

**Planning Committee**

30 May 2013

**Reference:**  
**APP/13/00398**

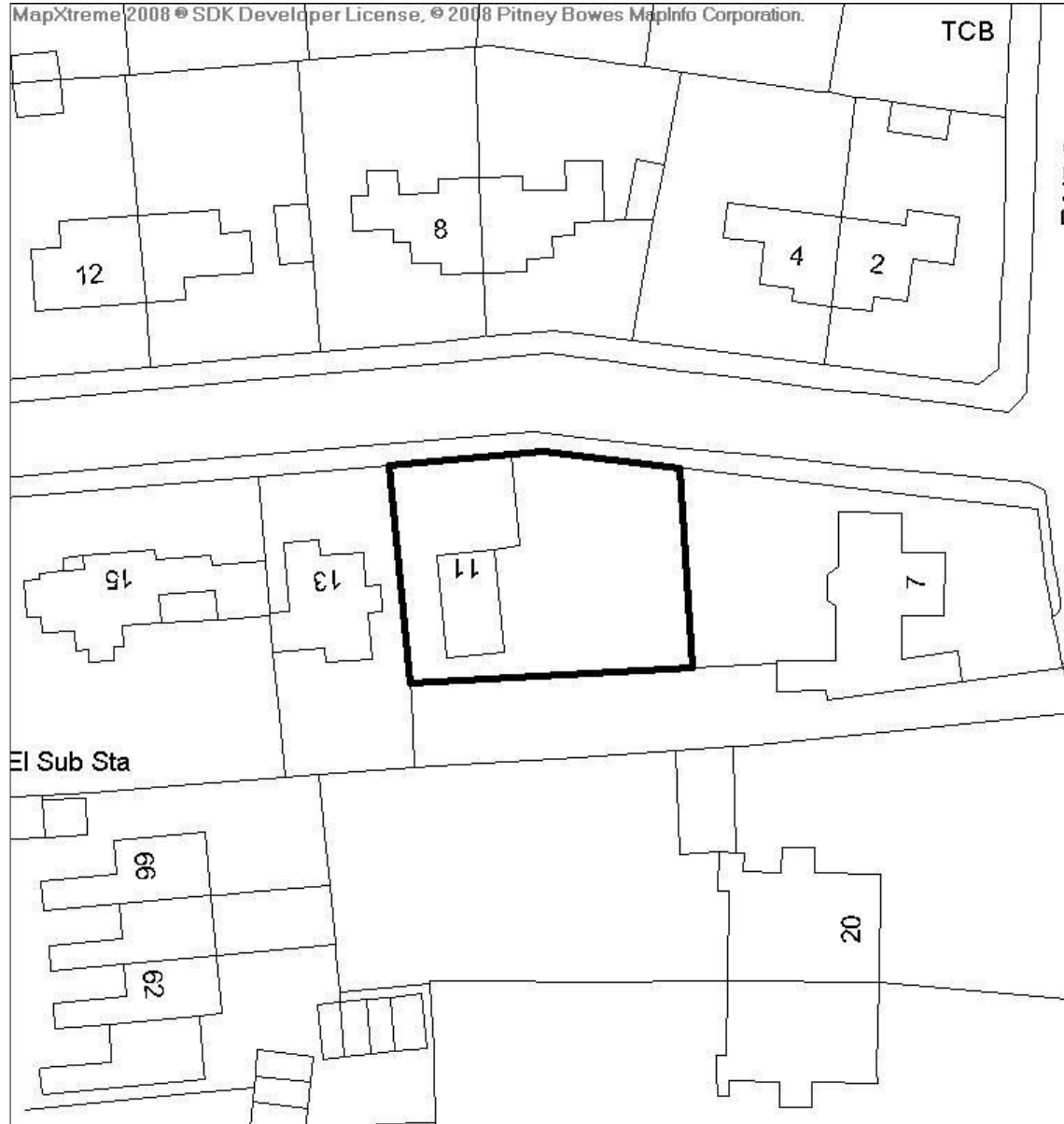
**Area Team:**  
**North Team**

**Case Officer:**  
**Mrs J Malpas**

**Ward:**  
**Oxton**

**Location:** 11 TEMPLEMORE ROAD, OXTON, CH43 2HB  
**Proposal:** Single Storey Garage  
**Applicant:** Mr Bradley  
**Agent :** Edge Architects Ltd

**Site Plan:**



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**Development Plan allocation and policies:**

Density and Design Guidelines Area  
Primarily Residential Area

Conservation Area (for illustrative purposes)

**Planning History:**

Location: 11 TEMPLEMORE ROAD, OXTON, CH43 2HB  
Application Type: Full Planning Permission  
Proposal: Single storey conservatory  
Application No: APP/12/00385  
Decision Date: 23/05/2012  
Decision Type: Approve

Location: 11 TEMPLEMORE ROAD, OXTON, CH43 2HB  
Application Type: Full Planning Permission  
Proposal: Single storey detached garage  
Application No: APP/12/00837  
Decision Date: 24/08/2012  
Decision Type: Refuse - **APPEAL 24/12/2012 - DISMISSED**

Location: 7 Fairclough Lane, Oxton, Wirral, CH43 5SS  
Application Type: Full Planning Permission  
Proposal: Extension of rear parapet wall to raise internal ceiling and new window  
Application No: APP/05/06433  
Decision Date: 12/08/2005  
Decision Type: Approve

Location: 7 Fairclough Lane, Oxton, Wirral, CH43 5SS  
Application Type: Full Planning Permission  
Proposal: Change of use from single dwelling to two dwellings  
Application No: APP/04/07748  
Decision Date: 28/01/2005  
Decision Type: Approve

Location: 7 Fairclough Lane, Oxton, Wirral, CH43 5SS  
Application Type: Full Planning Permission  
Proposal: Change of use to 3 flats.  
Application No: APP/04/06880  
Decision Date: 20/10/2004  
Decision Type: Withdrawn

Location: West of (rear) 7 Fairclough Lane, Oxton, Wirral, CH43 5SS  
Application Type: Full Planning Permission  
Proposal: Erection of a dwellinghouse  
Application No: APP/02/05886  
Decision Date: 16/08/2002  
Decision Type: Approve

Location: West of (rear) 7 Fairclough Lane, Oxton, Wirral, CH43 5SS  
Application Type: Full Planning Permission  
Proposal: Erection of a dwellinghouse  
Application No: APP/01/06651  
Decision Date: 12/10/2001  
Decision Type: Returned invalid

Location: West of (adj) 7 Fairclough Lane, Oxton, Wirral, CH43 5SS  
Application Type: Full Planning Permission  
Proposal: Erection of a detached dwelling  
Application No: APP/00/06865  
Decision Date: 29/11/2000  
Decision Type: Returned invalid

Location: West of (adj) 7 Fairclough Lane, Oxton, Wirral, CH43 5SS  
Application Type: Full Planning Permission  
Proposal: Erection of a detached dwelling  
Application No: APP/00/06088  
Decision Date: 03/10/2000  
Decision Type: Returned invalid

Location: West of (adj) 7 Fairclough Lane, Oxton, Wirral, CH43 5SS  
Application Type: Full Planning Permission  
Proposal: Erection of a detached dwelling  
Application No: APP/99/07217  
Decision Date: 07/03/2000  
Decision Type: Withdrawn

Location: Land to the West of, 7 Templemore Road, Oxton, L43 2HB  
Application Type: Full Planning Permission  
Proposal: Erection of detached house and garage.  
Application No: APP/81/17981  
Decision Date: 18/06/1981  
Decision Type: Refuse

### **Summary Of Representations and Consultations Received:**

#### REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, a site notice was displayed and 10 neighbour letters were sent out. At the time of writing the report 5 letters of objection were received and a qualifying petition of 31 individual addresses.

Elizabeth O'Brien (13 Templemore Road): With reference to planning permission APP/02/05886: in order to achieve an approved design, the house was small and narrow fronted. The proposed garage is very close to my house and conservatory. It will bring an existing blank wall closer, which is 'visually intimidating' (SPG).

This application does not meet the planning criteria as it has 'a significant adverse effect', has 'no regard to the outlook from neighbours' habitable rooms', has a significant amount of visual intrusion', has an adverse impact on the enjoyment of (my) property', is 'unneighbourly' and is 'overbearing and dominant'. In addition the application fails to respect the scale and massing of the street scene. There is ample car parking space within the site without the construction of a garage. Other issues include noise and landscaping. The garage will be very close to habitable rooms leading to annoyance and sleep deprivation (SPG). The landscape condition from APP/02/05886 stated that the 1 metre hedge should remain and with the addition of the garage there would be insufficient light for it to grow.

Mr Toosey (Millstone, Ingestre Road, Oxton): The planning permission APP/02/05886 referred specially to a small property, in order to fit in with the overall street scene and to avoid dominance of neighbouring properties. The current proposal APP/13/00398 would increase the footfall of the property by approximately 40% and certainly cause major hardship to the occupant of 13 Templemore Road.

Francess Sullivan (6 Arno Road, Oxton): The proposed garage will affect the dimensions of the road yet again and will give an even more 'squashed' appearance and greatly impinge on the neighbouring property. The small coach house was only approved due to its modest size and now it appears to be growing and growing.

Liz Roden (6 Templemore Road, Oxton): The proposed garage is too large and too close to 13 Templemore Road, running the full length of their conservatory and giving a hemmed appearance to the house. The proposed garage will increase the footprint of the house. Planning permission was originally refused twice on the house in that the building would destroy "an oasis of green". The third

application was successful as the footprint of the house was reduced. The proposed garage will increase this footprint.

Mrs Lloyd-Hazlegreaves (8 Templemore Road): It took a considerable amount of time to get planning permission for the coach house. It is modest in size, not encroaching on the neighbouring property and sympathetic to the area and look of the road. The proposed garage would make the house appear a lot larger as it is flush with the front of the house whose footprint is growing. Also, the garage is too close to the neighbouring property and will encroach on light and give the appearance of crowding. In addition, planning has been granted for a conservatory which is only half built and covered in green plastic; an eyesore on the property.

The petition received from the 31 individual addresses did not specify why they were against the planning application.

## CONSULTATIONS

Head of Environment & Regulation (Traffic and Transportation Division) - No objections

Oxton Society - Objection

1. The proposal would have an adverse effect on the immediate area and the conservation area in general. The proposal would create an overcrowded plot on the street scape and result in the impression of two modern houses competing for the same space.
2. Planning application APP/02/05886 gave permission for the erection of a dwelling house (now 11 Templemore). We believe that this was a difficult decision for the Planning Committee. We suggest that it was influenced by the applicant's supporting statement which states: "The proposed development....would respect the scale and massing of 13 Templemore Rd.....and the footprint of the dwelling is relatively small". We believe that the proposed development (garage) would undermine these features which supported the original application.
3. The proposed garage would add greater conflict with the scale and massing of 13 Templemore and eliminate the pleasant rhythm of the street which has clear spaces between each house.
4. The garage would increase the footprint of the house by 40%.
5. The proposal would have a significant adverse effect on the amenity and enjoyment of the neighbouring property because it is close to the boundary, affect the outlook from habitable rooms, affect the amount of sunlight, it is extremely unneighbourly and overbearing and dominant and the scale of the garage is inappropriate to the size of plot.

## DIRECTORS COMMENTS:

### REASON FOR REFERRAL TO PLANNING COMMITTEE

Councillor Brighthouse requested that this application be removed from delegation and considered by the Planning Committee on grounds that it represents inappropriate development due its location on the site with the conservation area.

A qualifying petition of 31 separate addresses was received (29/04/13) who are against the proposal at 11 Templemore Road.

### INTRODUCTION

The proposal seeks planning permission for the erection of a garage to the west side. An application for a garage fronting the building line was previously refused due to location and scale, which was dismissed at appeal. This application has been submitted due to further advice retained.

### PRINCIPLE OF DEVELOPMENT

In principle the proposal is considered acceptable subject to relevant policies contained within Wirral's UDP.

### SITE AND SURROUNDINGS

11 Templemore Road is a modern detached dwelling which was built on the land to the west of 7 Fairclough Lane (APP/02/05886). The house is two storey with its principal gable end (north side)

facing the street with its front door. All habitable windows face the garden to the east and on the west elevation the wall is blank which faces No.13. There is an existing parking area between the west elevation and the boundary shared with No.13 which measuring 3.8 metres by 11.1 metres and there is also ample space to the front of the property. On the east elevation there is a conservatory which was recently approved (APP/12/00385) set 5.5 metres from the front elevation.

The property is located on a relatively large plot with a mixed use of boundary treatment: framing the house there is a low 1 metre high sandstone with additional vegetation, no more than another metre high. In addition in the direction of Fairclough Lane there is a 2 metre timber fence which bounds the rear /side garden. To the west side there is a hedge approximately 1.6-8 metres high.

The immediate surrounding area consists of a mixture of styles some of the housing are modest inter-war development, whilst in others are larger semi-detached Edwardian houses. The Edwardian houses, mainly to the west of Kylemore Road and the inter-war mainly to the east. The Character Appraisal categories the property as making a neutral contribution to the character of the conservation area. The property directly affected by the proposed development (No.13) is also neutral.

### **POLICY CONTEXT**

The application property is located within land designated as Primarily Residential Area and Oxtou Conservation Area in Wirral's Unitary Development Plan, and the property falls under the use class C3 as it is a dwelling house. National Policy NPPF Section 12 Conserving and enhancing the historic environment, Policy CH7 - Oxtou Village Conservation Area, HS11 – House Extensions and SPG11 – House Extensions are directly relevant in this instance.

NPPF Section 12 deals with conserving and enhancing the historic environment. The overall aim of this policy is that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations.

The main aim of CH7 is to preserve the character and appearance of the early Victorian commuter settlement. Additionally, IT seeks to retain unifying features throughout the area, such as narrow roads and paths, mature trees and stone walls.

With regards to HS11, it is considered that extensions should be designed in such a way as to have no significant adverse effect on the appearance of the original property, the amenities of neighbouring properties, in particular through overlooking, or an adverse effect on the area in general. SPG11: House Extensions acts as a supporting document in relation to HS11.

### **APPEARANCE AND AMENITY ISSUES**

The proposed garage would be attached to the west elevation, the structure would be flush with the front elevation of the house. It would measure 3.1 metres in width, 7 metres in length and 3.6 metres in height. The extension is a modest size and does not over dominate the existing dwelling. The garage proposes to use materials to match the existing house with horizontal timber boarded door to the front and rear, slate roof, aluminium rain water goods and conservation roof lights. All proposed materials will enhance the existing property and are in keeping with the character of the area.

With the mixed design of properties within the immediate area it is deemed that the proposal would not have an adverse impact to the character of the area or the appearance of the dwelling itself. The garage would improve the design of the house allowing it to sit more comfortably and proportionate to the site.

Although the front of the garage is flush with the principal elevation, the mass of the garage is located to the west elevation where there are no windows or features. The separation distance between the proposed garage and the shared boundary with No.13 there will be 0.6 metres which includes a mature hedge. No.13 Templemore Road has existing side conservatory that is 0.45 metres away from the shared boundary. Therefore an overall 1.05 metres separation distance. Although this separation distance is small, the proposed extension is only single storey and the elevations to the side are not classed as principal elevations. Assessing the proposal in context, a number of properties within the street have a garage to the side of their house with minimal separation distances, for example: Numbers 15, 19, 21 and 29 and all these properties, but one are detached houses.

There were also issues raised due loss of light and the development being over bearing to the No.13; in response the conservatory is of a traditional style, mainly consisting of glass, therefore light into the conservatory will not be restricted as there are other elevations that will receive light and provide an outlook. The neighbouring property already looks out onto a two storey blank wall, the impact of the garage is no more intrusive as to what already exists.

The proposed extension would be located a sufficient distance (8.4 metres) away from the highway.

The Conservation Officer has raised no objection to the proposal provided that a condition is attached for facing materials.

The Tree Officer has raised no objection to the proposed development.

Overall, the proposal is acceptable in design terms and should not affect the occupiers of neighbouring properties, the design of the house or the character of the area.

#### **SEPARATION DISTANCES**

Separation distances do not apply in this instance.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy and is therefore considered acceptable.

#### **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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed garage is acceptable in terms of scale and appearance and is considered to have a harmful visual impact on the conservation area

**Recommended          Approve  
Decision:**

#### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. NO DEVELOPMENT SHALL TAKE PLACE BEFORE samples of the facing materials (brick, slate and rainwater goods) 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 CH7 of the Wirral Unitary Development Plan.

3. NO DEVELOPMENT SHALL TAKE PLACE BEFORE cross section drawings (scale: 1:5 or 1:2) and full details of the conservation rooflights have been submitted to and approved in writing by the Local Planning Authority and shall be retained as such thereafter.

**Reason:** To protect the character of the conservation area to comply with Policy CH7 of the Wirral's UDP.

4. All garage doors shall consist of timber/metal and remain thereafter.

**Reason:** To protect the character of the conservation area to comply with Policy CH7 of the Wirral's UDP.

5. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 22 March 2013 and listed as follows: 2013.08/P.06 (10.03.2013), 2013.08/P.05 (10.03.2013), 2013.08/P.04 (10.03.2013), 2013.08/P.03 (10.03.2013) and 2013.08/P.02 (10.03.2013).

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

**Further Notes for Committee:**

**Last Comments By:** 09/05/2013 12:21:38

**Expiry Date:** 17/05/2013