

Planning Committee
26 July 2012

Reference:
APP/12/00084

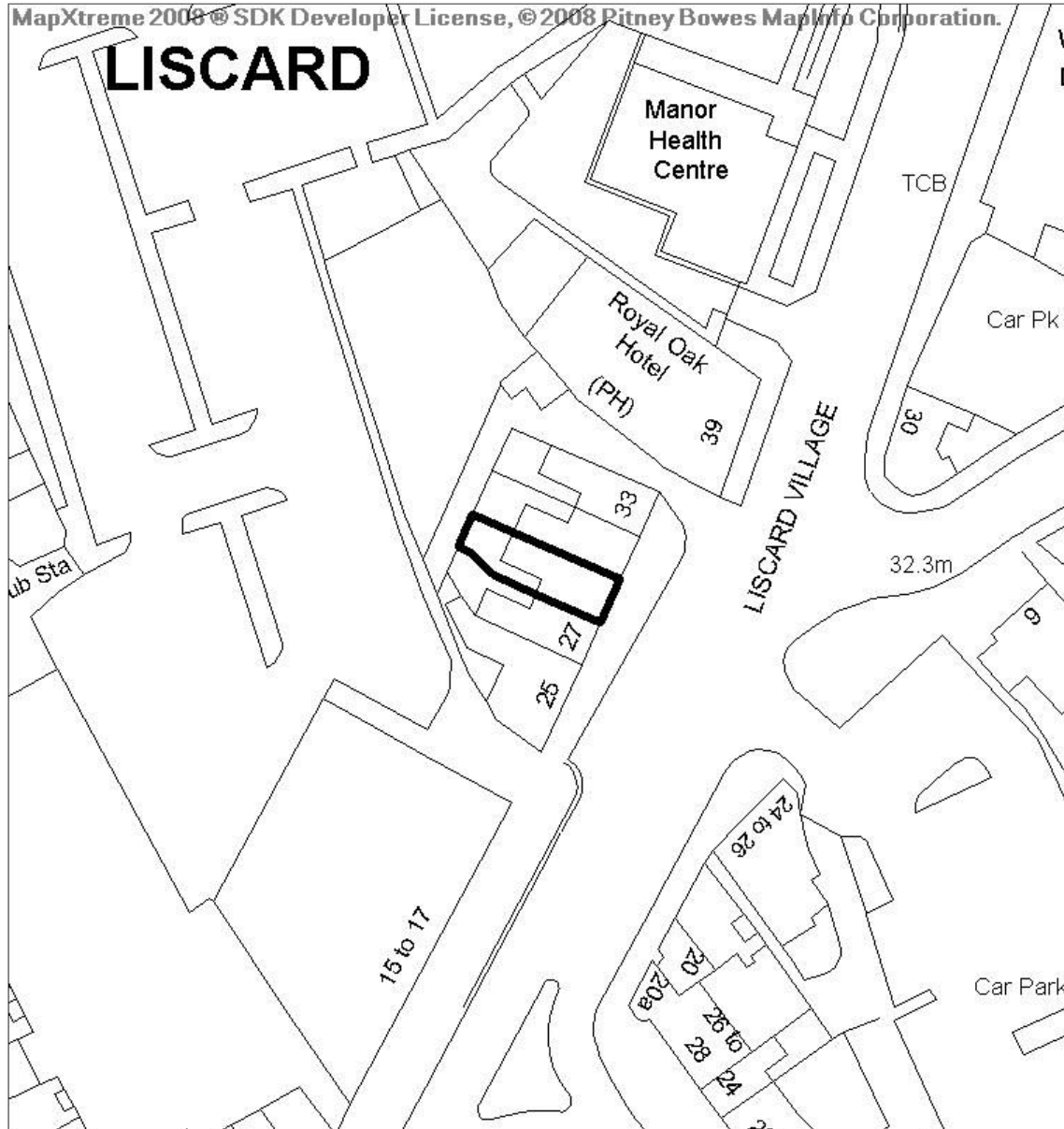
Area Team:
North Team

Case Officer:
Miss K Elliot

Ward:
Liscard

Location: Muzzys Charcoal Grill, 29 LISCARD VILLAGE, LISCARD, CH45 4JG
Proposal: Erection of single storey extension at rear (retrospective)
Applicant: Muzzys Charcoal Grill
Agent : Mr D Doughy

Site Plan:



Development Plan allocation and policies:
Key Town Centre

Planning History:

APP/02/07155 - Change of use to hot food takeaway - Approved 14/05/2003

Summary Of Representations and Consultations Received:**REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Applications, four letters of notification were sent to the occupiers of adjoining properties. A Site Notice was also displayed. At the time of writing this report, one representation had been received from No.31 Liscard Village and this can be summarised as follows:

1. The structure is already in place and is made from poor quality materials;
2. The structure utilises the shared boundary wall and no party wall notice was served;
3. The roof of the structure overhangs the neighbouring property and currently has no gutter;
4. The structure has no common character with the existing building and casts a shadow over the neighbour's rear yard;
5. Waste from the business is stored in the alleyway at the rear and not in the waste storage area as suggested;
6. The materials do not correspond with those referred to on the application forms;
7. The stated opening hours are not in line with the actual use of the premises.

CONSULTATIONS

Director or Law, HR & Asset Management (Pollution Control Division) - no objections.

Director's Comments:

The application was deferred from Planning Committee on 28 June 2012 for a site visit.

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council. The application was also removed from delegated powers by Councillor Dodd on behalf of local residents on the grounds that it breaks a number of planning rules, is of a poor standard of construction and has caused damage to neighbouring properties.

INTRODUCTION

The proposal is for the erection of a single storey rear extension. The application is retrospective.

PRINCIPLE OF DEVELOPMENT

The principle of the development is acceptable subject to Policy SH1 of Wirral's Unitary Development Plan (UDP) and part 2 of the National Planning Policy Framework (NPPF).

SITE AND SURROUNDINGS

The site comprises of a mid-terrace commercial unit within Liscard town centre. The property is an established hot food takeaway, which was granted planning permission in 2003. There are commercial premises on either side of the site at ground floor. There is an alleyway to the rear of the property which runs the length of the small parade of units, all of which have small rear yards enclosed by 1.8 metre boundary walls. Beyond this is a large car park and enclosed area of private land.

POLICY CONTEXT

Policy SH1 of Wirral's UDP and part 2 of the NPPF are directly relevant in this instance. Policy SH1 states that proposals should support the vitality and viability of existing centres and should not cause nuisance to neighbouring properties in respect of noise and disturbance. The siting, scale, design, choice of materials and landscaping is not detrimental to the character of the area. This approach is supported by part 2 of the NPPF which seeks to ensure the vitality of town centres.

APPEARANCE AND AMENITY ISSUES

The application has arisen as the result of an enforcement complaint relating to its unauthorised construction. The extension measures 2 metres in depth, 2.2 metres in width and 3.1 metres in height with a pitched roof. The eaves of the extension are approximately 0.6 metres above the boundary wall between the application property and No.31. There is a perspex unit in the side of the extension facing No.31 but this is non-opening and above average eye level therefore it is not considered to

result in overlooking. Amongst the objections received from No.31 were its impact on the use of the yard by members of staff and overshadowing of this area. Due to the relatively small projection and height of the structure, it is not considered to result in a significant loss of light or outlook to No.31 or appear over-dominant when viewed from this side. In addition to this, commercial properties can not expect the same levels of amenity as a residential property. For example, the rear yard is unlikely to be used as frequently as a garden area and any loss of outlook from a staff room or office would not carry the same weight as a habitable room, although this is not considered to be an issue in this instance.

The other principle concerns with the extension are its impact on the character of the original building and whether it detracts from the visual amenity of the surrounding area. The yard of the premises is enclosed by 1.8 metre boundary walls and the alleyway at the rear is not a through access. The extension is not visible from the car park to the far rear of the application site or any other public areas. It is also not visible from the general street scene of Liscard Village or in wider views of the building. Therefore it is considered that it does not cause demonstrable harm to the character of the original building. The extension is less than 5 square metres in area and is used for storage purposes ancillary to the established use of the premises.

In response to the other objections raised by No.31, the fact that extension was built retrospectively would not in itself be a reason to refuse the application. Equally, the issues relating to encroachment over the party boundary and lack of requisite notice is a civil matter between the two owners. It is not the Council's responsibility to enforce the Party Wall Act. Issues over the design were also raised in that the extension does not bear any relation to the existing building. At present the extension has an unfinished appearance, therefore to address this issue a condition has been recommended to ensure that the walls of the extension are suitably rendered which will help it to blend in with the boundary wall. It is unlikely that the extension could be finished in facing brick without further encroachment on to the party boundary.

Concerns were also raised about the poor quality of materials used in the construction of the extension, however this is a Building Regulations issue with regard to the structural integrity of the extension. The discrepancies in the forms with regard to waste storage in the alleyway and hours of trading are a separate matter. In summary, the extension is not considered to have an adverse impact on neighbouring properties or how they operate. The proposal is not considered to be detrimental to the character of the original building or the amenity of the surrounding area. The extension is acceptable in terms of the existing use of the site and is recommended for approval subject to appropriate conditions.

SEPARATION DISTANCES

Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to these proposals.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposal complies with Policy SH1 of Wirral's Unitary Development Plan and part 2 of the National Planning Policy Framework and is not considered to have an adverse impact on neighbouring uses or detract from the visual amenity of the surrounding area.

Summary of Decision:

Having regards to the individual merits of this application the decision to grant Planning Permission has been taken having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000) and all relevant material considerations including national and regional policy advice. In reaching this decision the Local Planning Authority has

considered the following:-

The proposal complies with Policy SH1 of Wirral's Unitary Development Plan and part 2 of the National Planning Policy Framework and is not considered to have an adverse impact on neighbouring uses or detract from the visual amenity of the surrounding area.

Recommended Decision: Approve

Recommended Conditions and Reasons:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 18 April 2012 and listed as follows:
25_2012_01 (03.08.2012).

Reason: For the avoidance of doubt and to define the permission.

2. The walls of the extension hereby permitted shall be rendered in accordance with details to be submitted to and approved in writing by the Local Planning Authority within three months of the date of this permission. The development shall be implemented in accordance with the details submitted within three months of their approval and shall be retained as such thereafter.

Reason: In the interests of visual amenity.

Further Notes for Committee:

Last Comments By: 25/05/2012 15:36:42

Expiry Date: 13/06/2012