

Planning Committee

22 August 2013

Reference:
APP/13/00842

Area Team:
North Team

Case Officer:
Mrs J Malpas

Ward:
**West Kirby and
Thurstaston**

Location: Corbiere, THORSWAY, CALDY, CH48 2JJ
Proposal: Demolition of existing house and erection of new dwelling within a similar footprint.
Applicant: Mr S Willson
Agent : BDS

Site Plan:



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Development Plan allocation and policies:
Urban Greenspace

Density and Design Guidelines Area
Primarily Residential Area
Site of Biological Importance
Conservation Area

Planning History:

Location: Corbiere, Thorsway, Caldy. L48 2JJ
Application Type: Full Planning Permission
Proposal: Erection of two storey side extension to provide swimming pool and ancillary accommodation.
Application No: APP/92/06625
Decision Date: 13/11/1992
Decision Type: Approve

Location: Corbiere, Thorsway, Caldy. L48 2JJ
Application Type: Full Planning Permission
Proposal: Single storey extension at side to provide swimming pool and ancillary accommodation, (amendment to 92/6625)
Application No: APP/93/05477
Decision Date: 05/05/1993
Decision Type: Approve

Location: 'Corbiere', Thorsway, Caldy, Wirral, L48 2JJ
Application Type: Full Planning Permission
Proposal: Erection of a triple garage and domestic workshop.
Application No: APP/98/05550
Decision Date: 21/05/1998
Decision Type: Withdrawn

Location: Corbiere, THORSWAY, CALDY, CH48 2JJ
Application Type: Conservation Area Consent
Proposal: Demolition of existing house and erection of new dwelling within a similar footprint.
Application No: CON/13/00841
Decision Date: UNDECIDED
Decision Type: UNDECIDED

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council's Guidance on Publicity for Applications, 8 letters of notification were sent to adjoining properties. A site notice was also displayed. Objections have been received from High Close (Mr James) and Brean Down (Mr Beedles). Councillor Jeff Green has requested that the applications are taken out of delegation.

A qualifying petition of objection signed by 29 households has also been received.

In summary the main points of objection raised are:

1. The new footprint is considerably larger than the existing - the pool area has been included as living space
2. The proposal is much deeper/wider than the original footprint.
3. Unacceptable increase in size; existing 508 metre square to proposed 1619 metre square.
4. Character and design is out of keeping with the rest of the street.
5. Master bedroom on 2nd floor is a highly prominent feature which increases its visual bulk substantially.
6. 2nd floor open balconies - loss of privacy impact on surrounding neighbours, especially High Close & Brean Down.
7. Although site is well landscaped - the planting is principally deciduous and during winter the

impact would be significantly greater.

CONSULTATIONS:

Head of Environment & Regulation (Traffic Management Division) - no objections.

Wirral Wildlife Trust - No objection - Apply standard conditions to protect the badgers

Merseyside Fire & Rescue Services - No objections - The premises should comply with Section 55 of the County of Merseyside Act 1980

Merseyside Environmental Advisory Service (MEAS) - No objection

Caldy Conservation Advisory Committee - objection on the grounds of

1. Architecture and design is out of character with the rest of the street.
2. Master bedroom on 2nd floor is a highly prominent feature which increases its visual bulk substantially.
3. 2nd floor loss of privacy impact on surrounding neighbours, especially High Close & Brean Down.
4. Although site is well landscaped - the planting is principally deciduous and during winter the impact would be significantly greater.
5. The site plan does not show the relationship of the proposal to the neighbouring properties

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Green requested that this application to be removed from delegation and considered by the Planning Committee on three grounds: the design is out of character with the street - Thorsway, the second floor master bedroom is highly visible and impact on neighbouring properties especially in autumn and winter is not acceptable.

A qualifying petition of 29 signatures from separate households has been received.

INTRODUCTION

The proposal seeks planning permission for the demolition of the existing house: Corbiere and erection of a new dwelling in a similar footprint. There is also an application submitted for Conservation Consent (CON/13/00841) which demonstrates reasons for demolition through a structural report.

The design has been established through several pre-application discussions in office and on site with both the planning and conservation officer. The design, access and heritage statement demonstrates that various options have been considered for the site and justifies the reasons for reaching the proposed design.

PRINCIPLE OF DEVELOPMENT

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to give special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. In principle the proposal is considered acceptable subject to relevant policies contained within Wirral's UDP and the National Planning Policy Framework.

SITE AND SURROUNDINGS

The site Corbiere is a 1920s detached two storey dwelling positioned within 1.25 acres of land. The site is a relatively large plot with a mixed use of boundary treatment. The house is positioned at a 45 degree angle to the road with a set back of 21-30 metres. The house is well screen from the street, views of the house can only be seen from the vehicle entrance gates and when standing outside Brean Down's property opposite where there is a gap in the vegetation. To the front of the house there is a low 1 metre high fence, the original with oak palings alternately long and short (this feature will be retained) with the addition of mature vegetation and trees ranging in height 2-7 metres. The site is well screened on all boundaries and is well landscaped within the grounds. Corbiere is located at the end of Thorsway at the top of Cald Hill. Thorsway is no through road and leads off Kings

Drive. It therefore occupies a relatively secluded position and retains a good degree of separation from surrounding sites.

The site is located with a primarily residential area and a conservation area. Corbiere is positioned between two properties; The Four Winds (north), High Close (south) and to the north west is an area of wooded heath land designated by the Wirral Council as Urban Greenspace and managed by The National Trust.

Within the Caldys Conservation Area there is a wide range of architectural styles adding to its special interest. However there are only a few Art Deco styles. The street scene of Thorsway is mixed in terms of style, design and density. The spacing and landscape setting remain as consistent feature.

POLICY CONTEXT

The site is designated as part of a Primarily Residential Area, Conservation Area and Density and Design Guidelines Area in the Unitary Development Plan (UDP). The application shall be assessed against UDP Policies HS4 (Criteria for New Housing Development), and CH11 (Caldys Conservation Area) of the adopted Wirral Unitary Development Plan (UDP), the Caldys Village Conservation Area Appraisal, which are considered to be consistent with the National Planning Policy Framework (NPPF), which provides updated advice on conserving and enhancing the historic environment.

Policy HS4 would seek to retain the provision of appropriate landscaping and boundary treatment which relates to the proposed development and its surroundings, in particular the maintenance of existing natural features and vegetation. The proposal should work with the existing character of the area or be of a scale which relates to its surrounding properties in terms of existing densities and form.

Policy CH11 (Caldys Conservation area) would seek to retain the low density maturely landscaped suburb with substantial houses set within large grounds.

Policy HS11, it is considered that extensions should be designed in such a way as to have no significant adverse effect on the appearance of the original property, the amenities of neighbouring properties, in particular through overlooking, or an adverse effect on the area in general. SPG11: House Extensions acts as a supporting document in relation to HS11.

NPPF Section 12 deals with conserving and enhancing the historic environment. The overall aim of this policy is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

The Conservation Area Character Appraisal for Caldys, which is a material consideration categorises Corbiere as a B-C building. The conservation officer at the time clarified that Corbiere should be considered a grade C building with the landscape of the site a grade B. Its relationship with Thorsway, the landscape setting and its positioning of the proposed dwelling provides a glimpsed view which makes a positive contribution and would reflect the conservation principles set out in the Caldys Conservation Area Appraisal.

APPEARANCE AND AMENITY ISSUES

The proposal is to replace a rather dilapidated Corbiere which has been altered over the years; the original character of the dwelling is almost unrecognisable. The principle elevation has been lost and when viewing the house from the driveway it is hard to establish the location of the front door as there are so many inappropriate alterations. The original house of Corbiere was two storey rendered house with a steep hipped slate roof with prominent chimneys projecting above the ridge line. In 1992-3 planning approval was granted for a single storey extension at side to provide swimming pool and ancillary accommodation. The Design, Access and Heritage Statement states that "the property has not been used as a residential home for some time. It was used as a holiday at some stage and the previous owner had not lived in the property for over 2 years."

The proposed new art deco property will be positioned within a similar footprint set at the same angle of 45 degrees, set back some 21 metres from the road and set off from all boundaries to achieve the physical and visual separation with its surroundings. It retains the large open garden that is a feature of this particular part of the conservation area.

The design of the new dwelling will replicate art deco features of the existing house and incorporate aspects which are worthy of retention i.e. the gable end and the chimney that faces Thorsway. The Conservation Area Character Appraisal for Caldy states: "*International style* houses are few in number but are important representatives of an endangered species. They are characterised by flat or low-pitched roofs, white, or light coloured walls with steel windows, predominantly horizontal in orientation and curving corners. There is often a marine emphasis, redolent of liners, and blue is the usual colour for details." The development recreates some of these features in the design.

The overall scale and bulk of the dwelling has been considered so the property relates well its landscaped setting. The properties within this part of the road are partially visible through the soft landscaping. The proposed dwelling will be partially visible adding interest to the street scene without appearing visually obtrusive. The landscaped setting with glimpsed/ partial views of the proposed house set within the large grounds defines the character of the Caldy conservation area. The density and spacing is also a consistent feature of this particular part of the conservation area with plots retaining a feeling of spaciousness and physical separation from surrounding properties.

A number of objections received relate specifically to the height and design of the proposed dwelling and the loss of privacy to their properties. The loss of privacy issues will be addressed in the sub heading 'Separation Distances'.

HEIGHT

The proposal is predominantly three storeys with a flat roof which incorporates an open balcony on all sides. Although the height of the proposed dwelling does not exceed the existing height of the ridge 9.5-10 metres, the depth (17.5metres) and outlook is increased. However, due to the spacious nature of the site, taking into account separation distances the scale of the development is not overly excessive. Also neighbouring properties are generally large pitched roofs with dormers and they reach similar heights.

DESIGN

The concerns relating to the design of the development are being out of keeping with the area and the visual impact on the conservation area. It is both accepted and acknowledged that there are areas of very distinct character within the conservation area that determine the parameters for new developments. However, within this immediate area: Thorsway there is no definitive style; the individual plots of land have been developed over a significant period of time. As such it now features a catalogue of house designs representing different styles and different periods of domestic architecture, with some appearing more prominent than others but by no means exclusive. The character is largely attributable to the landscaped setting as opposed to the architectural style. The principle of an art deco style with a modern twist represents a current and selective example of domestic architecture within the area is not considered inappropriate. The site and its surroundings lend itself to the opportunity to make a statement with an innovative high quality design solution and the art deco approach is considered acceptable, adding a further layer of development and visual historical interest to the conservation area. The use of balconies at different levels and the glass links introduces depth and interest. The areas of glazing reduce the overall visual dominance. The approach to the design overall is therefore considered acceptable and seeks to preserve the most significant feature of the conservation area.

SEPARATION DISTANCES

The isolated nature of the site and the level of existing screening ensure there will be no adverse impact in relation to residential amenity with regards to overlooking, loss of privacy or outlook. SPG11 recommends a separation distance of 21m between habitable room windows to prevent overlooking. The property to the north, The Four Winds has a bedroom window to the side, it is situated a minimum of 17.5m from any part of the proposal. Although less than the 21m guidelines there is substantial screening and it is not the only window serving light to that bedroom. The property to the south, High Close is situated a minimum of 21m from the side elevation of this property. Opposite the site, Brean Down is situated a considerable distance away (60m) from the development. No habitable room windows will therefore be affected by the proposals and as such it would exceed the standards set out within SPG11. To the rear (north west) of the site there will be no issues of overlooking as it is an area of wooded heath land designated as Urban Greenspace .

The boundary is well screened with substantial planting within the site and neighbouring properties. No existing trees will be felled without prior consent. The applicant has proposed to plant additional evergreen trees and native species that are known to the Caldly area to address the loss of privacy in autumn and winter months.

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 is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy and is therefore considered acceptable.

The proposal is acceptable in terms of scale, design, siting and layout and will not have any detrimental impact on the scale or character of the conservation area nor would it result in any adverse impact with regards to residential amenity. The proposal therefore accords with the criteria set out within Policy HS4 (New Housing Development), Policy CH11 (Caldly Conservation Area) and the adopted Caldly Conservation area character appraisal.

5. 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 is acceptable in terms of scale, design and siting, will not impact negatively upon the visual amenity of the conservation area, its landscaped setting or the amenities of neighbouring properties. The proposal therefore accords with the criteria set out within Policy HS4 (Criteria for New Housing), Policy CH11 (Caldly Conservation Area) of the adopted Wirral Unitary Development Plan and the Caldly Conservation Area Appraisal.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 9 July 2013 and listed as follows: W01 (20.06.13), W02 (20.06.13), W03 (20.06.13), W09 (04.02.13), W10 (20.06.13), W11 (20.06.13), W18 (18.06.13) , DW/DH/MB/C/LS/A (14.06.13) and DW/DH/MB/C/TS/A (11.06.13).

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

3. NO DEVELOPMENT SHALL TAKE PLACE BEFORE samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to

and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 and CH11 of the Wirral Unitary Development Plan.

4. NO DEVELOPMENT SHALL TAKE PLACE until cross section drawings (scale: 1:5 or 1:2) and full details of the windows and doors are submitted to and approved in writing by the Local Planning Authority . The approved windows and doors shall be installed before the development is brought into use and retained as such. These drawings shall be submitted and approved in writing by the Local Authority before work commences and shall be retained as such thereafter.

Reason: To protect the character of the conservation and to comply with Policies HS4 and CH11 of the Wirral's UDP.

5. NO DEVELOPMENT SHALL TAKE PLACE until details and specifications for the materials to be used in the construction of the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect character and appearance of Caldys Conservation Area to comply with Policy CH11 of the Wirral's UDP.

6. No development shall take place until details of the entrance gates (vehicle and pedestrian) and boundary treatment to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details and shall be retained as such thereafter.

Reason: To protect the character and setting of Caldys Conservation Area to comply with Policy CH11 of Wirral's UDP.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 and HS11 of the Wirral Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

Reason: In order to protect the residential amenities of nearby occupants and to accord with Policy HS4 and HS11 of the Wirral Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

Reason: To safeguard the amenities of the occupiers of adjoining property and the area generally and to accord with Policy HS4 and HS11 of the Wirral Unitary Development Plan.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking or re-enacting that Order), no window or

other openings other than those shown on the approved plan(s) shall be inserted in all elevations of the development at first and second floor levels of the building hereby permitted.

Reason: To safeguard the amenities of adjoining occupiers and to accord with Policy HS4 and HS11 of the Wirral Unitary Development Plan.

11. The existing oak fence to the front facing Thorsway shall remain in place, only traditional repair and maintenance of the boundary treatment shall be carried out.

Reason: To protect the character of Caldý Conservation Area to comply with CH11 of the Wirral's UDP and the Caldý Conservation Character Appraisal.

12. No works shall be carried out on the development hereby approved from 1800 hours until 0800 hours.

Reason: To ensure that the development is not harmful to the local badger population.

13. There are to be no trenches left overnight without a suitable means of escape for badgers.

Reason: To ensure that the development is not harmful to the local badger population.

14. There are to be no building materials, especially those containing lime left accessible to badgers during construction.

Reason: To ensure the development is not harmful to the local badger population.

15. If any fencing to the garden is installed, access routes should be left for badgers to move around between gardens and the open Hill. Badger gates can be installed if necessary.

Reason: To ensure the development is not harmful to the local badger population.

16. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy CH11 of the Wirral Unitary Development Plan.

17. No tree which is to be retained shall be cut down, uprooted or destroyed, or have surgery undertaken, without the written approval of the Local Planning Authority, within 1 year from the completion of the development. Any such trees removed or dying shall be replaced with trees of a size and species to be agreed in writing with the Local Planning Authority in the next available planting season.

Reason: In the interests of visual amenity and in order to comply with Policy DQ3 and CH11 of the Wirral Unitary Development Plan.

18. The soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to comply with Policy DQ3 and CH11 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 23/08/2013 13:57:10
Expiry Date: 03/09/2013