

Planning Committee

14 October 2021

Reference:
APP/20/01257

Area Team:
**Development
Management Team**

Case Officer:
Mr B Pratley

Ward:
**West Kirby and
Thurstaston**

Location:
Proposal:

Purley, KINGS DRIVE, CALDY, CH48 2JH
New building within the grounds of Purley, to be ancillary to the main property. Amendment from application as originally submitted, which was for a self-contained dwelling. July 2021 - Further amendments reducing height of proposed building and omitting new access.

Applicant:
Agent :

Mr & Mrs Webster
Ainsley Gommon Architects

Qualifying Petition:
Petition Number:

Yes
Number of signatures:
1 34
2 56

Site Plan:



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Development Plan designation:

Primarily Residential Area
Conservation Area
Density and Design Guidelines Area
Primarily Residential Area
Density and Design Guidelines Area
Area of Special Landscape Value
Conservation Area (for illustrative purposes)
Green Belt (adjacent)
Site of Biological Importance

Planning History:

Location: Purley, KINGS DRIVE, CALDY, CH48 2JH
Application Type: Full Planning Permission
Proposal: Construction of new rear extension to form kitchen and family room.
Application No: APP/11/00409
Decision Date: 14/06/2011
Decision Type: Approve

Location: Purley, KINGS DRIVE, CALDY, CH48 2JH
Application Type: Full Planning Permission
Proposal: Construction of new rear extension to form kitchen and family room

Application No: APP/14/01054
Decision Date: 09/10/2014
Decision Type: Approve

Location: Purley, Kings Drive, Cald, L48 2JH
Application Type: Full Planning Permission
Proposal: erection of garage extension
Application No: APP/84/24738
Decision Date: 17/05/1984
Decision Type: Conditional Approval

Location: Land north west of Purley, Kings Drive, Cald, Wirral, L48 2
Application Type: Reserved Matters
Proposal: Erection of a detached dwelling house with integral double garage.
Application No: DLS/82/20977
Decision Date: 02/09/1982
Decision Type: Conditional Approval

Location: Land at 'Purley', Kings Drive, Cald, L48 2JH
Application Type: Full Planning Permission
Proposal: Erection of detached dwelling house
Application No: APP/79/14504
Decision Date: 04/02/1980
Decision Type: Conditional Approval

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

1.1 Councillor Green has raised concerns regarding the proposed use of the building, and whether it would be incidental/ancillary to the main building.

2.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

2.1 Having regard to the Council Guidance on Publicity for Applications 24 notifications were sent to adjoining properties. A site notice was also displayed.

11 objections have been received to the application as originally submitted, listing the following grounds:

- The proposal conflicts with existing covenants.
- Detrimental impact on privacy.
- The proposal is in the '1 acre zone' contained in local planning policy.
- The proposal has a detrimental impact on the setting and on the character of the wider Conservation Area.
- The proposal sits forward of the building line.
- The proposal will harm protected trees.
- The 'eco' credentials of the proposal are overstated.
- The proposal will reduce the area available for the storage of rainwater.

7 objections received after amended plans. As points above, and additionally:

- The proposed ancillary uses are already available in Purley.
- The building could be converted to a separate dwelling at a later date.

A petition, with 34 names, was received after the amendments, objecting to the proposal and raising a number of the above issues.

2 items of support were also received following the amendments, listing the following issues:

- Contemporary design can be a positive addition to older areas.
- Eco friendly houses positively welcomed.

CONSULTATIONS

2.2 **The Caldý Society** - Initial proposal - the proposal does not comply with the longstanding 1 dwelling per acre (2.5 dwellings per hectare) rule that has served Caldý well. The proposed modern design is alien to the character of the area. These comments were re-iterated following the submission of the first set of amended plans.

Following the receipt of the most recent set of plans the Society have reiterated their concern that the building has a detrimental impact on the setting of the building and the wider Conservation Area.

Highways - No objection.

Tree Officer - No objection received.

Conservation Officer - Objection to plans as initially submitted. Concerns have been overcome following receipt of amended plans.

Merseyside Environmental Advisory Service (MEAS) - No objection subject to conditions.

Wirral and Cheshire Badger Group - No objection subject to condition.

3.1 Reason for referral to Planning Committee

3.1.1 A qualifying petition has been received. Councillor Green has also requested that the application be taken out of delegation.

3.2 Site and Surroundings

3.2.1 The site comprises a large, detached house, Purley, a property in extensive grounds. Purley is classed as a Category A building in the Caldry Conservation Area Appraisal and as such is considered to be critical to the character of the area. The site is also within Zone 1, for the purposes of Policy HS5 where the density of new development is restricted.

3.3 Proposed Development

3.3.1 New building within the grounds of Purley, to be ancillary to the main property.

3.4 Development Plan

3.4.1 Policy CH2 – Development Affecting Conservation Areas

Development located within, adjacent to or otherwise affecting the setting or special character of a Conservation Area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance:

- (i) The distinctive characteristics of the Area, including important views into and out of the designated Area.
- (ii) The general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces; and
- (iii) The character and setting of period buildings and other elements and other elements which make a positive contribution to the appearance and special character of the area.

When granting consent, special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials proposed to be used.

3.4.2 Policy CH11 – Caldry Conservation Area

In relation to Caldry Conservation Area the principal planning objectives for the area will be to:

- (iv) Retain the character of a low density, maturely landscaped suburb with substantial houses in large grounds.
- (v) Retain the unifying features of design, layout and building materials within the old village core.
- (vi) Preserve the unity of strongly enclosed boundary treatment incorporating high walls, dense landscaping or dark-stained, close boarded, timber fences in the area outside the old village core; and
- (vii) Preserve, wherever practicable, views of the Dee Estuary and of the North Wales coast beyond.

Only primarily residential uses will be permitted within this area.

3.4.3 Policy GR7 – Trees and New Development

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value in the locality and their value for nature conservation.

3.4.4 Policy NC7 – Species Protection

Development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/or planning obligations.

Policy HS5 – Density and Design Guidelines

In the following existing residential areas as outlined on the Proposals Map, in addition to the criteria in Policy HS4, proposals for new residential development will be subject to controls

over density and layout as follows:

7. Caldy

Zone 1

Maximum density of 2.5 dwellings per hectare.

Zone 2

Higher densities may be permitted subject to the development preserving or enhancing the Conservation Area.

3.4.5 Policy HS11 - House Extensions

This policy permits domestic extensions subject to proposals being of an appropriate scale in relation to the size of the plot and not unduly dominant; with regard had to the effect on light to and the outlook from neighbours' habitable rooms and to not result in significant overlooking. Policy HS11 also seeks proposals to replicate the design features of the existing dwelling and to be finished in matching materials.

3.5 Other Material Planning Considerations

3.5.1 The NPPF states that Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

3.5.2 Supplementary Planning Guidance 11: House Extensions

SPG11 states that it is always important to consider the specific character of the building being extended and to take account of the context of the property. Extensions built close to the boundary with a neighbouring property may have an adverse impact on the enjoyment of that property. Extensions should not be so large as to create an effect of over-dominance or cause significant visual intrusion or significantly impact existing light levels (daylight and sunlight).

3.6 Assessment

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

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

3.7 Principle of Development:

3.7.1 The development is acceptable in principle subject to Policies CH2, CH11 and HS11 of Wirral's Unitary Development Plan, SPG11 and the provisions of the National Planning Policy Framework.

3.8 Design:

3.8.1 The application as originally submitted was for the erection of a 3-storey self-contained dwelling to the west of the main house. This would result in a development density for the site as a whole of 4 dwellings per hectare (dph). This is greater than the 2.5 dph limit established under Policy HS5 and as such the applicant's agent was informed that the application could not be supported. The application was subsequently amended so that the proposal is now for a building that will remain incidental to the use of the main dwelling house.

3.8.2 Notwithstanding the change to the proposed status of the building, initially, in design terms it would appear little altered from that originally submitted, namely a flat roofed, white rendered three storey structure. The Conservation Officer considered that the proposal would appear as an over-development of the site and as such would have a detrimental impact on the setting of Purley and the wider Conservation Area.

3.8.3 As a result of the continued concerns, the proposed building was reduced in height by a

storey, so that it will appear as a two-storey building when viewed from the front (south) and a single storey building when viewed from the rear (north). In response, the Conservation Officer has stated that, "The existing building is considered to have a positive impact on the character of the Conservation Area, as highlighted in the Character Appraisal. The modern contemporary design approach is acceptable, remaining simple and not competing with the 'Arts and Crafts' architecture of Purley. It is considered that with this modern approach and reduced height, the features of the house are preserved and it continues to positively contribute to the character of the conservation area. The development is not considered to have a harmful visual impact on its immediate surroundings, nor the Caldry Conservation Area. As such, the proposal complies with the saved UDP CH2 and the NPPF para 197. "

- 3.8.4 The case officer concurs with the view of the Conservation Officer. The use of contrastingly modern architecture is an accepted design response to new buildings in a historic area. The design approach, in association with the reduction in its height, is considered to ensure that the proposed building will have an acceptable impact on the significance of the Conservation Area.
- 3.8.5 The plans as originally submitted indicated the provision of a driveway leading to the new building, with a new access formed following the removal of a portion of the boundary wall. This element has been omitted from the amended plans and the boundary wall will not now be affected.
- 3.9 Highways:
- 3.9.1 As the proposed building will remain incidental to the use of the main dwelling house there is no requirement for separate or additional vehicle parking spaces. There are no Highway Implications relating to this proposal.
- 3.10 Ecology:
- 3.10.1 The Council's Ecologist has confirmed that they have no objection to the proposal subject to the imposition of planning conditions. There are no Environmental/Sustainability issues relating to these proposals.
- 3.11 Amenity:
- 3.11.1 On the submission of the original application concerns were raised by neighbours and the case officer about overlooking of the garden of Kingsmount (to the rear of the site) from windows on the upper floor of the proposed building. The omission of this upper floor means that the proposed building will appear as single storey when viewed from Kingsmount. As such, the proposal is not considered to result in a loss of privacy or daylight at this property.
- 3.11.2 Separation distances with all other neighbouring dwellings meet the Council's standards. As such the amenity implications of the proposal are considered to be acceptable.
- 3.12 Other:
- 3.12.1 A number of the objections to the application raise the issue of historic covenants pertaining to the land. However, covenants are not a matter that can be dealt with through the planning system. The decision of the Local Planning Authority does not override any other legal obligations and restrictions that are placed on the relevant landowner.

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 not considered to have an adverse impact on the amenities which the occupiers of the neighbouring properties can reasonably expect to enjoy in terms of loss of light, privacy or outlook. The proposed development is not considered detrimental to the character of the host dwelling and preserves the character of the wider Conservation Area. The proposal is acceptable in terms of scale and design, complies with the provisions of Policies CH2 and HS11 of the adopted Wirral Unitary Development Plan, SPG11 and the

provisions of 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 5 July 2021 and listed as follows: 2024/010 Rev C, 2024/102 Rev B, 2024/100 Rev C, 2024/101 Rev C, 2024/200 Rev E.

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

3. No works shall proceed on site until details of pollution control and protection measures for the adjacent woodland areas have been submitted to the local planning authority for approval. All site works shall then proceed only in accordance with the approved measures.

Reason: in the interests of protecting nearby woodland and to comply with Policy NC7 of the Wirral UDP.

4. Prior to the first occupation of the development details of the proposed lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The information submitted shall include details of the type of lights and an estimate of the light levels at the site boundaries of the site. The lighting shall thereafter be installed and operated in accordance with the approved details.

Reason: in the interests of amenity, to minimise any impact on ecology and to comply with Policy and NC7 of the Wirral UDP and the provisions of the NPPF.

5. No tree felling, hedgerow or shrub removal is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Reason: in the interests of protecting birds and to comply with Policy NC7 of the Wirral UDP.

6. The development hereby permitted shall not be first brought into use until details of bird and bat boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval to the local planning authority and implemented in accordance with those details. The approved details shall thereafter be implemented before first occupation of the building.

Reason: in the interests of enhancing bio-diversity and to comply with Policy NC7 of the Wirral UDP.

7. The following measures/precautions should be taken during building works to protect wild animals:

- A pre-commencement check for the presence of wild animals.
- Any holes or trenches left open overnight should either be covered at the end of each working day and/or include a means of escape (sloped banks or ramps) in case any animal should fall in.
- Any open pipes should be temporarily capped at the end of each working day to prevent any animals gaining access.
- Construction work is limited to daylight hours and should only take place between 8am and 6pm.
- All building materials to be stored so that animals cannot access them.
- The use of chemicals (such as herbicides & fertilisers) should be avoided wherever possible.
- Should any chemicals be used and stored on site these should be kept in secure compounds away from access by animals.
- Any obvious animal paths to be left clear of obstruction.
- The property boundaries allow for the free movement of wildlife after construction.
- Fencing shall be erected surrounding the construction site during the building work to prevent animals from entering the site.

Reason: in the interests of protecting wild animals and to comply with Policy NC7 of the Wirral UDP.

8. Before any construction commences, details of the facing (colour, texture and specification) 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 CH2, CH11 of the Wirral UDP and the NPPF.

9. Development of the relevant parts of the building shall not commence until full details of the windows and external doors including sliding doors throughout the development have been submitted for written approval by the local planning authority prior to the commencement of works. These shall include cross sectional drawings at 1:1 and elevation details at 1:5 scale (or similar) and should incorporate sill, lintel, jamb and reveal details or similar. The development shall be implemented in accordance with the approved details.

REASON: To protect the significance of the heritage asset (Caldy Conservation Area and Purley itself) and to comply with Policies CH2, CH11 of Wirral's UDP and the NPPF.

10. All rainwater goods shall be of the material aluminium or of a similar quality; profile details and colours are to be submitted to and agreed in writing by the Local Planning Authority prior to their installation. The development shall be implemented in accordance with the agreed detail and retained thereafter.

REASON: To protect the significance of the heritage asset to comply with Policies CH2, CH11 of Wirral's UDP and the NPPF.

11. No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with UDP Policy GR7.

12. Prior to the commencement of site clearance, demolition, storage of plant (non-tree related), materials, machinery, including site huts and WCs, Tree Protection Barriers shall be installed immediately following tree works and Barriers shall conform to the specification

within the method statement. The Tree Protection Barriers and Ground Protection shall not be removed, breached or altered without prior written authorisation from the local planning authority or client arboriculturist, but shall remain in a functional condition throughout the entire development, until all development related machinery and materials have been removed from site. If such protection measures are damaged beyond effective functioning, then works that may compromise the protection of trees shall cease until the protection can be repaired or replaced with a specification that shall provide a similar degree of protection. The tree protection measures shall not be dismantled until all construction related machinery and materials have been removed from site and not without written authorisation from the local planning authority or client arboriculturist. Once authorisation has been given the protection measures can be removed by hand and transported off site. During which time, no machinery or vehicles shall enter the area previously protected. No excavations, storage of materials, soil stripping, the raising or lowering of levels or the laying of hard surfacing without prior approval of the arboricultural consultant and / or the local planning authority. Any issues regarding tree protection should be agreed and implemented prior to commencement of development.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with UDP Policy GR7.

13. The following activities must not be carried out under any circumstances:
- a, no fires to be lit within 20 metres of existing trees and shrubs to be retained.
 - b, Storage of removed topsoil should be located outside of the Root Protection Areas of retained trees and away from those parts of the site allocated for soft landscaping.
 - c, no equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
 - d, no builders debris or other materials to be stored within the Root Protection Areas.
 - e, no mixing of cement, associate additives, chemicals, fuels, tar and other oil based liquids and powders shall occur within 10 metres of any tree Root Protection Area. A dedicated washout area shall be a used and located not within 10 metres of any Root Protection
 - f, no alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.
 - g, no excavations, trenches, stripping, cultivation with a rotavator or changes in surface level to occur within the Root Protection Area, unless authorised.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with UDP Policy GR7.

Further Notes for Committee:

For the avoidance of doubt, the building hereby approved shall only be used for purposes which are ancillary to the host dwelling and shall not be used separate to the main dwelling.

Last Comments By: 25/07/2021

Expiry Date: 30/10/2020