

Planning Committee

17 April 2019

Reference:
APP/18/01234

Area Team:
Development
Management Team

Case Officer:
Mr P Howson

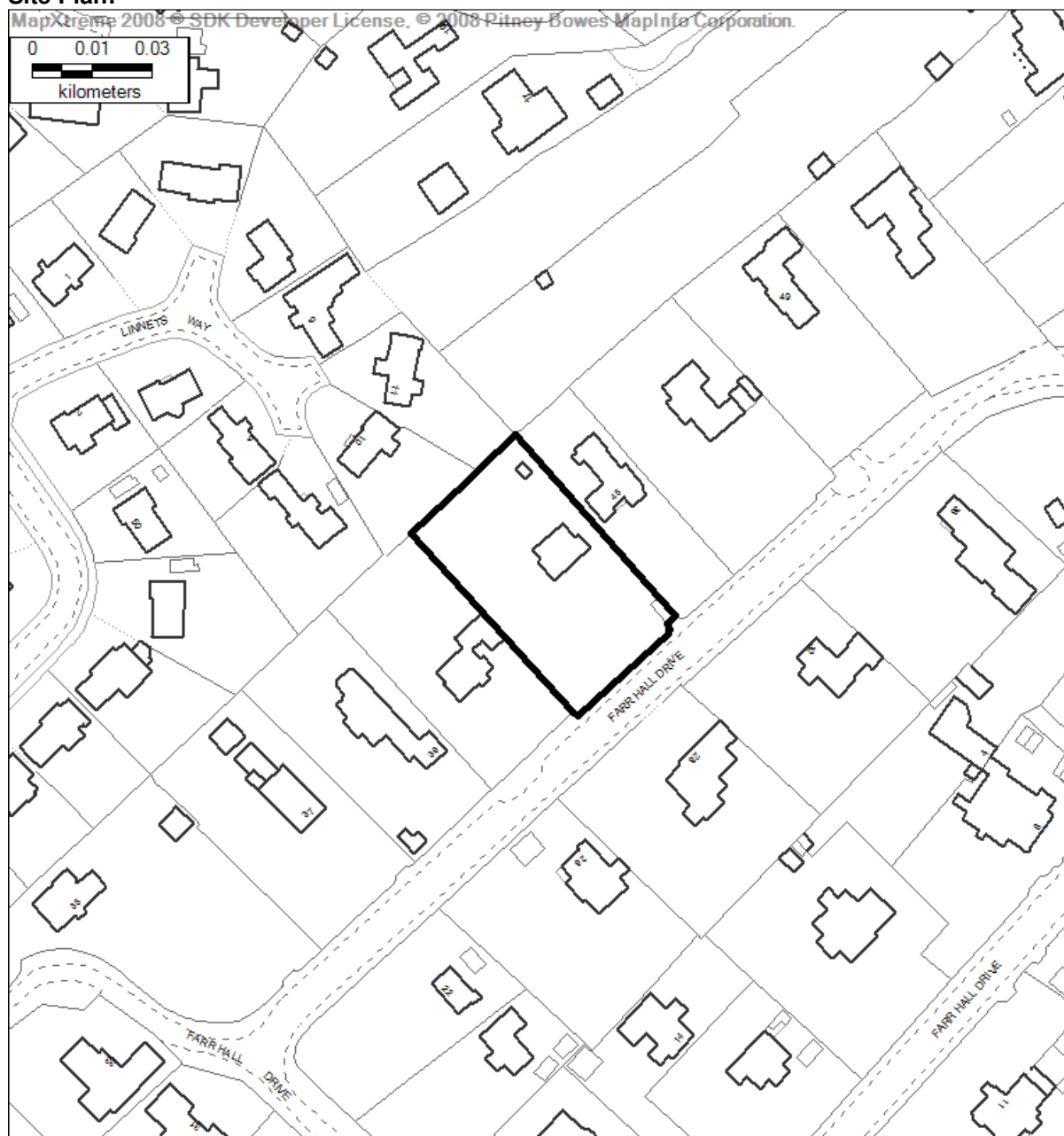
Ward:
Heswall

Location: Little Mundens, 43 FARR HALL DRIVE, HESWALL, CH60 4SE
Proposal: Two storey extension to existing property and new build property and associated garage within same plot.

Applicant: Mr Moores
Agent : GUA Limited

Qualifying Petition: Yes, Number of Signatures: 100

Site Plan:



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Development Plan designation:
Primarily Residential Area

Planning History:
No relevant recent planning history.

Summary Of Representations and Consultations Received:

6.0 WARD MEMBER COMMENTS

Councillor Rowlands has requested that the application be taken out of delegation due to significant public opposition.

7.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications 9 notifications were sent to neighbouring properties and a site notice was displayed. At the time of writing a twenty two letters of representation have been received objecting to the proposal, summary of comments;

1. The density would be out of character with the area
2. Loss of light to No. 43
3. The additional cars would damage the unmade road
4. Loss of vegetation
5. There is no automatic right to use the bridleway
6. Highway safety
7. Proposal would reduce the outlook of the existing dwelling
8. Loss of trees would be detrimental to wildlife
9. Existing house has asbestos boarding
10. The extension would breach a right of light covenant
11. Drainage and flooding issues
12. Previous refusals on the site and subsequent dismissed appeals

CONSULTATIONS

Highways – No objection

Wirral Wildlife – No objection

Merseyside Fire and Rescue Service – No objection

3.1 Reason for referral to Planning Committee

- 3.1.1 The application was referred to Committee on the basis of a qualifying petition comprising of 100 signatures and 22 individual letters of objection. Councillor Rowlands has also requested that the application is taken out of delegation. Consideration of this application was subsequently deferred in order to allow officers to clarify the planning history and consult with Welsh Water. This application was deferred from consideration on 21 March 2019 to allow for a formal Members Site Visit to take place.

3.2 Site and Surroundings

- 3.2.1 The proposed development site comprises of No. 43 Farr Hall Drive and its domestic curtilage. No. 43 is a traditionally constructed detached residential dwelling set within a spacious plot. The dwelling is orientated to maximise views out over towards the Dee estuary. Ornamental trees and shrubs define the curtilage of the site and filter views into the site.
- 3.2.2 Farr Hall Drive is a roughly made un-adopted road. There is no prescribed architectural style within the street whilst the grain of development is informal.

3.3 Proposed Development

- 3.3.1 The application essentially comprises of two parts; to extend No. 43 Farr Hall Drive and erect an additional detached residential dwelling with the domestic curtilage of No. 43.

3.4 Development Plan

- 3.4.1 The Wirral Unitary Development Plan 2000

- HS4 Criteria for New Housing Development
- GR5 Landscaping and New Development
- GR7 Trees and New Development

3.5 Other Material Planning Considerations

- 3.5.1 The National Planning Policy Framework (2018)

- Achieving sustainable development
- Delivering a sufficient supply of homes
- Achieving well-designed places

3.6 Assessment

- 3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development ;
- Design;
- Highways and PROW;
- Ecology; and
- Amenity

3.7 Principle of Development:

- 3.7.1 The proposed development site I situated within a Primarily Residential Area under the current Development Plan and the application is therefore acceptable in principle subject to all other material planning considerations.

3.8 Design:

- 3.8.1 The application proposes to extend No. 43 Farr Hall Drive. The standards for domestic extensions are set out under Policy HS11 of the Wirral UDP. Extensions should be of a scale appropriate to the size of the plot. Materials should match or complement those of the existing building as should design features such as lintels, sills, eaves, roof form and line.

- 3.8.2 The proposed extension would extend out approximately 5.1 metres from the main rear face of No. 43. The extension would adopt the same roofline and form of the existing dwelling and is considered acceptable in this respect.

- 3.8.3 As the proposed development includes the erection of an additional residential dwelling Policy HS4 applies. Policy HS4 seeks to guide the scale of new residential development and ensure that it relates to surrounding property and does not result in detrimental change to the in the character of the area. Appropriate levels of landscaping should be incorporated into new residential schemes.

- 3.8.4 Paragraph 127 of the revised National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and effective landscaping, are sympathetic to local character and history, including surrounding built environment and

landscape setting, whilst not preventing or discouraging appropriate innovation or change (such as increased densities), and establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

- 3.8.5 The proposed dwelling would be simple in style. As there is no prescribed architectural style along Farr Hall Drive the proposed dwelling is considered acceptable in this respect. The proposed development would effectively sever the existing plot in half. Whilst Farr Hall Drive is generally characterised by dwellings set within spacious plots there is no definitive plot width, rather the extent of soft landscaping plays an important aesthetic role in joining up a diverse architectural environment. The proposed density is therefore considered acceptable and would not conflict with Paragraph 127 of the revised NPPF.

3.9 Highways:

- 3.9.1 The Highways Engineer has raised no objection to the proposal.

3.10 Ecology:

- 3.10.1 The applicant has submitted a supporting Protected Species Survey. Wirral Wildlife have raised no objection to the proposed development subject to conditions which seek to preserve badgers and bats.

- 3.10.2 Policy GR7 states that in assessing the protection to be given to trees on development sites consideration will be given to the general health, structure, size and life expectancy of trees, their visual value within the locality and their value for nature conservation and will require buildings, structures and hard surface areas to be sited in order to; substantially preserve the wooded character of the site or of the surrounding area, provide for the protection of trees of greatest visual or wildlife value and other vigorous healthy trees, ensure that trees to be retained have adequate space in order to prevent damage to allow their canopy or root structures during construction and to allow for the future growth of canopy and roots to normal mature sizes, prevent the removal of trees by occupiers of the development to obtain reasonable sunlight to habitable rooms, secure an open unshaded garden area, or to remove perceived dangers to life and property.

- 3.10.3 A number of trees were identified within the site at the time of inspection, however, these were smaller specimens which benefit no form of protective order and could therefore be removed at any time. The Local Planning Authority acknowledges that the existing planting contributes the visual amenity of the area and has therefore imposed a condition requiring details of landscaping to be submitted prior to any development above ground level.

- 3.10.4 The application was deferred from Committee in order to allow the Local Planning Authority to consult Welsh Water. A formal consultation was issued to Welsh Water on 14 December 2018.

- 3.10.5 Welsh Water have stated that they can only justifiably object to a planning application if the sewer is at hydraulic capacity. As the flooding issues are being caused in periods of rainfall, Welsh Water's main concern is the amount of land drainage/surface water that is generated from domestic roof and yard areas. A number of properties with driveways which fall sharply out onto Farr Hall Drive, during rainfall periods surface water flows (if not managed) will be flowing directly onto the highway and either into road gullies if they are clear or running down the street to the lowest point. Surface water flows are unpredictable and are higher than foul water flows direct from a property.

- 3.10.6 One of the contributing factors to previous sewer surcharging has been the condition of the

road surface along Farr Hall Drive. According to Welsh Water limestone has been added to the surface of the road to try and improve its condition, during rainfall periods the limestone is being washed into road gullies which connects to the public combined sewer. Previous attempts to engage with residents within Farr Hall Drive to discuss the maintenance of the road gullies have not been supported. A non return valve (NRV) has since been installed and no further flooding events have occurred, however debris is still amounting in Welsh Water assets. If issues do continue then the sewers may need to be put on a maintenance schedule or a network reinforcement scheme may be the final solution to overcome any detriment.

- 3.10.7 Welsh Water have confirmed that there are no concerns in relation to the additional dwelling proposed under this application, however, they have recommended the inclusion of a condition which would require details of a drainage scheme for the site.

3.11 Amenity:

- 3.11.1 Policy HS11 of the Wirral UDP requires house extensions to not be so extensive as to be unneighbourly with regard had to light and outlook from neighbour's habitable rooms and not so arranged as to result in significant overlooking.

- 3.11.2 There are no practical, reasonable or enforceable design standards which allow for the full use of land whilst guaranteeing retention of daylight for every householder.

- 3.11.3 The proposed extension would be set off the boundary with No. 45 Farr Hall Drive by approximately 5.2 metres and would sit at a lower gradient. At the time of site inspection it was noted that No. 45 had two dormer windows which project out towards the application property and its private amenity space. These dormers would be approximately 13.5 metres from the side of No. 43 and appear as secondary to first floor window which exists within the main rear face of No. 45 and the application is acceptable in this regard. Finally, the proposed extension would feature a first floor Juliet window which would be 17.6 metres from the rear boundary and not less than 35 metres from the rear of the closest rear facing dwelling which would exceed the Council's adopted (21 metre window to window) interface distances and is therefore acceptable.

- 3.11.4 The amenity standards for new residential development are set out within Policy HS4. Proposals should provide adequate private amenity space for each dwelling whilst adequate distances should be kept between habitable rooms in separate dwellings and blank gables. Whilst Policy HS4 does not prescribe adequate interface distances the Local Planning Authority prescribes the following standards elsewhere; windows directly facing each other should be at least 21 metres apart. Main habitable rooms should be at least 14 metres from any blank gable.

- 3.11.5 The proposal would provide a rear garden area at least 20 metres in depth which is considered acceptable. No details of finished boundary treatment have been submitted and a condition has therefore been imposed. Finally, should both elements of the proposed development be implemented, No. 43 would feature a first floor bedroom with an outlook of approximately 6 metres out onto the roof of the proposed dwelling. Whilst this is below the abovementioned standards all other rooms would provide adequate levels of outlook and light and the application is therefore acceptable in this regard.

3.12 Other:

- 3.12.1 The Local Planning Authority has been made aware of a number of planning refusals within the proposed development site which includes an appeal dismissed in 1974 for an additional detached residential dwelling. The details of these applications have not been made available to the Local Planning Authority and there is no record of these applications or appeals within the Council. Regardless, the appeal history predates the Town and Country Planning Act 1990, the adoption of the Wirral Unitary Development Plan (2000) and the National Planning Policy Framework (revised in 2018) therefore little weight is attached to

these applications.

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 in principle and, under the provisions the National Planning Policy Framework, the application is, on balance, not considered to result in any significant detrimental change to the character of the area or the amenity of the adjacent dwellings. The proposal is acceptable under Policies HS4, GR5 and GR7 of the Wirral UDP and all other Supplementary Planning Guidance and therefore recommended for approval subject to conditions.

**Recommended Approve
Decision:**

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 September 2018 & 26 October 2018 and listed as follows: Location Plan, Existing & Proposed Site Plan Rev. C, Proposed Garage Rev. C, Proposed Alterations Floor Plans and Elevations Rev. A, Existing Floor Plans and Elevations Rev. A, Contextual drawings Rev. G and New Build Floor Plans & Elevations Rev. C

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

3. Insofar as this permission relates to the construction of the new dwelling house, approval of the following details shall be obtained from the local planning authority prior to any development above ground level. The stated details shall be approved in writing and such approved details shall be implemented in the development hereby approved in full:

- I. Samples or specifications of the facing materials
- II. Samples or specifications of all doors and windows including the Juliet balcony

REASON: These details are not included in the application and the Council wishes to ensure that they are satisfactory in the interests of visual, residential and environmental amenity.

4. Notwithstanding the details provided, full details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure a satisfactory appearance to the development, having regard to UDP Policy HS4.

5. Prior to any development above ground level, a scheme of landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall include full plans and specifications for all hard and soft landscape works. The soft landscape work to be completed during the first available planting season following completion of the development hereby approved. any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality.

6. Insofar as this permission relates to the construction of the new dwelling house, the first floor left elevation bathroom window and right elevation windows which services the circulation space shown on drawing New Build Floor Plans & Elevations Rev. C shall be obscure glazed prior to occupation and be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy HS4 of the Wirral UDP

7. Insofar as this permission relates to the extension of the existing dwelling house (No. 43 Farr Hall Drive), the first floor dormer which serves the rear master bedroom shown on drawing Proposed Alterations Floor Plans and Elevations Rev. A shall be obscure glazed and fixed shut up to 1.7 metres above finished floor level prior to first use and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with Policy HS4 of the Wirral UDP

8. In order to protect habitats of special local importance for nature conservation:

- 1) Construction work shall only take place between 8am and 6pm.
- 2) Any holes or trenches left open overnight must have a means of escape provided.
- 3) All construction materials, especially those containing lime, must be stored so that badgers cannot access them, and to the front of the house, not the rear.
- 4) When fencing to the garden is installed, a gap measuring at least 0.46 metres (high) x 2 metres (long) shall be provided below the boundary treatment in strategic locations of the site in accordance with details to be submitted to and agreed in writing by the Local Planning Authority before development commences. The gap shall be maintained in accordance with the approved details thereafter to enable important wildlife species to move around between gardens.

Reason: To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan.

9. Prior to occupation, a "lighting design strategy for biodiversity" for the developed area shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

And

(b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

10. NO DEVELOPMENT SHALL TAKE PLACE, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii. size and weight of vehicles accessing the site via Farr Hall Drive

Reason: In the interests of the amenities of adjoining residents and having regard to Policy HS4 of the Wirral Unitary Development Plan.

11. No development shall take place, including any works of demolition, until a construction management plan has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for: routes for construction traffic hours of operation and arrangements for turning vehicles

Reason: In the interests of safe operation of the highway

12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Further Notes for Committee:

Last Comments By: 04/01/2019
Expiry Date: 20/11/2018