

## Planning Committee

14 February 2019

**Reference:**  
**APP/18/00859**

**Area Team:**  
**North Team**

**Case Officer:**  
**Mr A Siddall**

**Ward:**  
**Greasby Frankby  
and Irby**

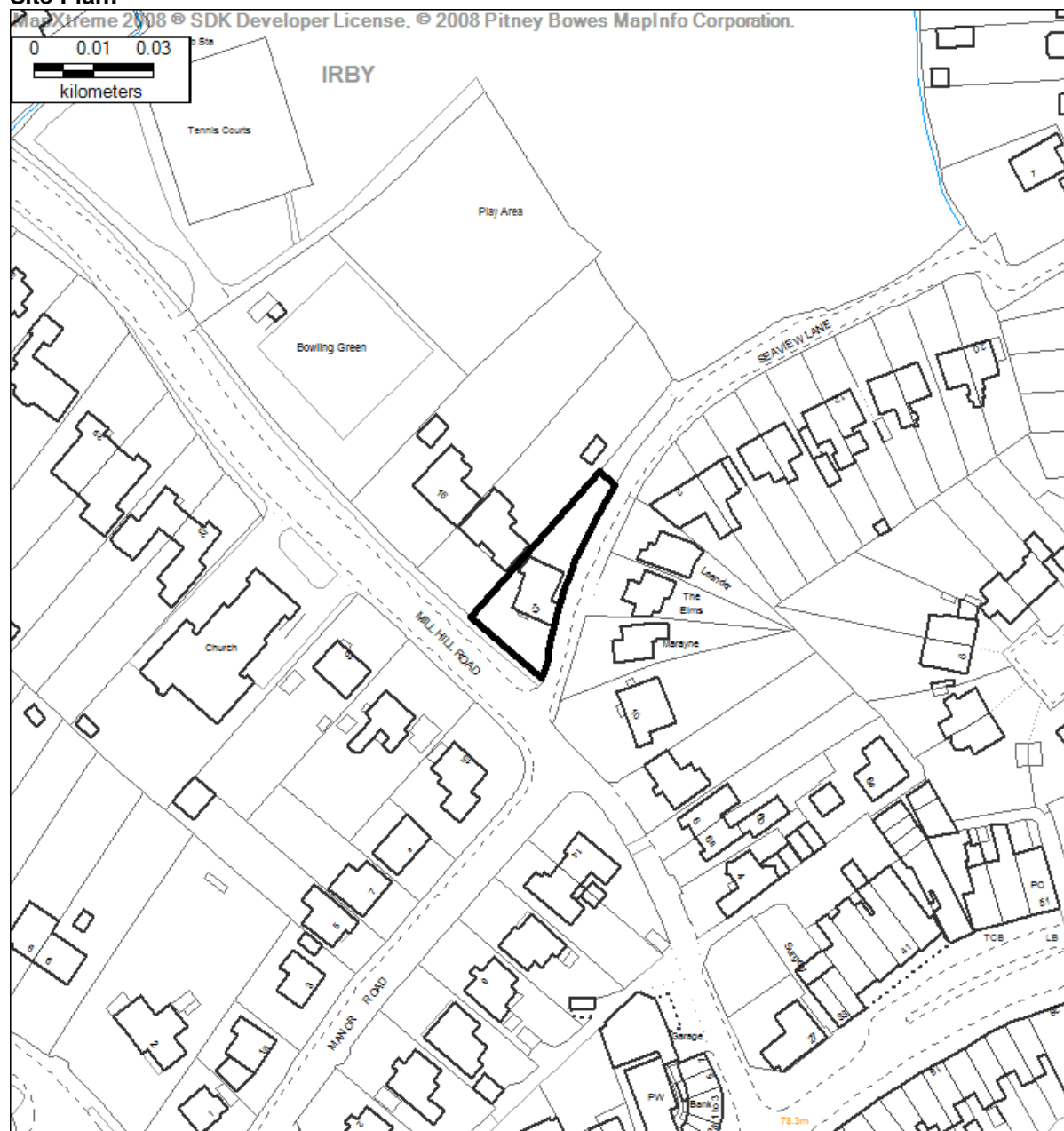
**Location:** Glenbank, 12 MILL HILL ROAD, IRBY, CH61 4UF

**Proposal:** Erection of a replacement 4-bedroom detached dwelling with new vehicular access.

**Applicant:** Mr Rowland  
**Agent :** Collins Architecture

**Qualifying Petition:** Yes, Number of Signatures: 25

### Site Plan:



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: 12, Mill Hill Road, Irby. L61 4UF  
Application Type: Full Planning Permission  
Proposal: Erection of lounge extension.  
Application No: APP/85/05259  
Decision Date: 21/03/1985  
Decision Type: Approve

Location: 12 Mill Hill Road ,Irby ,L61 4UF  
Application Type: Full Planning Permission  
Proposal: Erection of car port and single storey extension to form bedroom and bathroom  
Application No: APP/79/14362  
Decision Date: 14/02/1980  
Decision Type: Conditional Approval

Location: 12 Mill Hill Road ,Irby ,L41 4UF  
Application Type: Full Planning Permission  
Proposal: Erection of garage and front porch.  
Application No: APP/83/23217  
Decision Date: 22/09/1983  
Decision Type: Conditional Approval

**Summary Of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS**

2.1 Having regard to the Council's guidance on publicity for planning applications, notifications were sent to 12 neighbouring properties and a notice was posted at the site with a deadline for receipt of comments of 26 September 2018. Following receipt of amended plans on 23 October 2018, the 12 neighbouring properties and those who had commented were re-consulted on 30th October 2018 with a deadline for receipt of any further comments of 20 November 2018.

**REPRESENTATIONS**

To the original consultation, ten letters of objection were received citing the following material planning considerations:

- The development would be visually overbearing in the street scene and would be out of character with existing development;
- The scale of the development would dominate the plot and its neighbours;
- The development would result in overlooking, overshadowing and overbearing effect to neighbouring dwellings;
- Seaview Lane is an unadopted highway in poor condition and is unsuitable for further vehicular traffic;
- Seaview Lane is heavily used by pedestrians and additional vehicles would be a danger;
- The construction of the development would cause access, noise and disturbance problems for neighbours.

In addition a qualifying petition of 25 signatures was received citing the same issues. Many of the signatories also submitted their own individual objections cited above.

Following the re-consultation on amended plans one neutral comment was received from one of the original ten objectors, confirming that they no longer had an objection on the basis of the amended plans.

Comments were also received citing non-material considerations which members should not take into account when reaching their conclusion. These comprised:

- A reduction in property value;
- That the developer is only seeking to make money with no long term interest in the area;
- That the development would result in the loss of a private view.

### CONSULTATIONS

United Utilities provide a standard response requiring separate systems of foul and surface water drainage, that surface water drainage options should be considered in accordance with the sustainable drainage hierarchy and offers guidance to the applicant relating to sewer adoption and water supply provision.

Engineers (WMBC - No objection. Recommends an informative drawing the applicant's attention to the requirement to secure the consent of the Local Highway Authority for the detailed construction specification of the highway verge crossing.

No comments received from Wirral Footpath Society.

## **3.1 Site and Surroundings**

3.1.1 12 Mill Hill Road is a detached bungalow finished externally in render with a dual pitched slate tiled roof and later flat roofed rear extensions and an attached single garage to the side. The property is situated in an established residential area consisting predominantly of bungalows in similar external materials, some with roofspace accommodation with dormer windows. There are full two storey dwellings within the vicinity of the site, including directly to the south east on Sea View Lane. Ground levels rise gently along Mill Hill Road from north west to south east.

3.1.2 The property fronts Mill Hill Road with a single vehicular access point taken from this highway. In-curtilage parking is provided to the front of the dwelling with room for at least two vehicles behind a low red brick boundary wall. The rear garden of the property is long, but narrow and borders Sea View Lane to the south east, an unadopted lane which is a public right of way. To the south side of Sea View Lane are two storey dwellings which are sited at a higher ground level and have an outlook across the site. To the north west a wall and hedge boundary separates the site from the rear garden of 14 Mill Hill Road, a bungalow with roof space accommodation. There are no windows in the side elevation that faces the site, at this neighbouring property.

## **3.2 Proposed Development**

3.2.1 It is proposed to demolish the existing bungalow and erect a replacement dwelling in the form of a dormer bungalow with four bedrooms at first floor. The replacement dwelling will be erected predominantly on the site of the existing and have a dual pitched roof form with its eaves elevations to front and rear and gable elevations to the sides. The eaves height of the proposed dwelling would be at 2.8m above external ground level and the ridge at 7.5m above external ground level. This compares with the existing dwelling with eaves at 2.8m and ridge at 5m above existing ground level. At first floor level to the front and rear elevations the windows will be expressed as dormer windows within the roof slope. Windows to habitable rooms face to the front, rear, and sides at ground floor level, and to the front and rear at first floor level. Windows to the side elevations at first floor level will be obscurely glazed except for an intermediate level window to the south east side elevation opening onto the stairwell.

3.2.2 The external materials of the dwelling are to match the existing, with facing brick and render walling and slate tile roofing. Windows and doors will be a mix of uPVC and aluminium. The

development will remodel the front forecourt of the dwelling, creating an additional vehicular access onto Mill Hill Road. This will provide in-curtilage parking for at least two cars whilst allowing vehicles to both enter and leave the site in a forward gear. No garage is proposed.

3.2.3 The application has been amended since first submission following local opposition and Officer concerns relating to the effect of the replacement dwelling on visual and residential amenity. The scheme now differs to the plans first submitted in the following ways:

- The dwelling is now expressed as a dormer bungalow rather than a two storey dwelling. This reduces the eaves and ridge height of the scheme whilst maintaining the floor plan and the amount of habitable accommodation. The ridge height has dropped from 9 metres to 7.5m and the eaves level has dropped from 5.3m to 2.7m above ground level;
- The design of the fenestration has altered to present a more traditional appearance from the front elevation, whilst windows to bedrooms in the side elevations have either been omitted or fitted with obscure glazing;
- A detached double garage within the rear garden, which would have been accessed via Sea View Lane has now been omitted from the scheme.

### **3.3 Development Plan**

3.3.1 New housing development within Primarily Residential Areas is governed by UDP policy HS4 (Criteria For New Housing Development) which states that new housing development 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 (Landscaping and New Development);
- 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 (Greenspace within new family housing development); and
- vii) The provision of adequate individual private or communal garden space to each dwelling.

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

As this is an application for a single dwelling, criterion (vi) for open space and play areas does not apply.

### **3.4 Other Material Planning Considerations**

3.4.1 Section 12 of the National Planning Policy Framework 2018 (NPPF) seeks to achieve well designed places. In particular, paragraph 127 advises that decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture, layout and landscaping, are sympathetic to local character and history including the surrounding built environment and landscape setting (whilst not preventing or discouraging appropriate innovation or change), and result in places with a high standard of amenity for existing and future users. Importantly, paragraph 130 advises that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning

documents.'

### **3.5 Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are;

- The Principle of Development;
- Design and Visual Amenity;
- Residential Amenity;
- Highways and Public Right of Way

3.6 Principle of Development:

3.6.1 Within 'Primarily Residential Areas' as defined within the Wirral Unitary Development Plan, replacement dwellings are acceptable in principle subject to the requirements of saved UDP policy HS4, and any other relevant development plan policy, being satisfied.

3.7 Design and Visual Amenity:

3.7.1 Saved UDP policy HS4 requires the scale and form of new development to relate well to surrounding dwellings and the wider character of the area. Whilst the height and scale of the proposed dwelling will be increased over the current property, the amendments gained by Officers now ensure that the dwelling will not be out of scale with its neighbours. When travelling south east along Mill Hill Road, the dwelling would be seen above the height of number 14 but would not be harmfully prominent given the higher ground level of dwellings to the south and west of the site. When travelling north west, the proposed dwelling will largely be screened by existing vegetation and built form. The form of the dwelling as a dormer bungalow with external materials of brick, render and slate reasonably reflect the form and character of existing dwellings to Mill Hill Road. On this basis Officers conclude that the design of the scheme as amended now complements the character of the area and it will not have a harmful visual impact on the street scene.

3.8 Residential Amenity

3.8.1 A key issue raised by neighbours of the site to the scheme as originally submitted was the effect on their amenity by way of overlooking, overshadowing and overbearing effect and the amendments provided are now considered to reduce these effects to the extent that a refusal is no longer justified.

3.8.2 Of the three properties on Sea View Lane that would look across the site, Marayne and Leander would view across the front and the rear gardens respectively and their outlook would not be materially affected. It is The Elms, the middle of the three, which would have a view of the side elevation of the proposed dwelling. Given the alterations to the scheme, this dwelling would no longer be faced with a two storey gable, but with a lower gable and sloping roof. These alterations, coupled with the lower ground level on the application site means that the proposed dwelling will no longer unduly restrict the outlook from the front of the neighbouring property. In reaching this conclusion, Officers are mindful that the minimum separation distance between habitable room windows and a side gable of 14 metres is met in this instance in relation to The Elms. As such the proposed dwelling would not appear overbearing or result in any harmful overshadowing due to the orientation of the site to the north west of the neighbours and the separation distance achieved. The presence of the clear glazed stairwell window to the side elevation of the dwelling will not adversely overlook the neighbouring properties due to the fact that the stairwell is not a habitable room where occupiers would tend to linger, and the front garden and elevation of the neighbouring dwelling is not private, and is visible to any member of the public passing along Sea View Lane.

3.8.3 The effect of the development on the property to the north, 14 Mill Hill Road has also been mitigated by the amended plans with the revised external appearance ensuring that the scheme will no longer appear overbearing from this dwelling. The proposed dwelling does not project beyond the rear of number 14 meaning that the proposal would not be visible from within rooms to the rear of number 14, whilst any overlooking of the garden from the proposed first floor rear windows is mutual, with the garden of the application site already overlooked by the dormer window to the rear of number 14. To the front, the dwelling is

angled away from the front elevation of the neighbour and will not be overbearing on the outlook to the front or cause harmful overshadowing of the front garden. Windows are proposed to the ground floor side elevation of the proposed dwelling which could look across the front garden of number 14 subject to the amount of boundary screening, however windows currently exist in this location meaning that no new overlooking opportunities would be created.

3.9 Highways and Public Right of Way

3.9.1 The Local Highway Authority has no objections to the proposed development. The proposed site plan demonstrates that hardstanding will be provided for in-curtilage parking for at least two cars, in accordance with the Council's Supplementary Planning Document on parking standards, whilst the new vehicular access will allow vehicles to both enter and leave the site in a forward gear, to the benefit of vehicular and pedestrian safety. Subject to the new verge crossing being constructed to the Local Highway authority's specification, there are no highways or traffic flow implications on this application.

3.9.2 The proposed development will result in an increased sense of enclosure to the public right of way where it meets Mill Hill Road but this will not result in harm to the amenity of the wider route which is suburban rather than rural in character. The concerns of neighbours regarding damage to the lane, and conflict between vehicles and pedestrians have been resolved through the omission of the garage from the scheme.

**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 proposed scheme represents an acceptable replacement dwelling in this location. The development maintains the character and appearance of the area and does not result in material planning harm to existing levels of neighbouring residential amenity. There is no adverse effect on traffic flow or highway safety, or upon the character and amenity value of the adjacent public right of way. As such the application meets the relevant requirements of the development plan and is considered to be sustainable development.

**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 23/10/18 and listed as follows:

1822 01 Revision D (Proposed Plans, Elevations and Site Plan) dated 23.10.2018.

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

3. No development above ground floor slab level shall take place until samples of the proposed external walling and roofing materials have been made available on site and approved in writing by the Local Planning Authority. Thereafter development shall be

carried out as approved.

**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.

4. The site shall be developed with separate systems of drainage for foul and surface water.

**Reason:** In the interests of satisfactory and sustainable drainage.

5. The first floor windows to the north west and south east side elevations noted on drawing number 1822 01 Revision D as having obscure glass shall be fitted with obscure glazing to at least level 3 of the Pilkington Scale of Privacy and thereafter retained as such for the life of the development.

**Reason:** In the interests of privacy and residential amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no further windows or doors shall be inserted into the north west or south east side elevations of the dwelling hereby permitted without the further grant of planning permission from the Local Planning Authority.

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

7. The dwelling hereby permitted shall not be occupied until a charging point for plug-in electric vehicles has been installed and is available for use.

**Reason -** To ensure the development makes provision for the charging of plug-in electric vehicles in accordance with paragraph 110 of the National Planning Policy Framework.

#### **Further Notes for Committee:**

1. The developer is advised that surface water should be drained in accordance with the sustainable drainage hierarchy set out in National Planning Practice Guidance. In the event of surface water discharging to the sewer the rate of discharge should be restricted to the lowest possible rate and agreed with the statutory undertaker prior to connection to the public sewer.
2. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details.

**Last Comments By:** 20/11/2018 13:28:02  
**Expiry Date:** 17/10/2018