

## Planning Committee

18 August 2016

**Reference:**  
**APP/16/00511**

**Area Team:**  
**South Team**

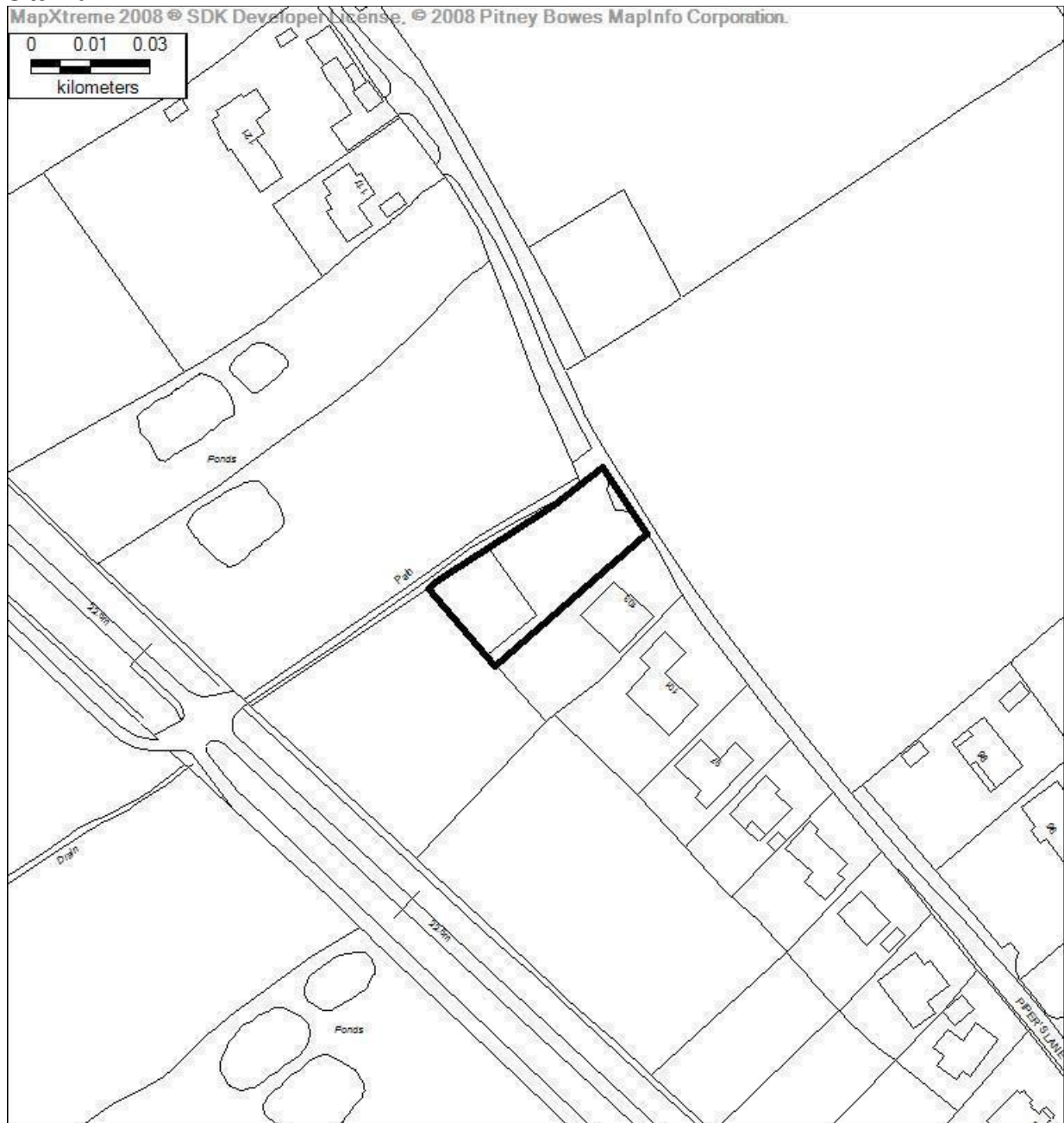
**Case Officer:**  
**Miss A McDougall**

**Ward:**

**Heswall**

**Location:** LAND ADJACENT TO 103 PIPERS LANE, HESWALL, CH60 9HR  
**Proposal:** New Build Dwelling at Land Adjacent 103 Pipers Lane  
**Applicant:** Mr Andrew Speck  
**Agent :** SDA Architecture Limited

### Site Plan:



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### Development Plan allocation and policies:

Primarily Residential Area

**Planning History:**

Location: Land at 103 PIPERS LANE, HESWALL, CH60 9HR  
Application Type: Full Planning Permission  
Proposal: Two storey, four double bedroomed detached property, eco-friendly, sustainable, passive house  
Application No: APP/14/00795  
Decision Date: 17/09/2014  
Decision Type: Approved

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

Having regard to the Council Guidance on Publicity for Applications, 8 notifications were sent to adjoining properties. At the time of writing this report 5 objections have been received, listing the following grounds:

1. no boundary treatment shown
2. no floor level shown
3. projects forward and back of the building line
4. no flat roof buildings in the area
5. out of character
6. intrusive to the green belt
7. works have already begun
8. overbearing
9. vast hard-standing
10. impact onto habitable room windows
11. impact on wildlife

**CONSULTATIONS:**

The Heswall Society - Objects to the application on the grounds that it is out of character with the area, is of a scale that does not relate well with the surrounding form of development and does not provide for appropriate landscaping and/or boundary treatment which would relate the development to its surroundings. The proposed new dwelling is located at the edge of an urban area which would be visible from the open countryside and it is the Society's view that this development would detrimentally impact upon the local landscape.

**Director's Comments:**

Consideration of this item was deferred from Planning Committee on 21 July 2016 to allow for a formal Members Site Visit to take place.

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

The application is submitted by SDA Architects and Surveyors, a firm of architects with which an elected Member of the Council is very closely connected. As 5 objections have been received, under the provisions of the Scheme of Delegation for Determining Applications, this application is required to be considered and determined by the Planning Committee.

**INTRODUCTION**

The proposal is for the erection of a detached dwelling.

The site currently benefits from planning consent for a detached two-storey dwelling - APP/14/00795.

The application has been amended following consultation with the neighbours, the applicant has moved the building away from the boundary with no.103 and amended the access and lower ground floor use.

**PRINCIPLE OF DEVELOPMENT**

The principle of a dwelling has been established on this residential plot and is therefore considered acceptable in principle.

## **SITE AND SURROUNDINGS**

The site is currently the side garden of the existing dwelling no.103 Pipers Lane, the site is located at the end of the residential area and adjacent to the Green Belt, the proposal is for a two-storey dwelling, due to the land levels there building will appear three storey to the rear, the property at no.103 is a two-storey dwelling, although Pipers Lane itself is a mix of house types and scales, there is no uniform design to the character of the area.

## **POLICY CONTEXT**

The proposal is for the erection of a two-storey detached house within a residential area, the residential curtilage of the application is contained wholly within the designated Primarily Residential Area, the development will therefore be assessed against Wirral's UDP Policy HS4.

Policy HS4 states; Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;
- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;
- (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;
- (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and
- (vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

## **APPEARANCE AND AMENITY ISSUES**

The proposal is for a detached dwelling, the design of which is modern in comparison to some of the more traditional properties along Pipers Lane however there is no uniform design along Pipers Lane. The building is simple in design but takes advantage of the location to incorporate large windows and a rear balcony, the building is relatively square with a flat roof that will include a green roof. The design of the proposal differs greatly from the previously approved dwelling 14/00795.

Work has begun on site, due to the site previously forming the garden curtilage of no.103, there were no boundary walls or fences in place, due to the land levels on the site, great care must be taken in relation to the heights and materials of any boundary treatment that is erected due to the potential impact onto no.103.

The proposed building is set further forward (1.5m) and further back (2m) than the dwelling at 103, the proposal is also set approximately 5.9m from the side elevation of no.103. The flat roof design of the dwelling allows for the house to not result in a dominant structure when viewed from Pipers Lane, the

height of the building will be lower than the dwelling at 103.

The application plans have been amended following the consultation process. The building has been moved further away from the dwelling at 103 and the tarmac to the rear has been reduced. The siting of the proposed dwelling is now further away from 103 than the previously approved building, the design has retained the rear balcony and the rear garage access. The rear balcony has a privacy screen as part of the structure to the south east elevation which restricts outlook to the side and across the garden of 103, the balcony will have outlook to the rear and will be visible from no 103 when looking towards the rear elevation of the house however the balcony does not overlook habitable room windows and the screen will provide a level of privacy for both properties. Concerns have also been raised with regards to side windows at 103, these windows serve habitable rooms however they are not the only windows and are not considered to be located on the principal elevations of the dwelling, the dwelling that has already been approved on this site is within closer proximity than the proposed dwelling and would therefore have more impact on these windows.

The proposed siting, scale and layout of the proposed dwelling are considered acceptable, the overall bulk of the building will not have a greater impact onto the plot and the neighbouring properties than the previously approved dwelling house. The building has taken into account the gradient of the land and the amendments have taken into account some of the concerns raised by neighbouring properties in order to reduce any perceived harm.

The building is largely glazed to the front and rear, the minimalist design of the building allows for larger windows to create a symmetrical design and add character to the building, the seeded roof also adds character and is considered to relate to the rural nature of the surrounding environment. Due to the minimalist design, the materials used will have a great impact on the finished external appearance of the building and how it relates to the character of the area.

Whilst the design is different to the building that has previously been granted planning approval, the overall impact is similar if not improved as the proposed dwelling is set further away from the existing dwelling at 103 and is lower in height.

#### **SEPARATION DISTANCES**

The proposed building is located adjacent no.103 Pipers Lane, there are no dwellings to the front or rear of the property, therefore the principal elevations meet the Council's current separation distances. Concerns have been raised with regards to the distance between the side elevations of no.103 and the proposed dwelling, following this amendments were submitted, the buildings are now 5.9m apart, there are side windows at 103 however they are not the sole windows to habitable rooms and it is not considered a principal elevation.

The development therefore meets the Council's current interface distances.

#### **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.

#### **CONCLUSION**

The dwelling is considered acceptable in terms of its design, planning history, relationship with neighbouring dwellings and the character of the area in accordance with Wirral's UDP Policy HS4.

#### **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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The dwelling is considered acceptable in terms of its design, planning history, relationship with neighbouring dwellings and the character of the area in accordance with Wirral's UDP Policy HS4.

**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 13 June 2016 and listed as follows: 21\_2016\_02 Rev.B & 21\_2016\_03 Rev.B.

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

3. 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 of the Wirral Unitary Development Plan.

4. 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 of the Wirral Unitary Development Plan.

5. Before any construction commences, samples of the 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 of the Wirral Unitary Development Plan.

6. Mitigation measures for the impact on Badger habitat should include details of any boundary fencing/walls that would allow badgers to access the site and adjacent fields shall be submitted to and agreed in writing prior to the commencement of development. The details of the approved scheme shall be implemented in full and retained as such thereafter.

**Reason:** In the interest of species protection having regards to policy NC7 of Wirral's Unitary Development Plan.

7. In order to protect Badgers during development, work shall only take place between 0800 hours and 1800 hours, any holes/trenches left open overnight must have a means of escape provided, all materials containing lime must be stored so that badgers cannot access them and any obvious badger paths must be left clear of obstruction.

**Reason:** In the interest of species protection having regards to policy NC7 of Wirral's Unitary Development Plan.

8. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to and approved in writing by the Local Planning Authority. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT the walls

(including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

**Reason:** To satisfactorily protect the character and appearance of the area and the residential amenities of adjoining properties, having regard to Policy HS4 and GR7 of the Wirral Unitary Development Plan.

9. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.

**Reason:** To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land, to ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees and hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 and GR7 of the adopted Wirral Unitary Development Plan.

10. NO DEVELOPMENT SHALL TAKE PLACE until a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan

11. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT, arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details previously submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy EM9.

**Last Comments By:** 07/06/2016  
**Expiry Date:** 21/06/2016