

Planning Committee

21 November 2013

Reference:
APP/13/00975

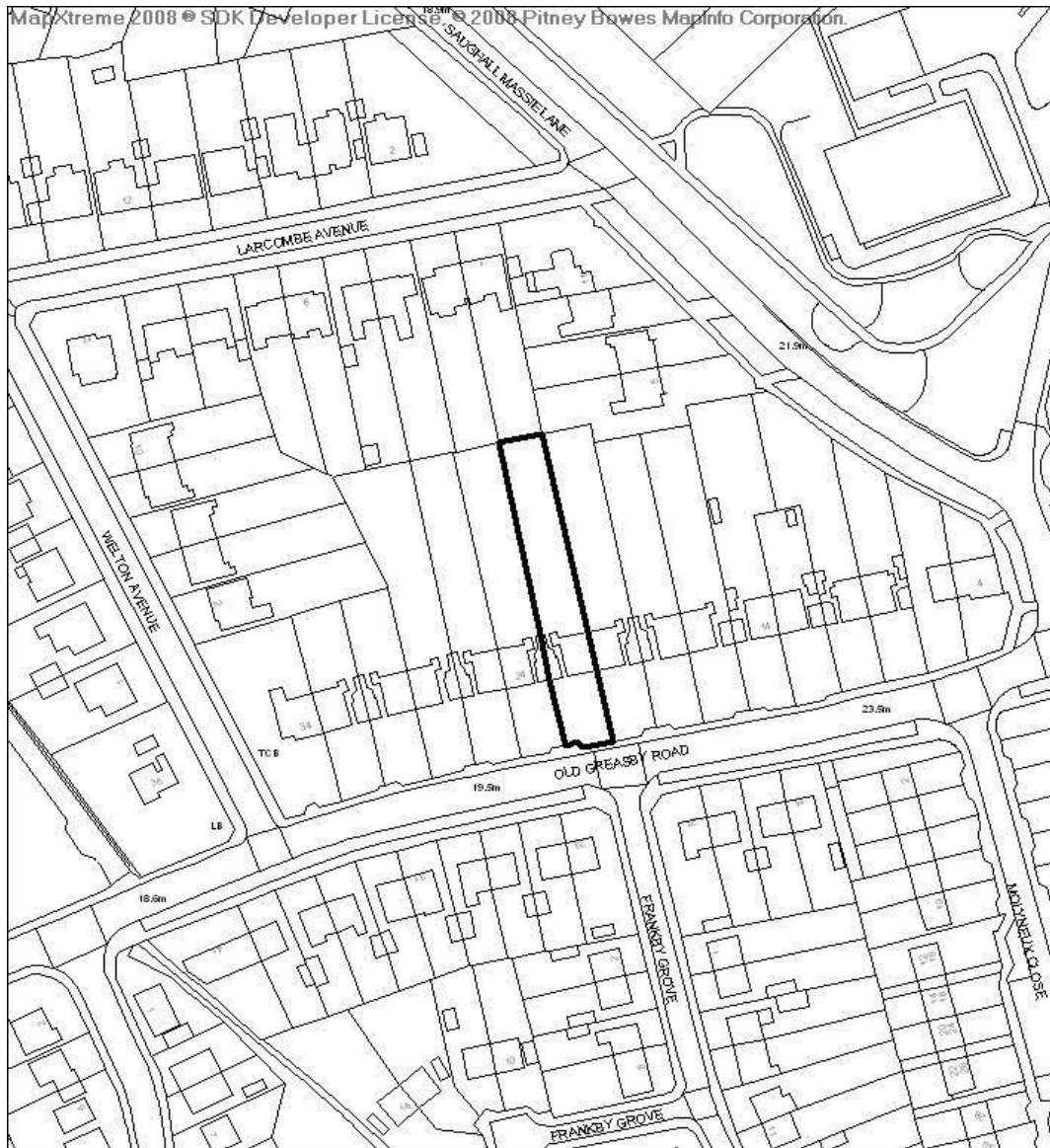
Area Team:
North Team

Case Officer:
Mr J Ashton

Ward:
Upton

Location: 22 OLD GREASBY ROAD, UPTON, CH49 6LT
Proposal: Erection of a log cabin in the garden to house a hot tub and sauna (retrospective)
Applicant: Mr Robert Brimage
Agent :

Site Plan:



Development Plan Designation:
Primarily Residential Area

Planning History:

Location: 22, Old Greasby Road, Upton. L49 6LT
Application Type: Full Planning Permission
Proposal: Erection of single storey side extension.
Application No: APP/92/05815
Decision Date: 02/07/1992
Decision Type: Approve

Location: 22 Old Greasby Road, Upton, Wirral, L49 6LT
Application Type: Full Planning Permission
Proposal: Erection of a first floor side extension.
Application No: APP/98/05716
Decision Date: 24/07/1998
Decision Type: Approve

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

Having regard to the Council Guidance on Publicity for Applications, 4 letters of notification were sent to neighbouring properties and a Site Notice was displayed on the highway.

One objection was received from the occupiers of no. 20 Old Greasby Road, citing the following concerns:

1. Height of the building (which exceeds permitted development allowances);
2. Close proximity to the party boundary;
3. The building is imposing when viewed from 20 Old Greasby Road;
4. If the application had not been retrospective, the application would be refused;
5. The legislative requirement for planning permission had been ignored - rules that are there to protect people, residences and the environment;
6. Privacy issues - there are direct views from 20 Old Greasby Road into the sauna, akin to a direct view into a bathroom, and conversely anyone using the spa can see directly into the rear windows of no. 20.
7. Consideration needs to be given to the dangers of hot tubs, pools etc. in terms of potential for water vapour transported illnesses such as Legionnaires disease. The HSE have issued guidance on the safe use of hot tubs (e.g. water testing, cleaning, safe maintenance). The garden of the application property is unkempt and not kept clean - this raises a concern at the proper maintenance of the hot tub/spa pool. The description of development clearly defines the intended use of the building as a hot tub and sauna, and so this should be considered as a planning matter. The Chief Executive of Wirral BC has, therefore been informed by the occupiers of no. 20 Old Greasby Road that in the event of the grant of planning permission, should neighbours or their visitors contract any water born condition, Wirral Borough Council will be attached in any claim as being complicit in the decision to hose the tub in a residential area.

CONSULTATIONS

None required.

Director's Comments:**REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Stuart Whittingham requested this application be removed from delegation and considered by the Planning Committee following representations he has received from local residents that the application results in a loss of privacy and following concerns at the scale of the development.

INTRODUCTION

The proposal is for the retention of a single-storey log cabin-style outbuilding to the side of the existing detached house. The proposed building will be situated 20 metres from the rear wall of the host dwelling and 1 metre from the party boundary with the adjoining neighbour's garden. It will have a width of 5 metres, a depth of 4.1 metres and a maximum height of 3.4 metres.

PRINCIPLE OF DEVELOPMENT

The site falls within a primarily residential area. The addition of an outbuilding of this size and design is acceptable in principle.

SITE AND SURROUNDINGS

The application site consists of a typical, inter-war semi-detached property, with a small garden to the front and a more extensive garden to the rear. Parking is to the front. The application site forms part of a street of similarly styled properties. The main materials are red brick and render. The boundaries of the garden vary in the extent to which they provide screening, with some high trees and shrubs and other more open, exposed areas.

POLICY CONTEXT

The proposal will be assessed against the criteria set out in Policy HS11 (House Extensions) and Supplementary Planning Guidance Note 11 (House Extensions) of the Unitary Development Plan. Policy HS11 and the supplementary planning guidance seek to ensure that extensions are:

- Appropriate in scale for the size of the plot
- Not dominating existing buildings
- Neighbourly with respect to size, outlook, light and over-looking
- Matching or complimenting existing materials and design

The proposal will also be assessed against the National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The purpose of these policies is to help achieve sustainable development, which is defined as growth that ensures better lives for ourselves without harming the lives of future generations. There is a presumption in favour of sustainable development unless material considerations indicate otherwise.

APPEARANCE AND AMENITY ISSUES

The proposed outbuilding is of a simple and increasingly common design, in which the applicant wishes to house a hot tub and sauna. There will be windows and a door on the front elevation and windows on the sides; other walls will be blank. With reference to HS11 and the supplementary planning guidance, the proposed outbuilding is appropriate in scale for the size of the plot and does not dominate the existing building. The materials will compliment those existing in the neighbourhood and the roof pitch, building lines and door/window sizes are acceptable for an outbuilding of this kind. Being an outbuilding located several metres from the host dwelling, there is no significant overlooking of neighbouring properties and no outlooks will be significantly affected. Whilst there will inevitably be some loss of light in the immediate vicinity, this is not considered to be significant, because the proposal is modest in size. Considering privacy, the development introduces windows and door openings, however these are at the ground floor level - it is not considered that this would result in significant loss of privacy when compared to the use of garden areas, or a relationship that would be unreasonable bearing in mind the allowances in permitted development legislation for outbuildings.

Considering the use of the building, whilst the description of development does confirm that the building is being used for a hot tub and spa, the application does not propose a change of use of the application site (or part of the application site). The use proposed is incidental to the enjoyment of a dwellinghouse - and permitted development legislation would allow a hot tub to be installed in a building or externally within a garden area without the need for planning permission in most cases (in the current case, the height of the building alone triggers the requirement for permission, exceeding permitted development allowances by 0.9m).

SEPARATION DISTANCES

Separation distances do not apply in this instance - there are no habitable rooms directly facing neighbouring properties.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no highways implications relating to this proposal.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no Environmental/Sustainability issues relating to this proposal.

HEALTH ISSUES

Representations received raise concern that the improper maintenance and cleaning of the hot tub/spa housed in the building could lead to water borne diseases such as Legionnaire's. The proper maintenance/cleaning of such equipment is not a material planning consideration, and would remain the responsibility of the homeowner. As noted above, no change of use of the property is sought, and consideration therefore under planning legislation, consideration needs to be given to the built development rather than it's contents. The concerns raised may fall within the remit of Health and Safety legislation.

CONCLUSION

The proposal is in accordance with Policy HS11 (House Extensions) and Supplementary Planning Guidance 11 (House Extensions) of the Unitary Development Plan. The proposal also accords with the National Planning Policy Framework. The proposal is not considered to have any harmful visual impacts on the surroundings or the character of the building. The proposal is not considered to adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design. The proposal is sustainable development.

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 proposal is in accordance with Policy HS11 (House Extensions) and Supplementary Planning Guidance 11 (House Extensions) of the Unitary Development Plan. The proposal also accords with the National Planning Policy Framework. The proposal is not considered to have any harmful visual impacts on the surroundings or the character of the building. The proposal is not considered to adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design. The proposal is sustainable development.

Recommended Approve
Decision:

Recommended Conditions and Reasons:

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

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

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 21st August 2013 and listed as follows: "CH43869", "APP/13/00975 - 01" and "APP/13/00975 - 02" (all undated).

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

Further Notes for Committee:

Last Comments By: 30/10/2013 12:27:58
Expiry Date: 16/10/2013