

Planning Committee
30 May 2013

Reference:
APP/13/00322

Area Team:
South Team

Case Officer:
Mr K Spilsbury

Ward:
**Pensby and
Thingwall**

Location: 94A IRBY ROAD, HESWALL, CH61 6XG
Proposal: Erection of a three storey detached dwelling, re-submission of APP/13/00053
Applicant: Mr P Murray
Agent : SDA

Site Plan:



Development Plan allocation and policies:
Primarily Residential Area

Planning History:

Location: 94a, Irby Road, Heswall. L61 6XG
Application Type: Full Planning Permission
Proposal: Erection of screen walls at side of dwelling.
Application No: APP/85/07098
Decision Date: 04/02/1986
Decision Type: Approve

Location: 94A IRBY ROAD, HESWALL, CH61 6XG
Application Type: Full Planning Permission
Proposal: Demolition of existing bungalow and erection of a new dwelling.
Application No: APP/12/01360
Decision Date: 18/12/2012
Decision Type: Withdrawn

Location: 94A IRBY ROAD, HESWALL, CH61 6XG
Application Type: Full Planning Permission
Proposal: Proposed new build-Re-submission of APP/12/01360
Application No: APP/13/00053
Decision Date: 13/03/2013
Decision Type: Withdrawn

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council's Guidance on Publicity for Applications, 18 letters of notification were sent to the occupiers of adjoining properties. A Site Notice was also displayed. At the time of writing this report representations have been received from the occupiers of 94 and 94b Irby Road and from 2 and 8 Alexander Drive. There objections can be summarised as follows:

1. It does not accord with policy HS4
2. The inconsistent contents of the application make it impossible to understand the application
3. The DAS is not fit for purpose
4. The application does not comply with planning legislation due to the inconsistencies
5. The design is poor and does not fit in with the area.
6. The absence of dimensions make it difficult to work out the size of the dwelling.
7. Privacy has been lost by the removal of trees on site
8. The development would introduce loss of light to the kitchen, utility and bedroom of 94b Irby Road.

CONSULTATIONS

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

Head of Environment & Regulation (Pollution Control Division) - no objections.

United Utilities - no objection

Merseyside Fire and Rescue Service - standard comments (not planning related)

DIRECTOR'S COMMENTS:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council.

INTRODUCTION

The proposal is for the demolition of the existing bungalow and the erection of a three storey detached dwelling.

PRINCIPLE OF DEVELOPMENT

The site is located within a Primarily Residential Area and as such the principle of the development is acceptable subject to Policy HS4 of Wirral's Unitary Development Plan (UDP) and the National Planning Policy Framework.

SITE AND SURROUNDINGS

The site of the development consists of a part demolished bungalow set within a long plot of land.

The existing bungalow is set back from the main road with a large front garden. The site is currently screened from the road by 2m high hoarding and there is a site office and caravan on the site where the occupier of the site currently lives.

There is a 2m high fence running along the side and rear boundary of the garden which acts as a screen.

94 Irby Road is a two storey dormer dwelling that has been converted into a residential care home. This building has been extensively converted and as such has a large rear extension within the garden.

94b is a two storey dwelling house that has a garage running along the boundary of the site.

The dwellings to the rear are predominantly single storey bungalow dwellings.

POLICY CONTEXT

Policy HS4 (Criteria for New Housing Development) of Wirral's Unitary Development Plan (UDP) and of the National Planning Policy Framework (NPPF) are directly relevant in this instance.

Policy HS4 states proposals for new housing development on allocated sites and within the Primarily Residential Areas will be permitted subject to the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development and the proposal not resulting in a detrimental change in the character of the area. In addition the policy states that all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved. The Reasoned justification for this is the fact that the environment around the home has a major impact on residents quality of life. When new residential development is proposed, both on allocated sites where a new environment is being created and where new housing is proposed within the existing residential areas, it is important that new housing blends in well with that already built and creates a safe external environment.

The National Planning Policy Framework states (Para 49) that Housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to say that (Para 56) the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

APPEARANCE AND AMENITY ISSUES

The proposed development is the latest revision of dwelling houses that the developer has applied for on the site. The scheme has been submitted twice previous and withdrawn on the advice of the Local Planning Authority as the schemes were considered unacceptable in terms of the bulk, massing, height and design.

The proposed dwelling has now been reduced in size and width in order to preserve the overall character and feel of the area. It is considered that the development now accords with policy HS4 of the Wirral UDP.

The footprint of the dwelling has been amended so that it is line with the neighbouring dwellings and its has also been reduced to preserve the spacing in between properties. Therefore the development is deemed to comply with the existing densities and form of the area and does not result in a detrimental change in the character of the area. This complies with policy HS4 of Wirral's UDP.

The revised scheme is designed in the style of a detached Georgian mansion. Whilst this may not be to everybody's taste (objection received from 94B Irby Road), there is no predominant building style in the area as surrounding properties vary in style and age. The dwelling will be set back from the road and will be partially screened by the existing trees and houses surrounding the site. The scale is now considered to relate well to surrounding property and is not deemed to result in a detrimental change in the character of the area.

As the site is brownfield, the introduction of a dwelling is a sustainable development which accords with the NPPF.

At the time of writing this report representations have been received from the occupiers of 94 and 94b Irby Road and 2 and 8 Alexander Drive. There objections can be summarised as follows:

1. It does not accord with policy HS4

The proposed plans have been scrutinised by the Local Planning Authority and assessed against both national and local planning policy, including HS4. The proposal not only complies with policy HS4 but the NPPF. The amended design is now considered to be a scale which relates well to surrounding property, in particular with regard to existing densities and form of development, it does not result in a detrimental change in the character of the area, there is adequate room for off-street car parking within the front of the site. The provision of appropriate landscaping and boundary treatment can be conditioned to ensure that it relates the proposed development to its surroundings and there is adequate private garden space provided.

2. The inconsistent contents of the application make it impossible to understand the application
The vast majority of inconsistencies relate to the Design and Access statement (DAS). The DAS is not a requirement of the validation process for the erection of a dwelling house and as such is there for guidance only. The plans are deemed accurate and show enough detail to determine the scheme.

3. The DAS is not fit for purpose

As stated above the DAS is not a requirement of the validation process for the erection of a dwelling house and as such is there for guidance only

4. The application does not comply with planning legislation due to the inconsistencies

The main inconsistency that the objector has highlighted is the omission of the rear dormer windows on the side elevations of the proposed plans. This has been raised with the developers agents and an amended plan has been received and uploaded onto the website. The objector also raises issue with the inclusion of the second floor accommodation. The plans show this to have a lounge, kitchen, bedroom and bathroom. However, access into the second floor is gained via the main staircase and as such is deemed ancillary to the dwelling house

5. The design is poor and does not fit in with the area.

The design of the dwelling has been carefully considered and as such has been subject to a number of amendments. It is considered that the overall height of the dwelling at 8.7m is acceptable and the smaller footprint, leaving adequate space between properties is now deemed to be in keeping with the character of the area.

6. The absence of dimensions make it difficult to work out the size of the dwelling.

The proposed plans have all been drawn to scale and as such can be scaled off by using a scale rule.

7. Privacy has been lost by the removal of trees on site

The loss of trees on the site does not form part of the planning application as the trees have already been removed from the site prior to submission of this application. There is also no Tree Preservation order on the site.

8. The development would introduce loss of light to the kitchen, utility and bedroom of 94b Irby Road.

The proposed dwelling will be taller than that of the previous bungalow, however it is not considered to be at an unacceptable level. The windows in the side elevation of 94b appear to be secondary and as such the new dwelling is deemed acceptable in terms of its impact upon the neighbouring site.

9. The 3rd floor dormers will over look the garden of 2 Alexander Drive.

The proposed dwelling will be in excess of 65m from 2 Alexander Drive. There will be an approximately 30m long garden to the rear of the dwelling with the closest residential property and as such the proposed dwelling is not deemed to result in any overlooking or loss of amenity to the rear.

10. The introduction of a 2m high wall surrounding the boundary will be completely out of character with the area.

Under the Town and Country Planning (General Permitted Development) Order 1995 Part 2 Class A a wall can be constructed up to 2m in height without requiring planning consent and as such are not an uncommon feature in the area. This height is reduced to 1m if the wall is to be constructed adjacent to a highway. Therefore the introduction of a wall in excess of this height would require planning consent in its own right.

In summary, the proposal is considered suitable for the site and is not considered detrimental to the character of the area. The proposal is not considered to have an adverse impact on the amenities which the occupiers of neighbouring properties can reasonably expect to enjoy. The dwelling has adequate levels of amenity space and off-street parking. The proposal complies with Policy HS4, the provisions of the NPPF and is recommended for approval.

SEPARATION DISTANCES

SPG11 states that habitable room windows directly facing each other should be at least 21 metres apart. Main habitable room windows should be at least 14 metres from any blank gable. There are no first floor windows facing directly towards 94b but those in the east facing elevation en-suite bathrooms and a laundry room. Should members be minded to approve the proposed development a condition can be imposed to obscurely glaze the windows. The closest property to the rear of the site is over 45m away on Alexander Drive. Those proposed in the front elevation, facing 107 Irby Road maintain approximately 45 metres. The proposal is therefore not considered to result in direct overlooking to neighbouring properties.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal. The siting of the proposal is not considered to impact on visibility or traffic safety in the vicinity, complies with Policy HS4 and no objection has been raised on this basis.

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 proposed development is not considered to have an adverse impact on the amenities that the occupiers of neighbouring properties can reasonably expect to enjoy. The proposal is not considered to harm the character of the area, complies with Policy HS4 of Wirral's Unitary Development Plan and Part 6 of the National Planning Policy Framework.

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 development is not considered to have an adverse impact on the amenities that the occupiers of neighbouring properties can reasonably expect to enjoy. The proposal is not considered

to harm the character of the area, complies with Policy HS4 of Wirral's Unitary Development Plan and Part 6 of the National Planning Policy Framework.

Recommended Decision: **Approve**

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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 29th April 2013 and listed as follows: 132_2012_02 Revision C (dated 30.04.2013)

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

3. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of a scheme of landscaping, which shall include details of both hard and soft landscaping works and earthworks, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out in the first planting season following the completion of development. Any trees, shrubs or plants that die within a period of five years from the completion of development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: To ensure satisfactory landscape treatment of the site which will protect the character and appearance of the site and to ensure the proposed development enhances the visual amenity of the locality, having regard to Policy HS4 of the Wirral Unitary Development Plan.

4. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all fencing, walls, gateways and means of enclosure have been submitted to and approved in writing by the Local Planning Authority. All works so approved shall be carried out and completed prior to first occupation and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason: In the interest of amenity having regards to Policy HS4 of the Wirral Unitary Development Plan.

5. PRIOR TO THE FIRST OCCUPATION OR USE OF THE DEVELOPMENT the windows in the first floor of the north-west facing elevation (facing 94B Irby Road) shall be glazed in obscure glass and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior approval of the Local Planning Authority.

Reason: To satisfactorily protect the residential amenities of neighbouring occupiers and having regard to Policy HS4 of the Wirral Unitary Development Plan.

6. NO DEVELOPMENT SHALL TAKE PLACE BEFORE samples of the facing/roofing/window materials to be used in the external construction of the development hereby approved have been 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 HS4 of the Wirral Unitary Development Plan.

7. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of the proposed finished floor levels; ridge height and eaves height of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show existing and finished ground levels, eaves and ridge heights of surrounding properties. The development shall be carried out in accordance with the details so approved.

Reason: To ensure a satisfactory relationship between the development and adjoining land/properties and to ensure that construction is carried out to a suitable level having regard to drainage, access, appearance of development, any trees and hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 03/05/2013 15:31:43

Expiry Date: 22/05/2013