For the avoidance of doubt. (CR33)
- 3 To ensure that the design and its construction is to a high standard to protect the appearance of the building and the character of the Caldry Conservation Area under Policy CH11 of the Wirral Unitary Development Plan.
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- 6 In the interest of residential amenity.
- 7 To protect the appearance of the building and the character of the Caldry Conservation Area under Policy CH11 of the Wirral Unitary Development Plan.
- 8 To protect trees which are of significant amenity value to the area. Policy GR7 of the UDP (CR80) and to ensure that the Arboricultural work is carried out to a satisfactory standard. Policy GR7 of the UDP. (CR82)
- 9 In the interests of visual amenity and for the avoidance of doubt, and to ensure that redevelopment of the site takes place following demolition of the existing building.

Last Comments By: 27 August 2009

56 Day Expires On: 17 September 2009

Case Officer: Miss S Hesketh

Notes:

Informative:

An application to the Borough Engineer for a vehicular crossing is required. The dropped kerbs and paving shall be to Wirral Borough Council specifications. The developer will need to provide details of the access. Please contact the Director of Technical Services (Highway Maintenance) on (0151) 606 2449.