
ITEM	APP/2007/6528	WARD Bidston and St James
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Location: 5 Lazonby Close Bidston Wirral CH43 7QX

Proposal: Retention of timber decking with walkway and close boarded wooden fence on Eleanor Road boundary (amended description).

Applicant: Mr R Conlan
6 Ranworth Gardens
St Helens
Merseyside
WA9 5UW

Agent: Jeffrey Holmes
5 Lazonby Close
Bidston
Wirral
CH43 7QX

Development Plan allocation and policies: Primarily Residential Area
Policy HS11 House Extensions
SPG11 House Extensions.

Planning History: None.

Representations and consultations received: A site notice was displayed on a front fence. A total of 5 letters of notification have been sent to properties in the area. At the time of writing this report 3 objections have been received, along with an objection from the Wirral Society, listing the following grounds:

Negative effect on Eleanor Road streetscene and non-compliance with Eleanor Road Development Brief.
Decking results in an unacceptable loss of privacy.
Fast growing conifers may affect protected trees on the site.
New fence is higher than the original.
Decking is at a level that is too high in relation to the road and surrounding buildings.
Hand rail should be required for the walkway and decking.
If works have been undertaken to combat Japanese Knotweed then he should not have constructed a pond where it would thrive.

Consultations:
None

Directors comments: Councillor Harry Smith removed the application from delegation and expressed concerns on grounds of overlooking and detrimental visual impact of the fence.

PROPOSAL

Retention of timber decking with walkway and close boarded wooden fence on the Eleanor Road boundary. The walkway extends approximately 21m in the rear garden at approximately 0.6m above ground level and is approximately 1.3m wide. The decking measures 3.1m deep by 12m wide and the fence is at 1.8m in height.

The decking is located at the rear of the upwards sloping rear garden on the boundary with Eleanor Road, it is at approximately the level of the Eleanor Road pavement, and the privacy screening fence has been reduced to 1.8m high from 2m high in amended plans.

PRINCIPLE OF DEVELOPMENT

As the raised decking, fence and walkway are erected for purposes incidental to the enjoyment of the dwelling house, the proposal is acceptable in principle, subject to the compliance with the provisions of parking HS11 and SPG11.

SITE AND SURROUNDINGS

The rear of a newly constructed detached property, whose large rear garden slopes upwards to the level of Eleanor Road at the rear. It is in a cul de sac and has a detached property to the South side.

POLICY CONTEXT

Policy HS11 and SPG11 allow extensions within the curtilage of a dwelling house subject to them not unacceptably affecting the amenities of neighbouring residents

and not unacceptably affecting the character of the property or area.

APPEARANCE AND AMENITY ISSUES

The two main issues to consider are the impacts of overlooking from the decking area to properties to the North and South and the impact of the rear screening fence on the Eleanor Road boundary.

There are screening fences on the North and South boundary. To the North is a 2m high wooden fence that acceptably screens the rear garden of the neighbouring property number 4 Lazonby Close. The first floor rear windows are visible from the decking but as they are approximately 30m away it meets the 21m minimum distance required when direct overlooking occurs and is considered to be to an acceptable level.

To the South, number 107 Eleanor Road there is a parking area nearest the decking and no directly facing windows. There are windows offset at an angle approximately 20m from the decking area, but as there are recently planted conifers on this South boundary, the angled view and significant distance leaves overlooking to an acceptable level.

The rear fence is reduced from 2m to 1.8m in height in amended plans and this acceptably lessens the impacts on the Eleanor Road streetscene while retaining privacy for users of the decking. It would be approximately 0.2m above the adjoining section of fence to the North as the road slopes slightly downwards from South to North, but this is not considered unacceptable in terms of damage to the Eleanor Road streetscene, provided that the colour and materials remain an acceptable match to the fence as at present.

Other issues raised by objectors are:

Negative effect on Eleanor Road streetscene and non-compliance with Eleanor Road Development Brief.

The Development Brief was produced for the development of the site as a whole and mentions the need to protect the Eleanor Road streetscene and protected trees, and for the reasons outlined above and below these issues are considered to be acceptably addressed.

Hand rail should be required for the walkway and decking.

This is not a material planning consideration to affect the determination of this application.

If works have been undertaken to combat Japanese Knotweed then he should not have constructed a pond where it would thrive.

As the works have already taken place the issue of knotweed cannot be controlled appropriately by a condition.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Traffic or Highway Implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are protected trees on the site, there have been removals of trees on the site that have obtained the necessary consents for tree works. The impacts of the conifers on the remaining protected trees are judged by the Tree Officer to be something beyond the control of the Local Planning authority and thus cannot be taken into account in this application.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

It is considered that the application does not significantly affect the amenities of neighbouring residents or the character of the area or protected trees, and as such acceptably complies with the relevant policies applicable.

Summary of Decision: It is considered that the application does not significantly affect the amenities of neighbouring residents or the character of the area or protected trees, and as such acceptably complies with the relevant policies HS11 and SPG 11 relating to house extensions. It is thus recommended the application be approved.

Recommendation: **Approve**

Condition(s):

- 1 Within one month of the date of this decision the fence on the Eleanor Road boundary is to be reduced or replaced to a maximum height of 1.8m above the level of the pavement and retained as such thereafter.
- 2 Development according to plans received on 03/10/2007. (C24C)
- 3 Details of the colour of the fence on the Eleanor Road boundary shall be submitted to and agreed in writing with the Local Planning Authority within one month of this approval. The fence shall be finished in the agreed colour within one month of written agreement and shall be retained as such thereafter.

Reason for conditions

- 1 To protect the character of the area.
- 2 For the avoidance of doubt. (CR33)
- 3 To protect the character of the area.

Last Comments By: **28 September 2007**

56 Day Expires On: **19 October 2007**

Case Officer: **Mr A Wright**