
ITEM	APP/2007/5636	WARD Heswall
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Location: Windale 15 Oldfield Road Heswall Wirral CH60 6SQ

Proposal: Erection of a two storey side extension, single storey rear extension with balcony above and detached garage (amended description)

Applicant: Mr & Mrs Large
Windale
15 Oldfield Road
Heswall
Wirral
CH60 6SQ

Agent: Survey & Design Associates
27a Wodchurch Lane
Prenton
CH42 9PJ

Development Plan allocation and policies: UDP; Policy HS11-House Extensions, NC3-Sites of National Importance for Nature Conservation, LA2-Areas of Special Landscape Value, GR1-The Protection of Urban Greenspace and SPG11-House Extensions
RSS; Policy DP3
PPS9-Protection of biodiversity and geological conservation

Planning History: 19856980 Erection of one dwelling and garage land east of (adjacent) Windale, 15 Oldfield Road, Heswall

Refuse 16.1.1986

Representations and consultations received:

Representations:

A site notice was displayed on a lamppost opposite the site. A total of five letters of notification have been sent to properties in the area. At the time of writing this report 28 objections have been received, listing the following grounds:

- Windale shares three boundaries with the Heswall Dales, which is designated as an area of Special Landscape Value, Site of Importance for Nature Conservation, and public open space.
- A previous application for a new dwelling house (APP/1985/6980) was refused on the site and the Inspectors report 1989 is still relevant.
- There are no details in the plans concerning the treatment to the boundaries of the property or the entrance, as would be expected of a property in such a sensitive area. Fencing has been erected along the Western and Southern edge of the site, most of the boundary, which is now enclosed, was not previously delineated by fencing. If the owners intend to erect fencing to the Easterly boundary this would have an effect on the SSSI. Currently there is no fencing along the Easterly edge and the SSSI effectively blends with the boundary of the property.
- Concerns about the development on the current arrangements for the disposal of foul water from the premises which are currently collected in a septic tank and frequently leads to offensive smells in the area and foul water being discharged onto the dales. The increase in bathroom accommodation will further exacerbate this situation.
- Concerns that the development of the detached garage could be converted into a self contained dwellinghouse set a precedent.
- Concern on the impact of this development on the future of the Dales, as no safeguards in this application for the protection of the surrounding woodland that will be disturbed by this development.
- Concerns over land ownership and the application forms: whether it is a householder application, the lack of certificate of ownership (Certificate A or B) posted on the website, and the deletion of the name and telephone number on the website.
- Concern over unauthorised tree felling during construction works.
- The line on the application plans have been drawn very thickly which lends to ambiguity and encroachment into the dales. Would like assurances that the boundary lines have been verified by Natural England
- Application been incorrectly treated as a 'planning application in a residential area' rather than 'building in an area of special landscape value'
- The application would damage the natural setting and wild character of this landscape that is held in high regard by locals and visitors.
- There has been ground clearance and a JCB already working on this site prior to the application being considered.
- Wishes to draw attention to policy 10.69 of the Structure Plan

- Building work will damage both flora and fauna.
- Concern that Erik Bowman, the Tree/Landscaping Officer should be consulted.
- The double garage will increase the footprint of this property, and is much larger than the previous building that has not been there for 30 years.
- Site highly visible to local residents.
- Before any development is allowed the plot must be marked out and great care taken that the publicly owned area of the dales to the East and South does not suffer encroachment.
- The extension comes within 1 metre of the boundary and will visually intrude on the Heswall Dales and its approach by creating a feeling of "built up" enclosure. The rear balcony will be visible from the footpath and dominate over the Dales if there is further tree clearing.
- Due to the proximity of the two-storey side extension it would be impossible to plant trees along the footpath
- The surrounding properties are set back from the footpath
- The details requested by Natural England were made after the close of the first public consultation
- Drainage work prior to permission granted and not covered in a manner advised by the Cheshire Wildlife group.
- The Wirral Footpaths & Open Spaces Preservation Society raised concerns that the proposed two-storey extension and fence are visually intrusive to those using the footpath curtailing the western boundary of the plot.
- The Heswall Society stated the proposal does not comply with Policy LAN1, LA1, GRE1 and HS4. Should the development be passed, conditions would be needed to protect the tree cover by TPOs or as appropriate. The fence erected has an unsatisfactory appearance both in colour and form and there would be further concern if the fencing were to be continued along the East boundary of the plot. They considered tree screening would have a minimal benefit during winter and as the trees grow, and as such the extension would dominate the footpath.

Councillor Johnson requested the application to be taken out of delegated powers.

Further objections were received after the last date of comment. The concerns were as follows:

- The land management document submitted has not been formally approved/commented on upon by Natural England.
- Who has formally assessed the land management document in relation to PPS9?
- There are no formal conditions in the report to ensure that PPS9 is in fact met if planning permission is granted. How can it be ensured that PPS9 is met in the absence of such conditions?
- The bat survey was limited to the house and not the surrounding land.
- Why is there no specific reference to Policy LAN1, Policy LA1 HS4.2 as quoted by the Heswall Society in their objections?
- Why is it the view of the PD that it is appropriate to consider Windale as simply a residential application when that was not the view of the judgement the Planning Inspectorate in 1989. "Visually I agree with the council and others who made representations that any development on the appeal site has to be seen as part of the Dales as it impinges on Oldfield Road" and which explicitly said this should be given greater weight than the status of the site as residential land.
- What is the argument for stating "as the site is outside of these areas (Heswall Dales) the scope for any direct harm is greatly reduced". This appears to be in direct contradictions between adverse impacts on heathland and the amount of development on adjacent land. Even small scale residential development within 400m of an SSSI has been clearly demonstrated to have an extremely adverse effect on an SSSI.
- No conditions are being imposed to ensure protection of the surrounding trees and thus protect any adverse visual impact of the development on the enjoyment of the Dales during Spring, Summer should existing trees be felled.
- The existing trees are predominantly deciduous thus it is erroneous for the report to suggest that they would provide year long protection from the visual impact of the development. One only need look at photos on p7, p9 of the Land Management document submitted by the applicants to see how much screening is reduced in winter. (Unfortunately there is no picture showing the western flank in winter but the trees along the footpath there are also predominantly deciduous as pointed out by the Heswall Society.)

Consultations:

- Natural England was consulted and requested additional information to allow the assessment of the impact on the neighbouring SSSI and had the following comments:
 - Should the RSK Carter Ecological and the local badger group identify the presence of protected species a mitigation package is required which should be developed with the Planning Department before permission is granted and detail compensatory measures for loss of/adverse impact on terrestrial habitat, foraging areas, breeding sites etc.
 - A working methodology should be developed to prevent run off/debris entering the SSSI whilst building works are carried out.
 - Details of the management of foul sewage, the disposal of the redundant septic tank and contents and whether there are ongoing discharge issues from the structure
 - Once Survey Systems of Manchester have plotted the boundary Natural England are happy that the eastern boundary can be determined by the applicant and the Wirral Rangers. The design/materials of the boundary treatment should be agreed by the Planning Department in consultation with Wirral Rangers.
 - In addition, Natural England notes that if any further trees are cultivated a precautionary approach is necessary.

A further letter was received dated the 30th July confirming Natural England agree for the works to go ahead.

- Wirral Wildlife had the following comments:

- There is a lack of information referring to how drainage is to be handled. Polluted drainage e.g. oil or detergent from the drive entering the dale below would be harmful. Therefore, the drive area should be properly drained e.g. to a soakaway via a petrol trap.
- Loss of water supply to the site below would be harmful and the proposal will increase the footprint of the dwelling (including garage). Clean water from roofs should therefore be fed via a soakaway into the SSSI.
- Lack of boundary treatment information.
- Do not allow or store any materials or debris on the SSSI as this would come under 'operations likely to damage the special interest' and therefore be a criminal offence.
- The visual impact of the extension when viewed from the footpath
- There have been trees felled on site
- Fencing must be such as to allow badgers to pass. Should the application be passed, normal applications for a site near badgers would have to be applied; no work between dawn and dusk, no trenches left open overnight with means of escape, and no materials left accessible to badgers.

- The Wirral and Cheshire Badger Group could not find any evidence of badger activity but as there are active setts in the locality and the four boundaries should allow for free movement of wildlife.

- The Tree/Landscaping Officer had no objection to the proposal. No TPO was imposed on the site as the Officer did not consider the area under threat from the proposed development

Directors comments:

This application was deferred from Committee on 28th August for a formal site visit.

PROPOSAL

Erection of a two-storey side extension, single storey rear extension with balcony above and detached garage (amended description).

The two-storey side extension projects 8 metres in width and exceeds the footprint of the existing single storey structure that it proposes to replace. There are proposed windows to the front and rear elevations. To the rear of the property there is a single storey extension with proposed balcony above. The rear extension projects 2.3 metres from the rear elevation and measures 8.6 metres in width. There are bi-folding glazed sliding doors across the width of the rear elevation and glazed doors facing east. The balcony railings measure 1 metre in height and are 3.9 metres above ground floor level. The detached garage comes 10 metres forward of the property and the footprint measures 6.7 metres by 7.4 metres. It is 4.7 metres in

height.

PRINCIPLE OF DEVELOPMENT

The proposal is recommended for approval with conditions in accordance with policies HS11, NC3, LA2, GR1, SPG11 of the Wirral Unitary Development Plan, policy DP3 of the RSS and PPS9.

SITE AND SURROUNDINGS

The application property is located within land designated as a Primarily Residential Area under the Wirral Unitary Development Plan. The land to the east and south of the boundary is known as the Heswall Dales which is designated as Urban Greenspace, an area of Special Landscape Value and as a site of National Importance for Nature Conservation. The Dales are an extensive area of heath and birch overlooking the Dee Estuary. It is also a local nature reserve and is regarded as the second best example of lowland heath in Merseyside. There is a public footpath to the west boundary of the site and the Dales are managed as a public open space.

The plot comprises of a large detached rendered property set back by approximately 60 metres from Oldfield Road, situated in an area of mixed building design. The driveway and built environment is contained within the western half of the plot. There is dense, mature tree vegetation to the north and east boundaries, and vegetation to the rear. To the west boundary there is a 2-metre high wooden fence curtailing the footpath leading to the Dales. The land drops away to the eastern half of the plot, which is an area of woodland within the curtilage of the property.

POLICY CONTEXT

The application property is located within land designated as Primarily Residential Area in the Wirral Unitary Development Plan, and the property itself falls under the use class C3 as it is a dwelling house. Policy HS11-House Extensions and SPG11 are directly relevant in this instance. In addition Policy DP3-Quality in New Development should be taken into consideration.

The property itself is not located within an area of special landscape value as stated in several letters of objection, however the land to the east and south of the boundary is designated as Urban Greenspace, an area of Special Landscape Value and as a site of National Importance for Nature Conservation. The application is assessed against the relevant UDP Policies NC3-Sites of National Importance for Nature Conservation, LA2-Areas of Special Landscape Value, and GR1-The Protection of Urban Greenspace, but as the site is outside of those areas the scope for any direct harm is greatly reduced. PPS9-Protection of biodiversity and geological conservation has also been referred to.

APPEARANCE AND AMENITY ISSUES

The proposal alters the façade of the front elevation of the property, but is considered acceptable as the design respects the character of the original property in accordance with Policy DP3 and HS11. The existing windows in the property are to be replaced under permitted development rights, and the proposed windows on the extensions are to match. It is not considered the proposal appears out of scale with the original dwelling or the plot of land. The proposal remains 21 metres away from No17 Oldfield Road, which is angled away from the proposal and meets the minimum separation distances as recommended by SPG11. It is not considered the windows or balcony would result in overlooking into the surrounding properties. Objections referred to the setback of the neighbouring properties curtailing the footpath and the tree screening. Whilst it is accepted the extensions will come closer to the footpath curtailing the west boundary and will therefore have a greater impact from this perspective, it is not considered detrimental as the existing properties to either side of the footpath are currently visible and the tree screening reduces the impact of the proposal. There were objections to the planting of trees along the western boundary, however this does not constitute development and the Planning Department cannot control such eventualities. The existing tree screening is considered to soften the impact of the proposal.

The bulk of the extension does not come closer to the Dales, and as such the open nature of the SSSI is preserved in accordance with Policy LA2. The proposal is not considered to detract from the appearance of the area or intrude on the view into the

Area of Special Landscape Value. It is not considered to prejudice the visual amenity or landscape character of the site, nor the continued use of the site for recreation, as set out in Policy GR1.

The garage comes forward of the property but is considered acceptable as it is of a scale that relates to the property and does not come forward of the building line along Oldfield Road. The garage, if committee are minded to approve the application, would be granted permission for the sole purpose of a domestic garage and shall not be used as a separate unit of accommodation without the prior approval of the Local Planning Authority. A self contained dwelling in the current climate would be unlikely to be granted. If the applicant did convert the building without planning permission then the Enforcement Team would deal with what would be an unauthorised use.

A previous application for a dwellinghouse within the curtilage of the site was refused. This development was considerably larger and closer to the boundary curtailing the SSSI site, and therefore no direct comparisons can be made.

It was suggested by objectors that the application shouldn't have been submitted as a Householder Application due to the sensitivity of the site. However the UDP allocation of a site or neighbouring sites does not determine the type of application. The proposal is for an extension to a dwellinghouse and therefore the applicant is correct in completing the Householder Planning Application form. The issue raised regarding the "unoccupied and uninhabitable" nature of the property is also not directly relevant. The applicant has submitted a Certificate A with the application, which means that they are stating that they own the site. The telephone number of the applicant had been blanked out from the application forms under the Data Protection Act.

Concerns were raised regarding the boundary treatment of the property. Under the Town and Country Planning (General Permitted Development) Order 1995 the erection or alteration of a gate, fence, wall or other means of enclosure is permitted without requiring planning permission, unless it exceeds 2 metres in height above ground level, or 1 metre in height if adjacent to a highway. An Enforcement Officer conducted a site visit and concluded that planning permission is not required for the erection of a fence and there has been no breach of planning control on the site.

The applicant has submitted written details regarding the boundary treatment which Natural England has agreed to in writing. The applicant proposes four 1.2 - 1.6 metre high posts pre-treated with a dark brown stain, with two rails joining the posts to allow a 0.5 metre wildlife passage under the bottom rail. The spacing will relate to the terrain. A ready mixed agent will secure the posts. This complies with the comments received by Natural England and Wirral Wildlife. Precise details are required in the form of a condition.

The application forms state that no trees shall be felled, which was discovered not to be the case after a site inspection was conducted on the 11th April 2007. The site is not covered by a Tree Preservation Order, and as such planning permission is not required for the removal of trees under the Town and Country Planning Act. The Tree/Landscaping Officer had no objection to the proposal subsequent to conducting a site inspection and considering the site to the east had been neglected for some time and the area was in need of management, as set out in the applicant's land management response to the queries raised by Natural England. It was considered the eastern wooded valley would benefit from replanting of suitable species subject to a more detailed woodland survey to identify the condition of trees and presence of any natural regeneration.

Issues that cannot form a reason for refusal include the vehicle parking of developers on Oldfield Road, boundary disputes and ground clearance which does not require planning permission. In addition, drainage work does not require planning permission and as such the Planning Department can not control the manner in which the drainage work is completed. Objections referred to the Structure Plan, which has been superseded by the Unitary Development Plan. Natural England requested additional details from the applicant, which were submitted after the close of the first public consultation. It is not standard practice to notify neighbours of this additional information which was available on the public file.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

Due to the allocation of the neighbouring site, Natural England (formally English Nature), the Wirral Wildlife Trust and the Wirral Footpath Society were consulted and their comments were given due consideration. Policy NC3 states development proposals that are likely to affect sites of national importance must demonstrate adequate provisions to minimise the potential for damage to any part of the site during construction. The proximity of the proposal to the sensitive neighbouring site requires a number of enforceable conditions to reduce the environmental/sustainability implications arising directly from the proposal, as developed by Natural England and the applicant.

Planning Policy Statement 9 (PPS9) sets out policies for the protection of biodiversity and geological conservation through the planning system. The broad aim that planning, construction, development and regeneration should have minimal impacts on biodiversity and enhance it wherever possible. The proposal is considered to create a more sustainable development by developing a mitigation package based on the environmental characteristics of the area.

The applicant demonstrates the potential for wildlife gain by dividing the plot into four areas; the driveway and built environment, the cultivated domestic garden, the south wildlife garden area and the easterly woodland area.

1.) The driveway and built environment

The driveway is proposed to be a permeable material to permit groundwater to percolate. A material such as gravel would be acceptable. As the property has its permitted development rights to hard surface intact, it is not considered a condition is acceptable in this instance.

Wirral Wildlife raised concerns regarding the spillage of pollutants e.g. oil or detergent onto the site. This is a previously developed site and has permission for a dwelling house. It is not considered the proposed extension should be increase the quantity of accidental domestic spillage.

The current sewerage system appears to be having a detrimental impact on the SSSI. The renovation of the septic tank and connection to the main drains is considered to have a beneficial impact on the protection of the neighbouring SSSI site. This development does not require planning permission and as such the Planning Department can not control the manner in which the drainage work is completed.

2.) The cultivated domestic garden

The applicant proposes to develop a cultivated garden to attract a variety of fauna.

- A kitchen garden dedicated to herbs to attract insects, bees and butterflies
- The planting of a selection of fruit trees and native trees
- Encourage the development of meadow flowers in the unmown area of lawn and native wildflowers for garden border

Natural England has not specifically requested that this be formally conditioned.

3.) The wildlife garden area

To the south of the plot the land is overgrown. The applicant proposes to prevent the area becoming dominated by scrub and trees by:

- Clearance of bracken to encourage the re-growth of native heather
- Thinning the birch saplings to prevent the character of the heathlands
- Retention of the scattered native deciduous trees and brambles

Natural England has not specifically requested that this be formally conditioned.

4.) The eastern woodland area

The area consists primarily of mixed woodland. Damage has occurred by the use of bikes in this section of the property, and it is considered the area will benefit from ongoing management and surveillance. Priorities include:

- Deal with the foul drainage leaching into the valley from the septic tank. Welsh Water has confirmed permission has been granted to connect the foul sewerage flow

to the main drain. The applicant confirmed in writing the cleaning, repair and relining of the drains leading to the tank and the tank itself has been completed by a local drainage company, and the septic tank is now capable of supporting the fowl sewage flow.

- The applicant suggests demarcation of the boundary could be indicated by a post and double rail fence to discourage ingress onto the land from Oldfield Road and to prevent further damage to the valley floor. As no plans of the boundary treatment were submitted with the application a condition has been attached should permission be granted. The fence would be approved by the Local Planning Authority in consultation with the Wirral Rangers. Natural England confirmed the use of concrete for securing posts is acceptable.
- To undertake a review in due of the condition of the trees comprising the woodland by an arboricultural specialist.
- Appropriate planting in the area destroyed by BMX users.

The applicant has developed a working methodology to prevent run-off or debris entering the SSSI:

- A temporary wire mesh fence with green nylon netting on the lower half will be erected in close proximity to the works underway to help contain building materials
- The site will have a dedicated waste storage area
- All debris is to be removed via skips
- Where any site trenches cannot be covered at night "escape" planks are to be provided for wildlife
- All demolition materials will be transported out north from the site via the driveway. All construction materials will be similarly transported in
- Ready mix mortar mixed off site to reduce the risk of ground contamination
- Materials stored and locked away at night

Ecological Assessment of Protected Species

· Badgers

The Wirral and Cheshire Badger Group had no objection to the application subject to a condition allowing for the free movement of wildlife

· Bats and Birds

The Bat and Ornithological Inspection concluded that bat roost potential is considered to be low and no evidence of use was found. Nesting birds or evidence of previous use on or within the building is absent. The proposals at the site would not impact upon species which the inspection was undertaken nor would the designated nature conservation area be affected.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

The proposed householder extension is acceptable in terms of scale and design, complies with policy HS11 and SPG11. It is not considered to be detrimental to the enjoyment of the public who use the Dales in accordance with Policy LA2 and GR1. Through the provision of suitably worded conditions, the proposed building work is not considered to have a detrimental impact on the sensitive neighbouring site in accordance with Policy NC3.

Summary of Decision: The proposal is not considered to have a harmful visual impact on its surroundings or adversely impact the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal complies with relevant policy set out in Wirral's UDP and is recommended for approval subject to enforceable conditions.

Recommendation: **Approve**

Condition(s):

- 1 Full planning permission: standard commencement date. (C03A)
- 2 materials to match existing (C59A)
- 3 No development shall take place until details of the proposed boundary treatment to the east and south boundary to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in full accordance with the approved details and shall be retained as such thereafter.

- 4 Details of all four boundaries shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development to allow for free movement of wildlife and shall be retained as such thereafter.
- 5 A temporary wire mesh fence with green nylon netting on the lower half will be erected in close proximity to the works underway to contain building materials whilst the extensions are being erected.
- 6 There are to be no trenches left overnight without a suitable means of escape for badgers.
- 7 No works shall be carried out on the development hereby approved from 2000 hours until 0600 hours.
- 8 There are to be no building materials left accessible to badgers during construction between the hours of 2000 hours until 0600 hours.

Reason for conditions

- 1 Standard (CR86)
- 2 In the interests of visual amenity. Policy HS11 of the UDP (CR65)
- 3 To ensure that the development is not harmful to the neighbouring SSSI site and to allow the free movement of wildlife.
- 4 To ensure that the development is not harmful to the local badger population.
- 5 In the interests of visual amenity. Policy HS11 of the UDP (CR65)
- 6 To ensure that the development is not harmful to the local badger population.
- 7 To ensure that the development is not harmful to the local badger population and residential amenity.
- 8 To ensure that the development is not harmful to the local badger population.

Last Comments By: 16 August 2007

56 Day Expires On: 23 May 2007