

## Planning Committee

23 January 2014

**Reference:**  
**APP/13/01203**

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

**Case Officer:**  
**Mrs S Lacey**

**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** 40 CALDY ROAD, WEST KIRBY, CH48 2HQ  
**Proposal:** Demolition of existing bungalow and erection of replacement two-storey dwelling  
**Applicant:** Mr & Mrs Chard  
**Agent :** The Kenefick Jones Partnership

### Site Plan:



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**Development Plan Designation:**  
Primarily Residential Area

### **Planning History:**

Location: 40, Caldy Road, West Kirby. L48 2HQ  
Application Type: Full Planning Permission  
Proposal: Erection of single storey front extensions.  
Application No: APP/96/06617  
Decision Date: 23/12/1996  
Decision Type: Approve

Location: 40 Caldy Road, West Kirby, Wirral, L48 2HQ  
Application Type: Full Planning Permission  
Proposal: Erection of a garage to the front  
Application No: APP/97/06813  
Decision Date: 30/01/1998  
Decision Type: Approve

Location: 40, Caldy Road, , West Kirby, Wirral. L48 2HQ  
Application Type: Full Planning Permission  
Proposal: Erection of single storey front extensions (amended scheme).  
Application No: APP/97/06110  
Decision Date: 09/09/1997  
Decision Type: Approve

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

#### **REPRESENTATIONS**

Having regard to the Council's Guidance on Publicity for Applications, 8 letters of notification were sent to neighbouring properties. A site notice was displayed. A qualifying petition of objection (signatures from 25 separate households) and 8 individual objections were received from no.s 38, 42, 47, 49, 51, 53, 55 Caldy Road and 35 York Avenue citing the following concerns:

1. Overbearing impact on adjacent property of 42 and 38 Caldy Road by reason of its size and siting and the topography of the land,
2. Loss of sunlight, the proposal does not achieve the 45 degree rule
3. Loss of privacy and overlooking to neighbouring properties and gardens due to the height of the proposal and the balcony, contrary to policy and the Human Rights Act in particular Protocol 1, Article 1 and 8;
4. Detrimental impact upon residential amenities by reason of design, harm to character of the area, scale and density
5. The proposal does not respect local context and street pattern, in particular roof heights / roof line and specifically, the scale and proportions of surrounding buildings, and a 2 storey development adjacent to a bungalow would be out of the character of the immediate area;
6. The plans are not detailed enough;
7. Request Committee Members visit the site;
8. No.38 Caldy Road has a bedroom window on the side elevation 6-10m away facing the proposed two-storey building, resulting in loss of light;
9. Overshadowing of No.38 Caldy Road;
10. The proposal would phase out the natural slope of the roofline travelling north along Caldy Road;
11. Other properties have not been given permission to raise the roofline;
12. No.38 and 40 Caldy Road were built as a 'pair' of bungalows and the replacement building would disrupt the streetscene.

#### **CONSULTATIONS**

Head of Environment & Regulation (Highway Management Division) - no objections to the proposal

Merseyside Fire and Rescue made reference to document B5 of the Building Regulations.

**Director's Comments:**

Consideration of this application was deferred at Planning Committee on 19 December 2013 to allow for a formal site visit.

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of 25 signatures from separate households has been received.

**INTRODUCTION**

The application proposes the erection of a replacement two-storey dwelling house on the site of an existing bungalow.

**PRINCIPLE OF DEVELOPMENT**

The site is designated as a Primarily Residential Area in the Wirral Unitary Development Plan and is subject to UDP Policy HS4 'New Housing Development' and the NPPF. The proposal is acceptable in principle.

**SITE AND SURROUNDINGS**

The site comprises a large residential plot (measuring 2230 square metres approximately) accessed off Caldly Road. The site is designated Primarily Residential Area and the land slopes down to the west and the north-west. There are a mix of housing designs in the area, including large detached brick and rendered two-storey properties, and bungalows. No.42 is a detached two-storey brick dwelling set forward of the existing bungalow. No.38 is a brick bungalow with dormer window to rear elevation set back from the existing property and set at a lower level. There is a sandstone wall to the front boundary, 2m high wooden fences to the side and rear boundaries, and sporadic vegetation to all boundaries.

**POLICY CONTEXT**

The application shall be assessed against UDP policy HS4 'New Housing Development' and the National Planning Policy Framework. Policy HS4 requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties. The NPPF was published on 27th March 2012 and supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area.

**APPEARANCE AND AMENITY ISSUES**

The proposal is considered acceptable in scale, design and siting, and is not considered detrimental to the amenities of neighbouring properties or the character of the street scene. The principle of a replacement two-storey property on the site of a bungalow is considered acceptable as the immediate vicinity is characterised by mixed design and scale properties (including large detached properties and smaller bungalows all situated on large plots), and the adjacent property No.42 is a large two-storey property set forward, and the proposed two-storey dwelling will sit well adjacent to this.

The footprint has been reduced when compared to the existing bungalow, and is sited approximately in the position of the existing footprint, to continue the staggered building line along Caldly Road. The applicant has provided a streetscene elevation to indicate the height of the proposed building will sit between the adjacent two-storey property and bungalow, with good spacing remaining between the properties to prevent an overdeveloped appearance. No.38 is a bungalow, but the proposal is not considered to form an overbearing structure as the building is 8m away. Both No.42 and 38 have their principle outlook to the front and rear of their properties. When calculating the 45 degree outlook from the rear windows of No.42, the proposal is 18m away from the rear window, which exceeds the 14m separation distance the LPA expects between properties of similar sizes. There are no primary habitable windows on the side elevation of No.42, and the proposal is set further back and lower than No.42. As such the proposal is not considered to have an overbearing impact when viewed from No.42, or result in loss of outlook. No.38 is set further to the rear of the site and at an angle, and as such the proposal will not have a detrimental impact to the rear habitable windows. The windows at the front elevation achieve the 45 degree outlook. There is a bedroom window in the side elevation which will be within 8m of the two-storey side elevation. However the window is already within 4m of the boundary treatment fence and it is considered this window already only receives limited light and outlook onto the existing bungalow, and as such this window holds less weight as its outlook and light

received is already limited. As such the proposal is not considered to have an overbearing impact to No.38 or result in loss of outlook.

The design of the property in a streetscene of mixed design properties is considered acceptable, and the elevations, bay windows and roof scape are broken-up to provide interesting elevations. There are a mixture of roof designs in the area, and the proposed hipped roof design reduces the impact on surrounding properties. It is considered reducing the height of the ridge would provide a more stepped appearance between the properties, but would lose the quality appearance of the taller sloped roof. There is an existing drop in ridge levels between the existing buildings No.40 and No.42. Materials can be conditioned to ensure a good quality finish. It is not considered harmful to the character of the area or the amenities of surrounding properties. The proposed dwelling is not considered to overdominate the neighbouring properties, and is considered acceptable within an area of mixed design. The siting of the proposal is considered acceptable, and there remains a reasonable spacing between the properties, reflecting the spacious character of the area. The dwelling has adequate private amenity space and adequate vehicle parking. There are trees to the site boundary which can be retained. There is reasonable outlook and good levels of light from the living area and the main bedrooms. The proposal is not considered to affect the outlook from neighbouring properties. The proposal complies with policy HS4 and the NPPF.

The proposal is not considered to result in loss of light or significant overshadowing to neighbouring properties. The proposal is to the north of No.42 and will not result in loss of direct sunlight to habitable windows. The proposal is to the south of No.38, but its position adjacent to the bungalow is not considered to result in significant loss of light to the principle front or rear windows, or to the large garden. The proposal may result in some loss of light to the south facing window in the side elevation window of No.38, but this ground floor window is already adjacent to a fence and a side elevation of the existing bungalow.

Objections regarding a breach of the Human Rights Act does not fall within planning remit. The submitted plans are to scale and the level of detail is considered sufficient to make a decision. Under Committee protocol only a Councillor can request Committee Members visit the site. Each planning application is assessed on its own merits. It is not considered no.38 and 40 Caldly Road read as a 'pair' of bungalows as they are different in design.

#### **SEPARATION DISTANCES**

SPG11 states 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 is a 65m separation distance to No.35 York Avenue to the rear of the site. There is a 55m separation distance between No.49 Caldly Road opposite the site. As discussed above, no.38 has a bedroom window in the side elevation which will be within 8m of the two-storey side elevation, however it is considered this window which is already within 4m of the boundary treatment fence and 6.5m of the existing bungalow experiences limited light and outlook, and this window holds less weight than the principle windows to the front and rear of the property.

The proposed balcony can be screened to the south elevation to prevent occupiers leaning over to view the rear windows and patio area of No.42. This should be conditioned. The two-storey outrigger will prevent any direct overlooking to the windows of No.38. Whilst concerns were raised the first floor windows and balcony will increase overlooking into neighbouring gardens, it is considered the proposal is acceptable given the size of the neighbouring properties, and first floor windows and balconies are already a feature of the area.

The first floor windows in the side elevations can be conditioned in obscure glazing to prevent overlooking. The proposal is not considered to result in direct overlooking or loss of privacy to neighbouring properties.

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

The proposed access is of sufficient width and the proposal will not result in highway safety 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

The proposal is considered to be of a scale and design which would not result in a detrimental change in the character of the residential area. The proposal is deemed acceptable due to the lack of significant impacts on the amenities of neighbours on every side. The proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. As such the proposal complies with Policy HS4 of the adopted Wirral Unitary Development Plan 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 proposal is considered to be of a scale and design which would not result in a detrimental change in the character of the residential area. The proposal is deemed acceptable due to the lack of significant impacts on the amenities of neighbours on every side. The proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. As such the proposal complies with Policy HS4 of the adopted Wirral Unitary Development Plan 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.

**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 23 September 2013 and listed as follows: 001 (dated 05th September 2013), 002 (dated 18th July 2013), 003 (dated 05th September 2013), 004 (dated 05th September 2013), 005 (dated 05th September 2013), 006 (dated 05th September 2013), 007 (dated 30th August 2013), 008 (dated 05th September 2013), PMS13161 (dated 12/08/13), and the additional drawing submitted 2nd November 2013 reference 010 (dated 02nd November 2013).

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

3. NO DEVELOPMENT SHALL TAKE PLACE BEFORE samples of the facing and roofing 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.

4. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of a proposed screen to the south elevation of the first floor balcony (adjacent to No.42 Caldys Road) shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be non-transparent and 1.7 metres in height above finished floor level. The screen shall be

implemented prior to the occupation of the development hereby approved, and retained thereafter.

**Reason:** To protect the privacy of neighbouring properties.

5. The first floor windows in the side elevations facing north and south shall not be glazed otherwise than with obscured glass and fixed shut and thereafter be permanently retained as such.

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

6. NO DEVELOPMENT SHALL TAKE PLACE BEFORE a survey of existing and proposed ground levels, sections across the site (with a datum outside the site) and details of the finished slab level for each property shall be submitted in writing to the Local Planning Authority. The ground levels across the site and finished floor levels for each property shall be as per the approved plans.

**Reason:** In the interests of privacy and amenity of neighbouring occupiers and to ensure that the development complies with Policy HS4 of the Wirral Unitary Development Plan.

7. 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 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.

**Last Comments By:** 23/10/2013 11:50:33

**Expiry Date:** 18/11/2013