

**Planning Committee**

22 August 2013

**Reference:**  
**APP/13/00677**

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

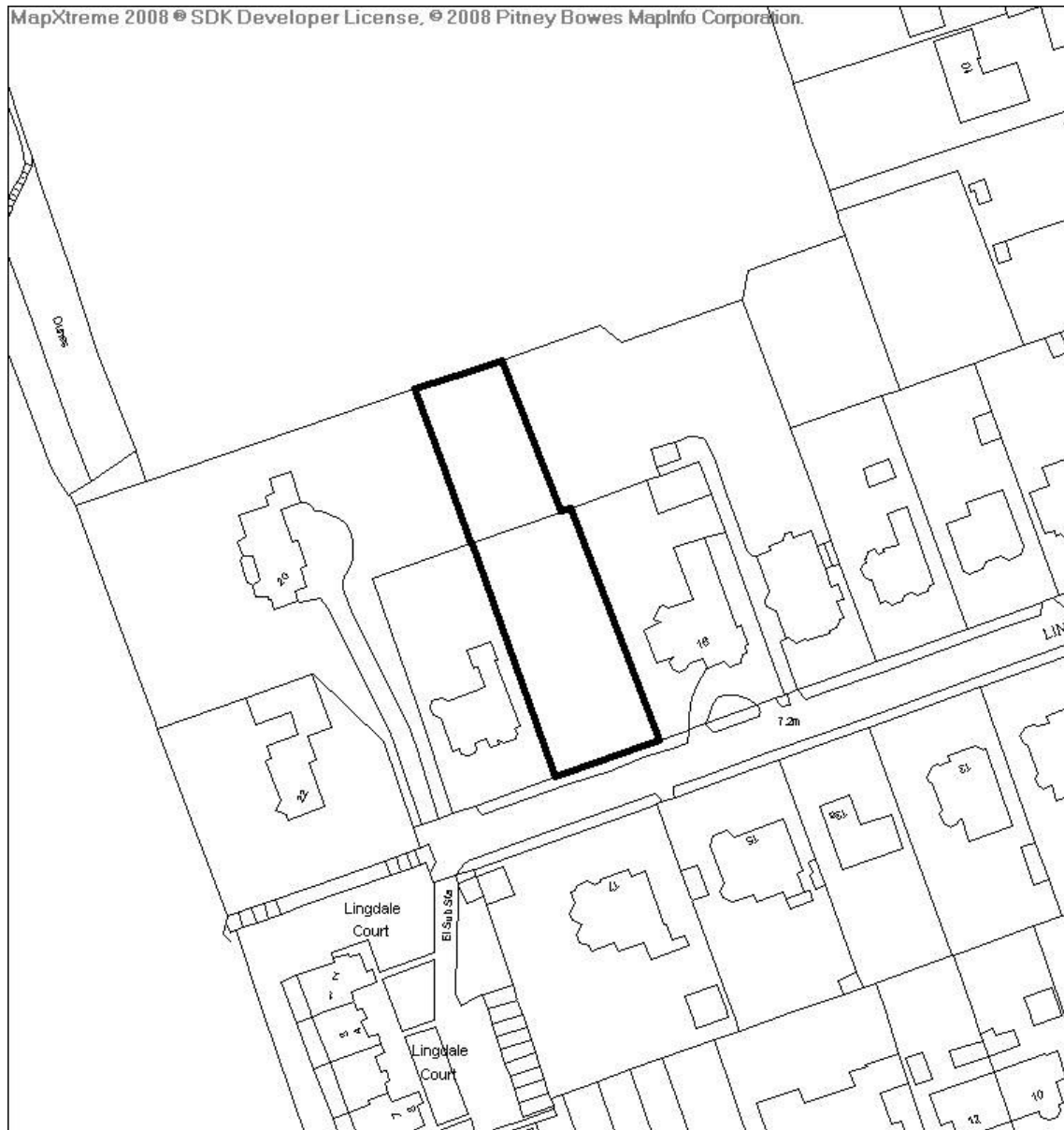
**Case Officer:**  
**Mr M Rushton**

**Ward:**  
**Hoylake and Meols**

**Location:** Land Adjacent to 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ  
**Proposal:** To sever the curtilage and erect 1no. detached dwelling together with associated works.

**Applicant:** Mr N G Cowley  
**Agent :** MgMaStudio Ltd.

**Site Plan:**



**Development Plan Designation:**  
Primarily Residential Area

## **Planning History:**

Location: Westways, 16 Lingdale Road, West Kirby, Wirral, CH48 5DQ  
Application Type: Full Planning Permission  
Proposal: Demolition of existing dwelling and erection of a three storey block of 12 flats with basement parking.  
Application No: APP/02/06879  
Decision Date: 15/04/2003  
Decision Type: Withdrawn

Location: Garden west of (adjacent) 16, Lingdale Road, West Kirby. L48 5DQ  
Application Type: Outline Planning Permission  
Proposal: Erection of detached dwelling, (outline).  
Application No: OUT/92/05574  
Decision Date: 22/05/1992  
Decision Type: Approve

Location: West Ways 16, Lingdale Road, West Kirby. L48 5DQ  
Application Type: Full Planning Permission  
Proposal: Change of use to elderly persons rest home.  
Application No: APP/85/05180  
Decision Date: 27/02/1985  
Decision Type: Returned invalid

Location: 16 Lingdale Road, West Kirby, L48 5DQ  
Application Type: Full Planning Permission  
Proposal: Change of use to office  
Application No: APP/84/24841  
Decision Date: 07/06/1984  
Decision Type: Refuse

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

### REPRESENTATIONS

Having regard to the Council's adopted Guidance on Publicity for Planning Applications, 9 letters of neighbour notification were issued to adjoining residents, a Site Notice displayed, and a Press Notice placed in the Wirral Globe. At the time of writing four representations of objection have been received from the occupiers of no.s 17 (Ground Floor Flat), 14 and 20 ('Sandhills') Lingdale Road. The grounds of opposition can be summarised as:

1. Conflict with UDP Policy CH2: Development Affecting Conservation Areas through negative impact to the character and appearance of the surrounding Conservation Area. Impact in particular to Conservation Area views from the golf club by virtue of the modern construction, different roof lines and second floor balconies proposed.
2. Conflict with UDP Policy HS4: Criteria for New Housing Development because of poor relationship with surrounding property; detrimental change in character; and unsatisfactory vehicular access and parking.
3. The modern style is bold and conspicuous, and will be obtrusive in the streetscene.
4. The dwelling would be multiple-occupancy and conflicts with UDP Policy HS15: Houses in Multiple Occupation, because it would cause a change in character, and would result in overlooking and loss of privacy.
5. Loss of parking – which will place a strain on the availability of parking in Lingdale Road, in contravention of UDP Policy TRT3 which requires proposals to reduce unnecessary traffic in Primarily Residential Areas.
6. Conflict with paragraphs 4.1 and 8.2 of the Council's adopted Conservation Area Appraisal – the features of the proposal would dilute the character of the area, in terms of the contribution of Lingdale Road to the setting of the golf course, and it is a new development at higher

- density.
7. The application is for a dwelling house, but the property is set out as flats.
  8. The building proposed is higher and of inappropriate design.
  9. Concern at the excavation works proposed for a swimming pool, and the impact that would have, or the potential for a dwelling to have to be built higher if attempts fail.
  10. Increased traffic.
  11. Concern at the space between adjacent dwellings of no. 16 and no. 18 Lingdale Road.

The occupiers of no. 15 Lingdale Road have indicated their opposition to the proposed development, but note that there has been discussion with the architect and that amended plans will be submitted.

Hoylake Conservation Area – see Consultations below.

#### CONSULTATIONS

Head of Environment and Regulation (Traffic and Transportation Divisions) – no objection

Head of Environment and Regulation (Environmental Protection Division) – no objection

United Utilities (UU) – no objection. If possible, the site should be drained to a separate system, with only foul drainage into the foul sewer. If surface water is allowed to discharge into the public sewer UU may require the flow to be attenuated to a maximum discharge rate determined by UU.

Hoylake Conservation Area – The proposed property maintains the building line and purports to be a 'contemporary Arts and Crafts design to blend with established properties. It is directly behind the 8<sup>th</sup> Green of the Royal Liverpool Golf Course. The submission is well framed, having carefully addressed most of the conservation requirements, although slightly too much is made of the buildings potential to enhance the existing, varied, skyline. Note that the planning authority will be consulted on materials, texture and appearance before final approval is given, and seek assurances that the conditions imposed will uphold the style, dignity, quality and character of the adjacent properties to retain much of the valued and distinct individuality of the houses and skyline.

Wirral Wildlife - The application site is within 200m of the Red Rocks SSSI, designated for flora, invertebrates and natterjack toads, and Dee Estuary SSSI, SPA and Ramsar site, designated primarily for wintering birds. However, in this urban area, one more house is unlikely to lead to any significant impact on the wildlife of either site. The application site also backs on to Royal Liverpool Golf Course SBI, which is designated for sand dune flora, ground-nesting birds and natterjack toads. To prevent any damage to these, please ensure that there is a securely-fenced boundary between the application site and the golf course, so that trespass and garden waste dumping cannot occur - something I am sure the golf course would also require. With a suitable condition regarding fencing, impact on protected wildlife from this development is not anticipated.

#### **Director's Comments:**

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

Councillor Gerry Ellis requested this application be removed from delegation and considered by the Planning Committee following representations he has received from local residents that the application proposal is too large for the site, and is not in harmony with the Conservation Area which surrounds the Royal Liverpool Golf Club. There are also concerns that it will increase the traffic and parking problems in Lingdale Road.

#### **PROPOSAL**

The application seeks permission for the development of a single dwellinghouse on land currently forming part of the garden space of no. 16 Lingdale Road. The dwelling would be three storey, with a basement. Integral garaging would be access at ground floor level. A hard landscaped 'forecourt' is proposed in front of the dwelling, with two vehicular access points onto Lingdale Road.

#### **SITE AND SURROUNDINGS**

The application site is located on Lingdale Road, a residential street mostly comprising detached houses of Victorian or Arts and Crafts design. To the north of the application site is the Royal Liverpool Golf Course. The wider surroundings include further residential uses, and the shoreline.

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

The application seeks permission for a residential dwelling, in an area designated in the Unitary Development Plan for Primarily Residential Purposes. As such the principle of development is established, subject to consideration of the criteria in UDP Policy HS4: Criteria for New Housing Development.

Policy HS4 sets out a number of criteria which must be addressed if planning permission is to be granted for new development – including: the requirement that a proposal is of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development; the proposal not resulting in a detrimental change in the character of the area; access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access; the provision of appropriate landscaping and boundary treatment; the provision of adequate individual private or communal garden space to each dwelling.

Considering the first of these criteria - scale and form - the proposed dwelling is considered to be of a scale and achieves a density of development commensurate with surrounding property. The dwelling would be set within a significant plot (0.15 hectare), and would be comfortably spaced from adjoining properties (4.5m from the nearest part of no. 18, Lingdale Road, 8m from no. 16). A submitted streetscene 'contextual' elevation identifies that the eaves levels chosen would tie-in to those of the adjoining properties.

Considering character, the proposal is for a contemporary architectural approach – however, it is considered that a number of design decisions would ensure that the dwelling would not negatively impact to character. Notably, there is a great deal of articulation, or 'depth' to the elevations of the proposed dwelling, with gable features and projecting window bays used to add interest. A relatively simple pitched roof is proposed, however, which would respect the skyline when viewed from the Royal Liverpool. A varied palette of materials is outlined, with more traditional materials included to assist the building to fit with its setting – render, brickwork, rosemary clay tiles, hardwood timber doors. It is outlined that a planning condition would be accepted to enable samples of the materials to be used to be agreed by the Local Planning Authority.

In terms of access and parking, permission is sought for a single residential unit. Five bedrooms are indicated within the development. Given this, the Council's current parking standards – set out in Supplementary Planning Document 4: Parking Standards (SPD4) would set a maximum of two parking spaces. The application indicates that a garage would provide two spaces at ground floor level, whilst two further spaces are indicated within the forecourt area. In this instance, it is considered that the higher level of parking can be justified – the road is immediately adjacent to the shore, with visitor parking commonplace in the highway. In addition, representations express concern at the loss of on-street parking to enable the vehicular access points proposed. It is considered that the proposed access and parking arrangements are appropriate to the development.

Lastly, a significant garden space would be retained by no. 16 Lingdale Road, and provided for the new dwelling.

The application site is within the Meols Drive Conservation Area, and Policies CH01: the Protection of Heritage and CH2: Development Affecting Conservation Areas are thereby particularly relevant. The policies require that special regard is given to the distinctive characteristics of the Conservation Area, including: important views into and out of it; the general design and layout of the Area, including the relationship between its buildings, and; the character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the Area.

It is considered that the development outlined meets the requirements of these criteria. As is considered above, the design chosen is relatively traditional in its form and materials, and front and rear elevations have interest, 'broken up' with horizontal and vertical features that replicate the arts and craft detailing of existing properties in the street. Whilst there are certainly contemporary 'features' proposed, this is not considered to have a negative impact – rather it provides an honest approach to architecture, avoiding a pastiche design. The design, combined with the spacing, location (in the building line), and scale of the proposal ensure that the special characteristics of the Area are maintained.

Policies GR5: Landscaping and New Development, and GR7: Trees and New Development of the UDP are also relevant in relation to Trees and Landscaping. The application site is not heavily vegetated, and the spacing proposed would allow retention of some boundary vegetation. It is indicated within the submitted Design and Access Statement that the golf course perimeter boundary treatment would be 'enhanced', and that a planning condition would be accepted requiring a landscaping scheme to be detailed. The approach is considered in more detail below, but is deemed to address the requirements of policies GR5 and GR7.

The application site is within 200m of the Red Rocks Site of Special Scientific Interest (SSSI), designated for flora, invertebrates and natterjack toads, and of the Dee Estuary SSSI, Special Protection Area (SPA) and Ramsar site, designated primarily for wintering birds. Having regard to the criteria of UDP Policies NC3 and NC5, however, it is not considered that the development would affect, indirectly or directly, these sites or lead to any significant impact on the wildlife supported by either site.

The application site also backs on to Royal Liverpool Golf Course SBI, which is designated for sand dune flora, ground-nesting birds and natterjack toads. The application site is currently maintained as a residential garden, however, and its use would not change with the proposal - as such no impact on protected wildlife from this development is anticipated. A condition might be required to secure the details of boundary treatment between the application site and the SBI area, to ensure that there is no increased movement into that area.

#### **APPEARANCE AND AMENITY ISSUES**

In terms of residential amenity, whilst a three-storey development is proposed, separation distances to facing buildings (no.s 15 and 17) across Lingdale Road are relatively generous, at 30m. Similarly, no. 20 Lingdale, to the north-west, is at a distance of 40m from the rear proposed elevation. Given this, it is not considered that there would be significant issues of privacy, outlook or overbearance to those properties.

The properties with greatest potential for impact are those adjacent, no.s 16 and 18 Lingdale. Considering outlook for these properties, it is noted that each of these adjoining properties has a number of windows within the side elevations of the dwellings. It does not appear, however, that these windows provide the sole outlook to habitable rooms, with the possible exception of a 1st floor window to no. 18, which may serve a bedroom. The importance that might be attached to the need for good outlook from these windows in a planning decision is, however, reduced by the fact that they are located within a side elevation, rather than the principle elevations of the property, which would be afforded greater protection. Given this, it is not considered that the siting of the property would significantly impact outlook to the adjoining properties.

Turning to privacy, there are a few issues arising from the design proposed. Glazing is proposed within the south west elevation, at the first and second floor levels, each of which would serve a bedroom. A window is also proposed within the north east elevation at second floor level, serving a stairwell. It is considered reasonable to impose a planning condition which requires obscure glazing within these windows – particularly as the rooms are provided with sufficient outlook to the rear of the building sufficient. Similar issues arise from the balcony areas proposed to the rear of the dwelling at first floor level – which appear to afford an opportunity for overlooking towards neighbouring properties. This can, however, be overcome by the inclusion of a condition requiring privacy screening (i.e. an obscure screen of 1.7m height to the side elevation of the balcony areas) where privacy or overlooking would arise. At the second floor, the balcony proposed is recessed so as to ensure overlooking is limited, and it is not considered necessary to condition the requirement for privacy screening.

An arboricultural survey and landscape management plan have been submitted by the applicant, which outlines that two trees would be removed to facilitate the development, located on the western boundary of the site. The trees (a Cypress and a Phillyrea) are assessed as being of moderate quality and amenity value. As such it is not considered that there is conflict with UDP Policy GR7 - a replacement planting scheme and management plan is set out, including planting of 6 trees - 2 Maple, 2 Phillyrea and a Rowan. The proposals are considered to be sufficient to preserve local amenity - a condition would ensure that replacement planting takes place and is maintained for a 5 year period.

Considering the issue raised in representations received that the development is for apartments rather than a dwellinghouse, it must be highlighted that the application made is for a single dwellinghouse. Whilst the development does appear to be designed to allow those living in the dwelling independent space, a new planning permission would be required should the dwelling be used to accommodate more than one residential unit – i.e. more than one family or household.

Lastly, considering the feasibility of creating a basement void, and the potential for problems to result in a different form of development, this is not considered to be a relevant planning matter. Should an alternative form (e.g. a taller building) of development be required for any reason, a further planning permission would be necessary, and must be considered on its merits.

#### **SEPARATION DISTANCES**

As noted above, separation distances to facing buildings (no.s 15 and 17) across Lingdale Road are relatively generous, at 30m. Similarly, no. 20 Lingdale, to the north-west, is at a distance of 40m from the rear proposed elevation. To the north there are no facing residential properties. The required separation distances are thereby met.

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

There are no significant highway/traffic implications. The Head of Environment and Regulation (Traffic and Transportation Divisions) has raised no objection to the proposed development.

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

There are no significant environmental/sustainability/health implications.

#### **CONCLUSION**

The proposed development would have no significant detrimental impact to the host dwelling, the streetscene or wider Conservation Area, surrounding residential amenity or highway and pedestrian safety, and accords with the criteria of Unitary Development Plan policies HS4, CH01, CH2, GR5, GR7 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 would have no significant detrimental impact to the host dwelling, the streetscene or wider Conservation Area, surrounding residential amenity or highway and pedestrian safety, and accords with the criteria of Unitary Development Plan policies HS4, CH01, CH2, GR5, GR7 and 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. BEFORE ANY CONSTRUCTION COMMENCES, full details and samples of the facing, roofing, rainwater good, hard landscaping and window materials 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 Policies HS4 and CH2 of the Wirral Unitary Development Plan.

3. The windows to the first and second floor level in each side elevation of the building, facing north east and south west, shall not be glazed otherwise than with obscured glass (to a minimum level 3 obscurity) to a minimum of 1.7m from the finished floor levels of the rooms they serve, and either fixed shut to this height or top opening. The windows shall be permanently retained as such thereafter. For the avoidance of doubt, the requirements of this condition shall not apply to the first (southernmost) pane of glass in the south west facing elevation at first floor level (since this would serve a projecting bay rather than the body of the room).

**Reason:** To safeguard the amenities of occupiers of adjoining properties and to comply with Policies HS4 and CH2 of the Wirral Unitary Development Plan.

4. NO WORKS OR DEVELOPMENT SHALL TAKE PLACE until a scheme for the protection of the retained trees - The Tree Protection Plan (section 5.5, BS 5837:2012, Trees in Relation to Design, Demolition and Construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:

A; the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.

B; a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.

C; a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

D; the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

E; the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).

F; the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).

G; the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).

H; the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.

I; the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction (section 7.4 BS 5837)

J; the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.

K; the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).

L; the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).

The development shall be implemented in accordance with the approved scheme.

**Reason:** To protect trees which are considered to have significant amenity value to the area and to accord with Policies CH2 and GR7 of the Wirral Unitary Development Plan.

5. NO DEVELOPMENT SHALL BE COMMENCED until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. The landscaping shall be implemented and maintained in accordance with a timescale to be approved in writing by 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 Policies HS4, CH2, GR5 and GR7.

6. NO DEVELOPMENT SHALL TAKE PLACE until a plan indicating the positions, design, materials and type of boundary treatment to be erected (or altered) has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building is first occupied, in accordance with the approved details. For the avoidance of doubt, the details shall include a secure fence to the boundary between the development site and the Royal Liverpool Golf Course.

**Reason:** To safeguard the visual amenities of the locality, the privacy/amenities of the adjoining properties and in the interests of nature conservation, to accord with Policies HS4, CH2 and NC7 of the Wirral Unitary Development Plan.

7. The development hereby permitted shall be carried out in accordance with the approved plans received on the 29th May 2013, and listed as follows: 057\_001 (12th February 2013), 057\_102 Rev A (25th March 2013), 057\_103 Rev C (6th March 2013), 057\_104 Rev B (6th March 2013), 057\_105 Rev A (10th April 2013), 057\_106 Rev A (25th March 2013) and 057\_107 (5th June 2013).

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

8. THE DEVELOPMENT HEREBY PERMITTED SHALL NOT BE COMMENCED until such time as a datum for measuring land levels has been submitted to and agreed in writing by the Local Planning Authority. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum, notwithstanding any such detail shown on previously submitted plans. The development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure a satisfactory appearance having regard to UDP Policies CH2 and HS4.

9. PRIOR TO THE COMMENCEMENT OF DEVELOPMENT details of an obscure privacy screen (minimum height 1.7m) to be erected to the north east and south west edges of the proposed first floor balcony area shall be submitted to and approved in writing by the Local Planning Authority. The privacy screen shall be implemented in full prior to the first use of the development hereby permitted, and retained as such thereafter.

**Reason:** In the interests of the amenities of adjoining residential properties, having regard to UDP Policy HS4.

**Last Comments By:** 10/07/2013 10:50:24

**Expiry Date:** 24/07/2013