

Planning Committee

31 October 2013

Reference:
APP/13/00811

Area Team:
South Team

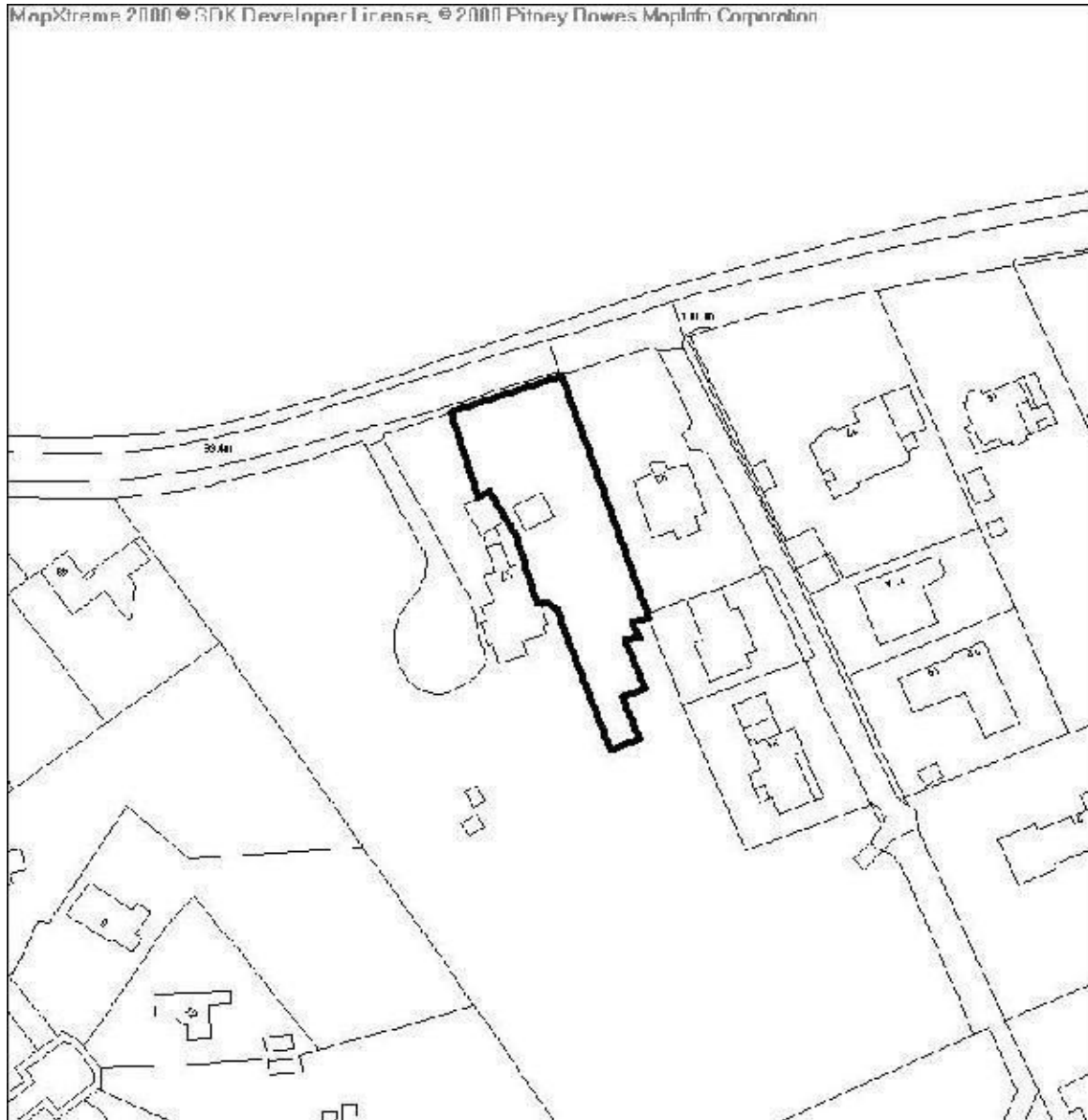
Case Officer:
Mr K Spilsbury

Ward:
Heswall

Location: Land at 37 OLDFIELD DRIVE, HESWALL, CH60 6SS
Proposal: Erection of a 2 storey residential property together with new access to Oldfield Drive and a detached garage (amended description).

Applicant: Mr and Mrs Dool
Agent : Architects-Direct.com

Site Plan:



Development Plan Designation:
Primarily Residential Area

Planning History:

Location: Denecourt, 37 Oldfield Drive, Heswall, Wirral, CH60 6SS
Application Type: Full Planning Permission
Proposal: Erection of a single storey side extension
Application No: APP/07/06387
Decision Date: 24/08/2007
Decision Type: Approve

Summary Of Representations and Consultations Received:

REPRESENTATIONS

Having regard to the Council Guidance on Publicity for Applications, five notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 18 objections have been received from the occupiers of 9 The Ridge, 14 Strathallan Close, 8 Medway, 78 Irby Road, 1, 12, 15, 17, 17a 19, 21, 33, 33a, 43 and Carrickness Oldfield Drive and Mr and Mrs Rushbrook at an undisclosed address listing the following grounds:

1. The development is located north of the building line;
2. The development will result in the destruction of trees;
3. The proposed access is onto a public by-way/cycle route and close to a blind T junction - safety issues for users;
4. Not sympathetic development;
5. Insufficient space between properties;
6. Not in keeping with the character of the area;
7. Adverse impact upon wildlife;
8. The development would increase traffic adding to safety concerns;
9. The development would appear squeezed in;
10. The plan of the site is out of date;
11. There is no requirement for larger houses on the Wirral;
12. The development will cause loss of privacy;
13. Visual impact of new house on Oldfield Drive;
14. The development will be overbearing and out of scale;
15. The proposed dwelling is very tall and the projecting single storey projection will have a significant impact upon residential amenity;
16. Increase in noise;
17. The proposal will result in loss of character;
18. Oldfield Drive is a BOAT and as such any development should be in keeping with it;
19. The plans don't show the development in relation to surrounding properties;
20. The new dwelling will be in advance of Oldfield house and therefore visible from either side of Oldfield Drive;
21. The dwelling will appear squeezed in and out of character;
22. The plans show part of 33a's garden as part of their garden. This is incorrect; and
23. The protection of trees should be a condition of any approval

The Heswall Society - concern over the development with regards to size, height, position of the new dwelling within the plot and the loss of trees.

CONSULTATIONS

Head of Environment and Regulation (Traffic and Transportation Divisions) - No Objections

Head of Environment and Regulation (Pollution Control Division) - No Objections

Wirral Wildlife - No objection subject to condition protecting the retained trees and protecting badgers during construction

Merseyside Fire and Rescue Service - No objection with the usual non planning related comments.

Director's Comments:

Consideration of this application was deferred from Planning Committee on 26th September 2013 to allow for a formal site visit to take place.

REASON FOR REFERRAL TO PLANNING COMMITTEE

Over 15 individual letters of objection have been received. Under the current scheme of delegation, determination by Planning committee is required.

INTRODUCTION

The applications seeks permission for the erection of a new dwelling with a new access and a detached dwelling. The site currently comprises of the side garden of the adjacent property 37 Oldfield Drive.

PRINCIPLE OF DEVELOPMENT

The site is located within a Primary Residential Area and is subject to provisions of the National Planning Policy Framework and Policy HS4 (Criteria for New Housing Development) and as such, the proposals would be acceptable in principle.

SITE AND SURROUNDINGS

The site comprises of the side garden area of 37 Oldfield Drive. The surrounding area is predominantly residential in character, with open fields forming the green belt on the opposite side of Oldfield Drive. The area has a mix of house types, most of which are large detached properties set back from the road. The side garden where the proposed dwelling will be located is currently screened from 33 Oldfield Drive by a 4-5m high leylandii hedge row and a smaller approximately 2m high hedge at front garden level.

POLICY CONTEXT

The proposals are subject principally to the National Planning Policy Framework and to Policy HS4 (Criteria for New Housing Development) of the Wirral Unitary Development Plan.

The National Planning Policy Framework states that the purpose of planning is help to achieve sustainable development. The NPPF say that planning should "not simply be about scrutiny. Planning must be a creative exercise in finding ways to enhance the way in which we live our lives." The NPPF also says that local planning authorities should resist inappropriate development of residential gardens where the development would cause harm to the local area. It is not considered that the proposed development is of such a scale to represent any harm to the local area, given the mix and density of development that already exists within the immediate locality. It is considered that the proposed development is in keeping with the principles and spirit of the NPPF.

Section 38 (6) of the Planning and Compulsory Purchase Act requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the Wirral Unitary Development Plan is relevant and specifically, Policy HS4 which sets out criteria against which applications for new housing development should be assessed. Policy HS4 states that proposals for new housing development within primarily residential areas will be permitted subject to certain criteria, including the proposal being of a scale which relates well to surrounding property, not resulting in a detrimental impact on the character of the area, access and servicing arrangements being satisfactory, the provision of adequate landscaping and boundary treatment and the provision of adequate private garden space. An assessment of these issues is considered below. The reasoned justification for Policy HS4 says that it is important that new housing blends in well with that already built and it is considered that, on balance, these proposals achieve that aim.

APPEARANCE AND AMENITY ISSUES

Following an inspection of the site and a review of the neighbours objections it became apparent that the original submission needed to be amended in order to protect nearby neighbouring amenity and to ensure the important trees at the front of the site were retained as much as possible.

The original proposal had a large single storey outrigger at the front that housed containing utility room and integral garage. The house was also set further forward within the plot with the main front

elevation approximately 8.6m from the front boundary.

As the proposed outrigger projected forward of the dwelling by 9.4m at a height of 6.4m, the impact upon the occupiers of the adjacent dwelling- 33 Oldfield Drive was deemed to result in an unneighbourly form of development that resulted in dominance and created an overbearing impact. Following consultation with the applicant the design was amended and the dwelling house pushed further back into the site. The main front elevation of the proposed dwelling is now 10.2m from the front boundary. In addition, the front outrigger has been removed from the scheme to lessen the impact further. The new design has a smaller utility room and porch that will only project 2.3m front the front elevation of the dwelling at 5.1m at its highest point at the apex of the roof. The garage has been separated from the dwelling and located at the opposite side of the site adjacent to the existing garage of 37 Oldfield Drive.

The proposed development is considered to be of a scale which relates well to surrounding properties, in particular with regard to existing house types and the density and form of development within the area. The locality is made up of a mix of detached housing, which vary in design and age. The proposed dwelling would be a 2 storey, 4 bedroom detached property and as such would not result in a detrimental change in the character of the area.

At the time of writing this report 18 objections have been received. The objections are summarised below and responded to accordingly:

1. The development is located north of the building line and therefore visible from either side of Oldfield Drive.

Following consultation with the applicant the building has been moved back within the site so that it is more in line with the neighbouring dwelling 33 Oldfield Drive. In any event, where the maintenance of building lines may once have been rigidly applied, planning has evolved (especially in recent years and with the publication of the National Planning Policy Framework) and more flexible and contextual standards relating to layout and form of new development are encouraged, with building lines per se having diminished importance. The new building is set back from the property frontage by 10.2m and is now in line with the existing garage of 37 Oldfield Drive. The property is well screened from the road by the existing mature trees running along the front boundary and as such the proposal is deemed acceptable.

2. The development will result in the destruction of trees

Following concern raised by local residents a tree preservation order has been imposed upon the cluster of trees at the front of the site. The Tree preservation officer felt it appropriate to protect the trees in order to control the development. A site visit was conducted with the Tree preservation officer and it was agreed with the developer which trees are to be retained and which can be removed in order to make way for the development. Should members be minded to approve the scheme a condition will be imposed for the protection of the retained trees.

3. The proposed access is onto a public by-way/cycle route and close to a blind T-junction - safety issues for users and the development would increase traffic adding to safety concerns. An additional objection refers to Oldfield Drive being a BOAT and as such any development should be in keeping with it.

The Head of Environment and Regulation (Traffic and Transportation Divisions) has been consulted with regards to highway safety and traffic management and has raised no objections to the scheme. A byway open to all traffic ("BOAT") is: "a highway over which the public have a right of way for vehicular and all other kinds of traffic, but which is used by the public mainly for the purpose for which footpaths and bridleways are so used". The Head of Environment and Regulation (Traffic and Transportation Division) has raised no issues with regards to this designation and as such a refusal on this basis could not be sustained by the Local Planning Authority.

4. The scheme is not sympathetic development, there is insufficient space between properties, it is not in keeping with the character of the area, the development would appear squeezed in, adverse visual impact of new house on Oldfield Drive.

A distance of some 10.2 metres is achieved between the front facing gable end of the new property and the edge of the site, fronting onto Oldfield Drive is provided, which provides for sufficient relief between the highway and the new dwelling and as such, the new dwelling would not be incongruously close to the highway to result in a dominating or obtrusive effect on the street scene. The property will still be well screened from the highway as most of the trees running along the front boundary will be retained. The new position of the property within the plot ensures that there is adequate spacing between the new building and the boundary and is considered to maintain the spacious feel of the area. On balance, it is considered that the scale of the new dwelling and its relationship with its surroundings is acceptable.

5. Adverse impact upon wildlife

Wirral Wildlife have been consulted as part of the application and have stated that Badgers use this area as a corridor between setts in upper and lower Heswall and are likely to forage in or move through the site. They have not objected to the proposed development but have requested a condition to protect badgers during the construction phase of the scheme.

6. The plan of the site is out of date and the plans show part of 33a's garden as part of their garden. This is incorrect.

The site plan has been updated at the request of the local planning authority to demonstrate a true reflection of the sites boundary. All surrounding properties have been documented on a site visit conducted by the local planning authority and has been taken into consideration when determining the application with regards to policy HS4 and the NPPF.

7. There is no requirement for larger houses on the Wirral.

The requirement for a new, larger dwelling houses in Heswall is immaterial as the NPPF and current UDP do not prohibit additional dwellings in this location. Refusal on these grounds could therefore not be sustained.

8. The development will cause loss of privacy. A first floor terrace will be located on the north western corner of the property but this is located well away from the surrounding dwellings and will provide an outlook into the front garden of the dwelling.

The amended scheme has been designed to reduce the impact upon residential amenity of the surrounding properties. Should members be minded to approve the scheme a condition can be imposed to fix and obscurely glaze the first floor side windows. This will prevent any potential overlooking.

9. The development will be overbearing and out of scale. The proposal is very tall and the projecting single storey projection will have a significant impact upon residential amenity.

The dwelling is relative in height when compared with the surrounding properties. A contextual street survey shows the height of the dwelling to be marginally smaller in height than that of the neighbouring dwelling 33 Oldfield Drive and under the height of 37 Oldfield Drive. In order to ensure the proposed dwelling is built to an acceptable height a condition will be imposed for all existing and proposed levels to be submitted to and agreed in writing with the Local Planning Authority prior to commencement of development.

Adequate private amenity/garden space is achieved both for 33 Oldfield, with rear garden space separated off at the back and rear and side garden space provided for the new dwelling. This would accord with Policy HS4 (vii) of the Wirral Unitary Development Plan. Given the limitations of the new plot and its relationship with existing properties and its proximity to the New Chester Road, it is considered prudent to remove permitted development rights which would allow for additional extensions and/or additional buildings within the application site and again, this can be achieved by imposing a suitably worded condition.

It is considered that the two properties most likely to be impacted by the new dwelling would be 33

and 37 Oldfield Drive. Considering the relationship of the proposed new dwelling with its immediate neighbour at No.33 Oldfield Drive first; it is unlikely that the proposed bedroom windows at the front and rear of the dwelling would give rise to unacceptable levels of overlooking that would sustain a refusal of planning permission. The bathroom window would in the side elevation can be obscurely glazed and fixed should members be minded to approve the proposed scheme. The new dwelling would sit in line with the front elevation of No.33 Oldfield and as such, will not result in any loss of light or overbearing issues. It is considered that the removal of permitted development rights would serve to protect amenity further in this regard. The private garden space to the rear of 33 Oldfield Drive would not be over looked by the new dwelling and as such existing privacy and amenity levels are retained.

With regards to the relationship of the proposed new dwelling with 37 Oldfield Drive; the proposed property is set forward of the existing dwelling and as such there would be no impact of overlooking as the private amenity space of this property would be restricted to the rear of the newly created site. The exiting side garden would become the new rear garden of the proposed dwelling. As stated above the new side window serving bedroom four can be fixed and obscurely glazed to protect amenity as this is a secondary window.

10. Increase in noise

The erection of a residential dwelling within a residential area can not be refused on an increase of noise caused by a residential development.

11. The plans don't show the development in relation to surrounding properties

The location plan shows the site of the development and as such the proposed site plan can be compared to this plan to ascertain where the proposal will be located in context to the surrounding residential dwellings.

It is considered that the proposed new dwelling would not result in any loss of amenity to neighbouring residents and is therefore acceptable in terms of the criteria set out in policy HS4 of Wirral's UDP and the NPPF.

SEPARATION DISTANCES

Separation distances are achieved. There are no primary habitable room windows directly facing each other as there are no dwellings directly in front or behind the proposed dwelling. There are two windows in the side elevation of 33 Oldfield Drive facing the site, but these windows are secondary as the rooms they serve have additional windows. The main habitable room windows of 37 Oldfield Drive do not face the proposed dwelling.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highway implications as a result of approving these proposals. The impact of the development on the local highway network has been assessed by the Head of Environment and Regulation (Traffic and Transportation Divisions) who raises no objections to the scheme. Off-street parking is provided in the form of a drive way and a double garage and as such, the proposals are considered acceptable in terms of highway and traffic implications.

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

It is considered that the scale and form of development relates well to surrounding development and would not result in a detrimental change in the character of the area. Adequate access and servicing arrangements will be provided, particularly with regard to off-street parking and vehicular access. Existing and additional landscaping and boundary treatment for the proposed development relate well to its surroundings and would secure the amenity/privacy of existing residents. Separation distances are achieved in keeping with the Council's usual required distances. As such, it is considered that the proposed development accords with both national and local planning policies.

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:-

It is considered that the scale and form of development relates well to surrounding development and would not result in a detrimental change in the character of the area. Adequate access and servicing arrangements will be provided, particularly with regard to off-street parking and vehicular access. Existing and additional landscaping and boundary treatment for the proposed development relate well to its surroundings and would secure the amenity/privacy of existing residents. Separation distances are achieved in keeping with the Council's usual required distances. As such, it is considered that the proposed development accords with both national and local planning policies.

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 8th August 2013 and listed as follows: AD1250 PL02B, AD1250 PL03B, AD1250 PL04B, AD1250 PL05B, AD1250 PL06B, AD1250 PL07B, AD1250 PL08B and AD1250 PL09

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the building(s) hereby approved.

Reason: To safeguard the amenities of the occupiers of adjoining property and the area generally and to accord with Policy HS4 of the Wirral Unitary Development Plan.

5. BEFORE THE DEVELOPMENT HEREBY PERMITTED IS FIRST COMMENCED, a datum for measuring land levels shall be agreed in writing. Full details of existing and proposed ground levels and proposed finished floor levels shall be taken from that datum and submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure a satisfactory appearance and avoid overlooking having regard to Policy HS4 of the Wirral Unitary Development Plan.

6. Before the development hereby permitted is brought into use the first floor windows in the east and west facing elevations serving the en-suit and dressing room of bedroom four shall be fixed and obscurely glazed with frosted glass and shall be retained as such thereafter.

Reason: In the interest of residential amenity having regards to policy HS4 of Wirral's Unitary Development Plan

7. BEFORE ANY CONSTRUCTION COMMENCES, samples of the facing/roofing/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 Policy HS4 of the Wirral Unitary Development Plan.

8. 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 any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)

J; 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)

K; the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging

machinery, concrete pumps, piling rigs, etc) on site.

L; 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).

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

N; the timing of the various phases of the works or development in the context of the tree protection measures.

Reason: To protect trees which are of significant amenity value to the area having regards to policy GR7 of the Wirral UDP

9. The area(s) so designated 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 having regard to policy GR5 of the Wirral UDP and that the proposed development enhances the visual amenity of the locality.

10. In order to protect habitats of special local importance for nature conservation:

- 1) Construction work shall only take place between 8am and 6pm.
- 2) Any holes or trenches left open overnight must have a means of escape provided.
- 3) All construction materials, especially those containing lime, must be stored so that badgers cannot access them, and to the front of the house, not the rear.
- 4) When fencing to the garden is installed, access shall be left for the badgers to move around between gardens.

Reason: To protect the presence of Badgers on the site having regards to policy NC5 of Wirral's UDP

Last Comments By: 05/08/2013 13:05:09
Expiry Date: 16/08/2013