

Planning Committee

18 August 2016

Reference:
APP/16/00684

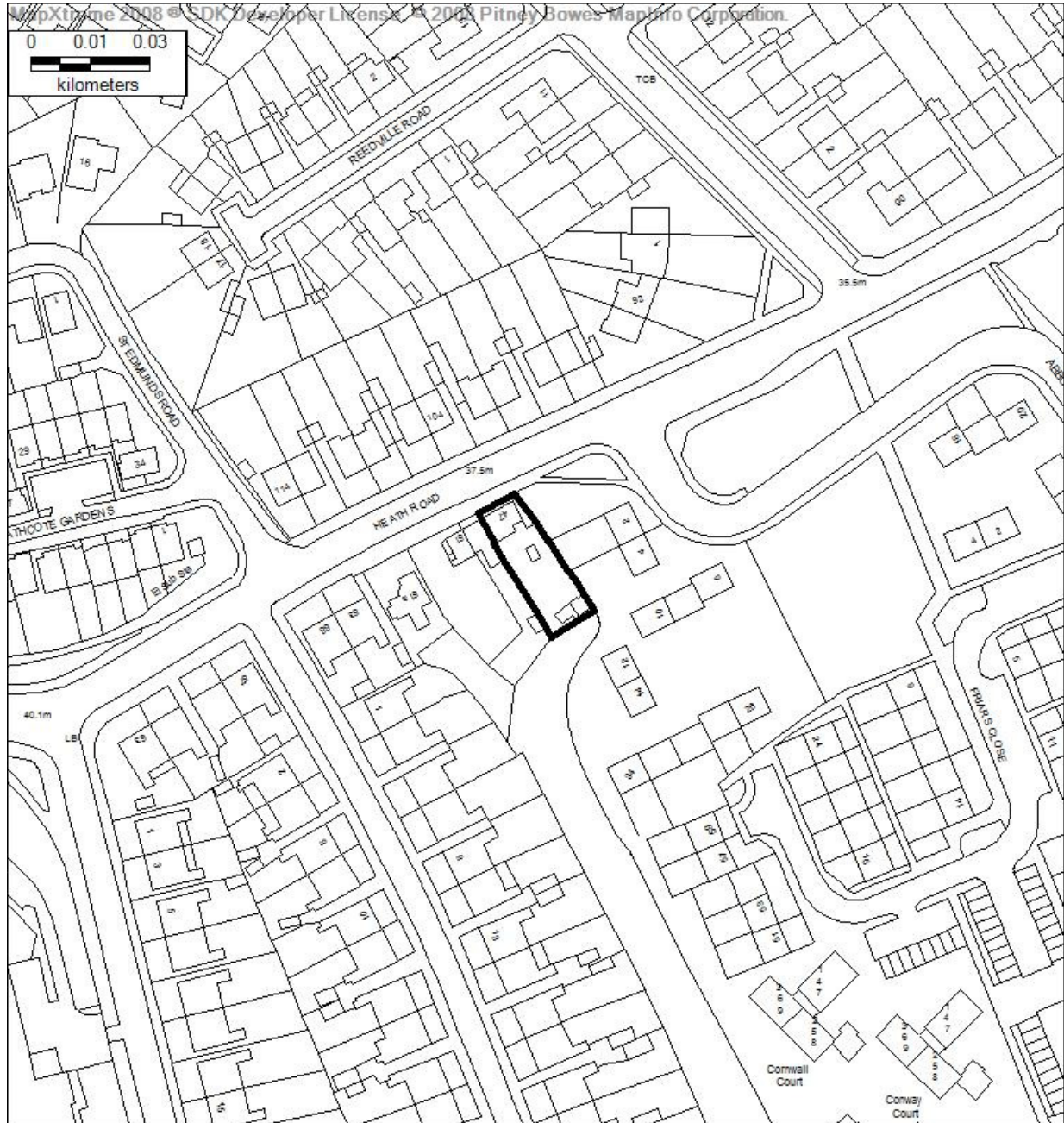
Area Team:
South Team

Case Officer:
Mrs S Lacey

Ward:
Bebington

Location: 47 HEATH ROAD, BEBINGTON, CH63 3BP
Proposal: Proposed two-storey and single-storey rear extension
Applicant: Ms A Hatton
Agent : PATERSON MACAULAY & OWENS

Site Plan:



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Development Plan allocation and policies:

Primarily Residential Area

Planning History:

None

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

Having regard to the Council Guidance on Publicity for Applications, 4 letters of notification were sent to neighbouring properties and a site notice was displayed. One objection was received from no.49 Heath Road citing the following concerns:

1. The two-storey extension will have an overbearing impact on the amenities of the occupiers of no.49;
2. The extension would have an adverse effect on the character and setting on the row of historic cottages;
3. The proposal will set a precedent;
4. No.49 has a Right of Way across the area where the extension is to be built.

Councillor Jerry Williams requested the application be taken out of delegation on the grounds of breaching a right of way agreement, visual intrusion, and inability to maintain new extension wall from own property.

CONSULTATIONS:

No statutory consultations required for this householder development.

Director's Comments

Consideration of this application 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

Councillor Jerry Williams requested the application be taken out of delegation on the grounds of breaching a right of way agreement, visual intrusion, and inability to maintain the new extension wall from own property.

INTRODUCTION

The application proposes a two-storey and single-storey rear extension.

An amended location plan and proposed drawing (reference P01 Rev F) was received by the LPA on 06 June 2016 indicating the shared gate will remain and an additional high level first-floor window facing north-east.

PRINCIPLE OF DEVELOPMENT

The proposal is acceptable in principle subject to policy HS11 of the adopted Wirral Unitary Development Plan, SPG11 and the National Planning Policy Framework.

SITE AND SURROUNDINGS

The site comprises an end-terrace brick two-storey cottage, situated in a Primarily Residential Area. To the rear of the property is a detached garage and 25m long garden bounded by a 2m high fence. The adjoining property no.49 has a single-storey rear extension which projects approximately 4.5 metres from the rear elevation of the property within 1 metre of the party boundary. The extension serves a kitchen and the outlook is into the rear garden. Between the extension and the 2m high fence is a window serving the dining area/lounge of no.49, which has the principle outlook to the front of the property. No.49 has a first-floor window centrally positioned in the rear elevation, which serves a bedroom.

POLICY CONTEXT

The application shall be assessed against policy HS11 and SPG11 of the adopted Wirral Unitary Development Plan. Policy HS11 sets out where a rear extension is two-storey and the existing house is semi-detached, the proposed extension is set back at least 2.5 metres from the party boundary. SPG11 echoes this advice and maintains rear extensions should be 2.5 metres off the party boundary

to ensure the development does not dominate nor materially alter the existing levels of sunlight, privacy and daylight of adjoining properties.

APPEARANCE AND AMENITY ISSUES

Policy HS11 and SPG11 set out where a rear extension is two-storey, the proposed extension is set back at least 2.5 metres from the party boundary to ensure the outlook from habitable windows is not affected and the development does not dominate nor materially alter the existing levels of sunlight, privacy and daylight of adjoining properties. In this instance no.49 has a centrally positioned first-floor bedroom window which retains its 45 degree outlook and the proposal is not considered to harm levels of light or privacy to this room. At ground floor there is a small window serving the lounge/dining room of no.49. This is a smaller, secondary window serving this room, and the principle outlook of this room is to the front elevation of the property. This secondary window to the rear is already significantly affected by the 4.5m rear extension and 2m high fence, and has a limited outlook and levels of daylight.

As such, the proposed extension is considered acceptable in scale and design, and is not considered to result in overlooking or loss of light to neighbouring properties. The proposed extension reflects the original roof design. There are no significant adverse impacts on the neighbouring properties or on the street scene. The proposal is not considered to harm the outlook to the neighbouring properties. A sufficient amount of garden space remains.

The proposal complies with relevant Council policy HS11 of the adopted Wirral Unitary Development Plan, SPG11 and the NPPF, and is recommended for approval. It is not considered any conditions are required other than the standard 3 years to commence development in accordance with the submitted plans.

One objection was received from no.49 Heath Road citing concerns the proposal will be overbearing to their property and detrimental to the character of the area, as well as setting a precedent and raising the issue of the Right of Way across the application site. As discussed above, a site inspection has determined the proposal is not considered harmful to any primary habitable windows, and the proposal is not considered overbearing or visually intrusive when viewed from no.49. The proposal is to the rear of the property and is not considered harmful to the character of the area. Each application is assessed on its own merits and the proposal is not considered to set a precedent for future development. Covenants or other restrictions in the title of a property may require other's agreement before carrying out work to property, and the issue of a private Right of Way does not fall within the remit of planning. The proposal is adjacent to the party boundary shared between no.47 and no.49. The Party Wall Act 1996 provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings. A building owner proposing to start work covered by the Act must give adjoining owners notice of their intentions in the way set down in the Act. Adjoining owners can agree or disagree with what is proposed. Where they disagree, the Act provides a mechanism for resolving disputes. The Act is separate from obtaining planning permission or building regulations approval.

The proposal complies with relevant Council policy HS11 of the adopted Wirral Unitary Development Plan, SPG11 and the NPPF, and is recommended for approval.

SEPARATION DISTANCES

SPG11 recommends a 21m separation distance between habitable windows to prevent overlooking. A 22m rear garden is retained and there is no direct overlooking to the property to the rear. There are no windows facing no.49. The proposed window facing north-east do not directly overlook no.2 Abbots Drive and a 20m separation distance remains. It is considered reasonable to condition this window is obscurely glazed. The proposal is not considered to result in overlooking or loss of privacy.

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 considered acceptable due to the lack of significant impacts on the amenities of neighbours on every side. The proposal does not result in loss of privacy, daylight or sunlight to neighbouring properties. The proposal is acceptable in size and design, complies with Council policy HS11 House Extensions of the adopted Wirral Unitary Development Plan, Supplementary Planning Guidance Note 11 House Extensions, and the National Planning Policy Framework.

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 proposal is considered acceptable due to the lack of significant impacts on the amenities of neighbours on every side. The proposal does not result in loss of privacy, daylight or sunlight to neighbouring properties. The proposal is acceptable in size and design, complies with Council policy HS11 House Extensions of the adopted Wirral Unitary Development Plan, Supplementary Planning Guidance Note 11 House Extensions, and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 25 May 2016 and listed as follows: drawing numbers 4588 S01 (dated 04:16) and the amended drawing received 06 June 2016 drawing number 4588 P01 Rev F (dated 04:16).

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

3. The proposed first floor window facing north-east shall not be glazed otherwise than with obscured glass and fixed shut or top hung opening 1.7 metres above finished floor level, and thereafter be permanently retained as such.

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

Further Notes for Committee:

Last Comments By: 30/06/2016
Expiry Date: 20/07/2016