

# Planning Committee

27 June 2013

**Reference:**  
**OUT/13/00040**

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

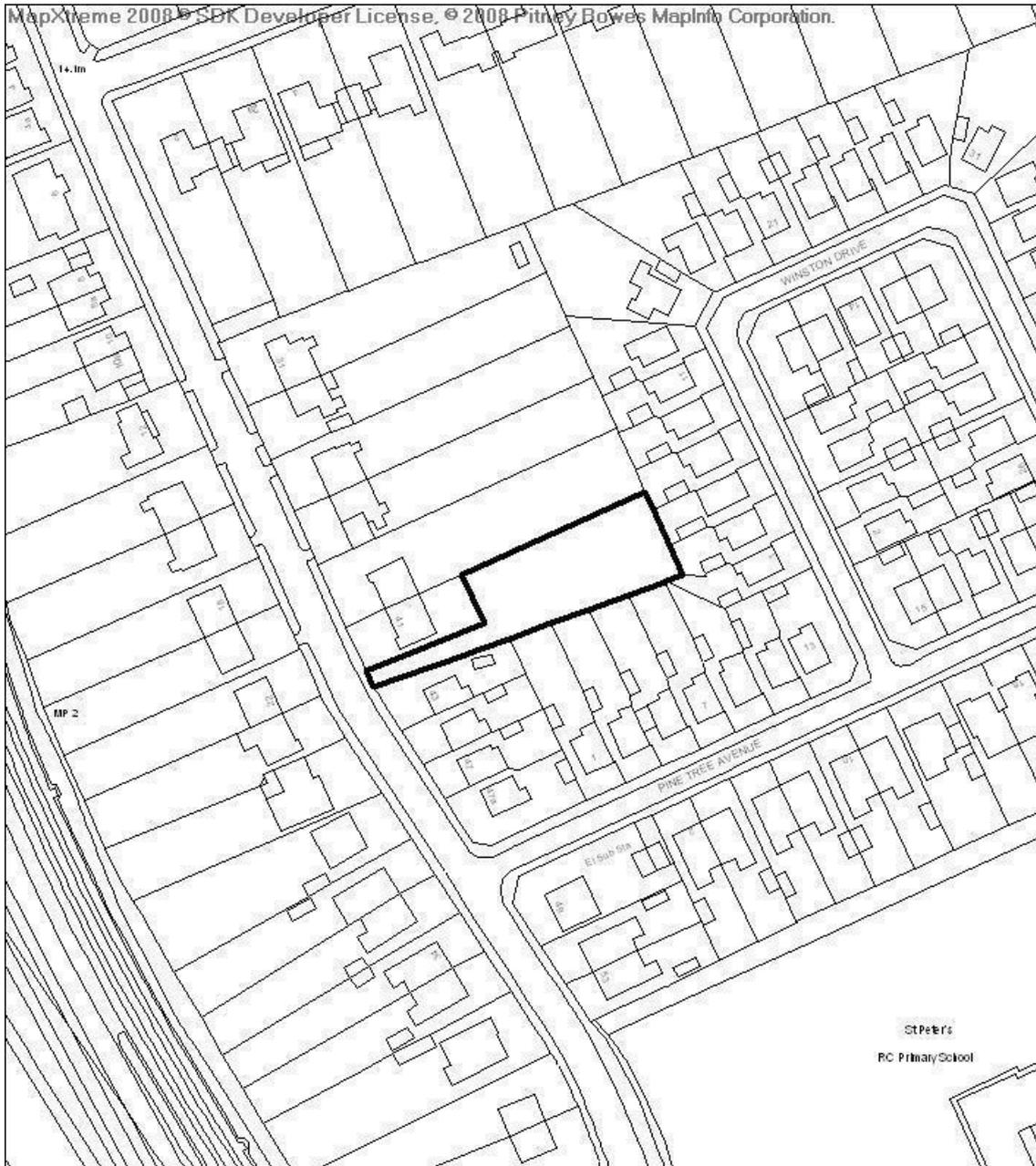
**Case Officer:**  
**Mr M Rushton**

**Ward:**  
**Claughton**

**Location:** 41 NOCTORUM AVENUE, NOCTORUM, CH43 9RZ  
**Proposal:** Outline planning application for 2 no. 2-bed dormer bungalows (amended plans and description received 04th April 2013)

**Applicant:** Mr Peter Cavanagh  
**Agent :** N/A

## Site Plan:



## **Development Plan Designation:**

Primarily Residential Area

## **Planning History:**

Location: 41 Noctorum Avenue ,Noctorum ,L43 9RZ  
Application Type: Full Planning Permission  
Proposal: Erection of a two storey extension at the rear to form dining room breakfast room and bedroom accommodation  
Application No: APP/81/18852  
Decision Date: 25/08/1981  
Decision Type: Refuse

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

### **REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity of Planning Applications, 34 neighbour notification letters were delivered and a Site Notice posted at the address. At the time of writing representations have been received from 14 individual households. Objections have been received from the occupiers of:

1. 22 Noctorum Avenue
2. 39 Noctorum Avenue
3. 43 Noctorum Avenue
4. 1 Pine Tree Avenue
5. 3 Pine Tree Avenue
6. 5 Pine Tree Avenue
7. 7 Pine Tree Avenue
8. 9 Pine Tree Avenue
9. 1 Winston Drive
10. 3 Winston Drive
11. 5 Winston Drive
12. 7 Winston Drive

A further letter making representations on behalf of no.s 1, 3, 5, 7 and 9 Winston Drive and no.s 1, 3, 5, and 7 Pine Tree Avenue collectively has also been received.

The grounds of objection raised can be summarised as follows:

1. Vehicular movements adjacent to no. 43 Noctorum Avenue will lead to noise impacts;
2. Additional traffic on an already busy road (Noctorum Avenue);
3. Noise and disturbance
4. Loss of privacy;
5. Further information would be needed on the height of the proposed buildings, so as to avoid overlooking to garden areas, and ensure that there is no significant loss of light;
6. The local environment has already been damaged by the taking down of a number of trees on the land, and building residential properties would further compromise the environment;
7. Detrimental change in character to the area;
8. Potential crime impacts and loss of feeling of security as the rear of properties on Winston Drive would be 'opened up';
9. The development is at a 'pinch point' in the road, and there are concerns at the safety the access proposed – there was a road traffic accident at this location involving a school boy in 2012;
10. Poor layout;
11. Concern at the absence of provision for large vehicles to turn within the site, and the safety of a large number of bins being lined up on the bend outside no. 41;
12. Concern at the lack of detail in the plans;
13. Concern at the impact to surface water drainage in adjoining properties;
14. Impact to views;
15. Conflict with UDP Policy HS10;

16. Impact to the frontage of 41 Noctorum Avenue through the provision of an access;
17. Impact to the outlook of adjoining properties;
18. There is no passing place indicated for the access which may result in cars needing to back out onto Noctorum Avenue;
19. Cars exiting the site would have an obstructed view from the bend in the road and given changes in levels and the speed of vehicles in this location, highway safety is thereby compromised;
20. The access would be obscured by the fence of no. 39, which is 2m in height;
21. Inadequate parking, turning and garage provision;
22. 3 bungalows is an overdevelopment of the site;
23. Overspill parking on Noctorum Avenue would obstruct views for vehicles leaving Pine Tree Avenue and properties on Noctorum Avenue, with safety implications, or may add to parking in Pine Tree Avenue – a busy cul-de-sac;
24. No emergency vehicle access;
25. The plans state 'sheltered accommodation', but it is questioned whether dormer bungalows are suitable as sheltered accommodation;
26. Impact during construction – noise, dust and contractors vehicles would create a dangerous situation on this busy main road;
27. Access road construction will damage roots to trees in adjoining gardens;
28. The development would not sit happily in the pattern of existing development;
29. Issue of precedent – other residents would build on or sell off their backland to prospective builders, changing the area forever, leading to wider loss of wildlife, trees and privacy;
30. Conflict with Supplementary Planning Guidance: Planning Out Crime given that the proposal would have the potential to increase crime through access to rear garden areas - the SPG recommending that rear gardens interlock with other rear gardens;
31. Conflict with UDP Policies HS4 and HS10 given that the development: would not blend in with that already built; would result in noise and disturbance and reduce the sense of enclosure affecting adjoining residents, and; would detrimentally impact the character and appearance of the neighbourhood.

A qualifying petition listing signatures from 81 households has been received. The petition lists the following grounds of opposition:

1. The proposal would be detrimental to the local neighbourhood;
2. The proposal would be out of character with current properties and should be considered as overdevelopment.

A representation of support has been received, on the basis that more homes for older residents and people with a disability are needed, and that the development would help people back to work and help the economy.

## **CONSULTATIONS**

Head of Environment and Regulation (Traffic and Transportation Division) – no objection, refer to Director's Comments

Head of Environment and Regulation (Pollution Control Division) – no objection, suggest that a 2m high close boarded fence be provided to the sides of the private access road which border existing residential properties.

Mersey Fire and Rescue – no objection, observe that: access for fire appliances should comply with Approved Document B5 of the Building Regulations; water supply should be capable of delivering 8 litres per second through any single hydrant.

United Utilities – no objection. Comment that if possible the site should be drained on a separate system, with only foul drainage connected to the foul sewer. Surface water should discharge to a soakaway, watercourse or surface water sewer and may require the consent of the Local Planning Authority. If surface water is allowed to discharge to the public surface water sewer, United Utilities may require the flow to be attenuated to a maximum discharge rate determined by them.

## **Director's Comments:**

Consideration of this application was deferred from Planning Committee on 30th May 2013 to allow a formal site visit by the Members of Planning Committee.

## **REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Denise Roberts requested this application be removed from delegation and considered by the Planning Committee following representations she has received from local residents that the application represents over development.

A qualifying petition listing signatures from 81 households has also been received.

## **PROPOSAL**

The proposed development is for the development of 2 residential dwellings, located within a site currently forming garden space to no. 41 Noctorum Avenue. The application submitted seeks the grant of permission in Outline, with all matters reserved. Further applications would be required to secure the detail of the development, including the layout, appearance, scale, access and landscaping of the site. The details submitted do, however, indicate that the development would consist two dormer bungalows, accessed via a new driveway access onto Noctorum Avenue, adjacent to the boundary with no. 43 Noctorum Avenue.

It is indicated that the buildings would be orientated parallel to the properties fronting Noctorum Avenue, and at right angles with those fronting Pine Tree Avenue. The dwellings would be 1.5 storey, with a first-floor set in the roof space and served by dormers facing east towards the rear elevation of no. 41 Noctorum Avenue.

## **POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

### National Planning Policies

The National Planning Policy Framework ('NPPF')

### Wirral Unitary Development Plan

Policy HS10 – Backland Development

Policy HS4 – Criteria for New Housing Development

### Other

SPD4 – Parking Standards

SPG10 – Backland Development

UDP Policy HS10 notes that proposals for the development of between one to three dwellings behind existing dwellings and accessed by a dedicated private drive will not be permitted unless the proposal fulfils all the following criteria:

- (i) the retention by the existing frontage dwellings of sufficient garden space;
- (ii) the proposed development including its access, not resulting in a detrimental change in the character of an area, nor in undue noise, disturbance, loss of privacy or sense of enclosure affecting adjoining residents;
- (iii) the proposed access being of sufficient width to provide a private drive of 3.0 metres width with amenity strips to one or both sides, and adequate passing places. The access must be properly formed and hard-surfaced, with adequate sight lines and visibility splays at its junction with the existing road. It should not have a seriously detrimental effect on the street scene or on highway safety;
- (iv) the proposed dwellings having adequate private garden space and adequate vehicle turning and parking/ garaging provision;
- (v) the proposed development not prejudicing the comprehensive development of a larger area of land; and

(vi) the proposal otherwise complying with Policy HS4 and Policy HS5 [though in this instance Policy HS5 is not relevant to the application site].

It is considered in this instance that the criteria of this policy can be met. The proposed development would retain sufficient garden space for no. 41 Noctorum Avenue - a garden depth of 10m is retained; whilst space within the red line outline of the application is considered sufficient to provide for access, turning areas, parking and garden space to meet the needs of the development itself. The proposed development would not prejudice comprehensive development.

Considering the character of the area, the layout of residential streets is relatively low density, consisting detached and semi detached properties, with relatively large gardens enjoyed by the majority of these properties. Residential properties fronting Noctorum Avenue in the immediate vicinity of the application site, and Beryl Road to the north have particularly generous garden amenity space. Properties to the south and east, however, are higher density and in general have more modest garden areas. The application would establish two dwellings in a site of approximately 650 square metres – achieving a density of approximately 30 per hectare. Rear garden areas of 9m by 9m are indicated. Given this, the pattern of development that would be achieved is considered to be consistent with the surroundings – it would replicate that found to the north and east of the site.

Considering the form of development indicated, dormer bungalows, it is noted that there is a mix of bungalow and two-storey development in the vicinity. Dormers are not a common feature, though there is an isolated example of a dormer bungalow fronting Noctorum Avenue to the north. The scale of building indicated is considered acceptable, and given that the dormers would not be readily viewed from the streetscene, it is not considered that these would present a conflict with Policy HS10.

Considering the criteria of UDP Policy HS4, as noted above it is not considered that there would be detrimental change in character to the area, and given the distances achieved to the respective streetscenes of Noctorum Avenue and Pine Tree Avenue there would be limited impact to the streetscene. Car parking can be provided for in accordance with Supplementary Planning Document SPD4, whilst access can be secured to a satisfactory standard through the imposition of conditions. At this stage, boundary treatment and landscaping is not indicated, but again can be secured through suitably worded conditions. Adequate amenity space is provided to meet the needs of potential residents.

Potential impacts to residential amenity are considered below.

At the national level, the National Planning Policy Framework (NPPF) establishes a positive presumption in favour of sustainable development. Whilst garden spaces remain outside the definition of previously developed land set out in the NPPF and the core principles of the framework include the need to encourage the effective use of land by reusing land that has been previously developed, it must be noted that the site is sustainably located within the urban area, accessible and well provided for by transport infrastructure and local services including shops. Upton train station is within easy walking distance, as is a shopping parade at the junction of Upton Road and Noctorum Avenue.

### **SITE AND SURROUNDINGS**

The application site is an extended residential dwelling with a large garden. The frontage of the property has been altered already, with two gated vehicular access points provided, one adjacent to the boundary with no. 43, where an access point is indicated to serve the dwellings.

As noted above, the layout of residential streets is relatively low density, consisting detached and semi detached properties, with relatively large gardens enjoyed by the majority of these properties. Residential properties fronting Noctorum Avenue in the immediate vicinity of the application site, and Beryl Road to the north have particularly generous garden amenity space. Properties to the south and east, however, are higher density and in general have more modest garden areas.

### **APPEARANCE AND AMENITY ISSUES**

In terms of residential amenity, as noted above, amended plans have been received which reduce the scale of the development from that initially consulted upon, from 3 dwellings to 2.

The buildings are indicated 9m from the rear boundaries of properties fronting Winston Drive, and 19m from the rear elevation of those properties. However, the form of development indicated confirms

dormers would not face these properties, and as a result windows would be restricted to ground floor level so there would be no overlooking or privacy issues arising to these properties. Similarly, the scale of development indicated would limit potential overbearance issues or loss of outlook to properties fronting Pine Tree Avenue, and to the adjoining property no. 39 Noctorum Avenue. The gables of the bungalows would be adjacent to the boundaries of these properties, indicated at 2m from the shared boundaries.

The 'front' elevation of the dwellings would face towards no.41, and, at an angle, towards no.s 39 and 43 Noctorum Avenue. The separation distance achieved is, however, in excess of 30m, ensuring that no significant loss of privacy would occur. There would be limited overlooking of garden areas possible from the dormers indicated, however, the orientation of the dwellings outlined would ensure this would not be unreasonable or beyond that which would be anticipated in a residential area.

Considering noise and disturbance, the scale of development now proposed would limit the potential for impacts either from the access drive or from the dwellings themselves. The Head of Environment and Regulation (Pollution Control Division) has raised no objection to the proposal, subject to the requirement that a 2m close boarded fence bounds the access drive.

Works to remove trees and other vegetation from the site appear to have been undertaken prior to the application submission. Whilst unfortunate, the rear of the site was not subject to a Tree Preservation Order, whilst any alleged harm to wildlife would have been a matter for the Police rather than the Local Planning Authority. The application site is not considered to retain wildlife value warranting mitigation at the current time, and the development would be consistent with UDP Policy NC7: Species Protection in this regard. The requirement to submit reserved matters applications would ensure adequate landscaping is delivered within the development proposed, as well as measures such as tree protection (including that to trees in adjoining property gardens).

#### **SEPARATION DISTANCES**

As noted above, the garden spaces to no. 41 and the adjacent properties are long, and as such the Council's minimum separation distances are met by the development. The closest properties directly facing the development would be on Winston Drive, indicated to be set at a distance of approximately 19m. Given that no first floor windows would be provided to this elevation, the separation distance is considered acceptable.

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

It is not considered that there are significant highway issues. The Head of Environment and Regulation (Traffic and Transportation Divisions) has raised no objection to the development, though advising that visibility splays (2.4m by 2.4m) would need to be demonstrated at the junction of the driveway access with Noctorum Avenue. The detail of layout and access arrangements would need to be provided at the reserved matters stage, however, it is considered that there would be scope to address such issues, and planning conditions can be imposed to this outline decision to address this requirement.

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

There are no significant environmental, sustainability or health implications.

#### **CONCLUSION**

The proposed development is considered to have no significant impact to residential amenity, the character of the area or highway safety, and complies with the criteria set out in UDP Policies HS4, HS10, supplementary planning guidance and 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 considered to have no significant impact to residential amenity, the character of the area or highway safety, and complies with the criteria set out in UDP Policies HS4, HS10, supplementary planning guidance and the National Planning Policy Framework.

**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 or two years from the date of the approval of the last of the reserved matters, whichever is the later.

**Reason:** To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

2. Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) Layout
- (b) Scale
- (c) Appearance
- (d) Access and
- (e) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

**Reason:** To enable the Local Planning Authority to control the development in detail and to comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

3. The remainder of the undeveloped land within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

**Reason:** To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality, having regard to UDP Policy GR5.

4. Details of all fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority. For the avoidance of doubt, the details shall include provision of a 2m high close-boarded fence adjacent to the proposed vehicular access where it shares a boundary with neighbouring residential properties.

**Reason:** In the interests of residential amenity and to ensure a satisfactory appearance to the development, having regard to UDP Policy HS10.

5. NO PART OF THE DEVELOPMENT SHALL BE BROUGHT INTO USE until visibility splays of 2.4 metres by 2.4 metres at the proposed junction with Noctorum Avenue have been provided clear of obstruction to visibility at or above a height of 1.0 metre above the carriageway level of Noctorum Avenue, in accordance with details previously provided to the Local Planning Authority for approval in writing. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

**Reason:** In the interests of highway safety and to accord with Policies HS4 and HS10 of the

Wirral Unitary Development Plan.

6. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 4th April 2013.

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

**Last Comments By:** 26/04/2013 16:49:34

**Expiry Date:** 03/04/2013