

Planning Committee

17 June 2014

Reference:
APP/14/00099

Area Team:
South Team

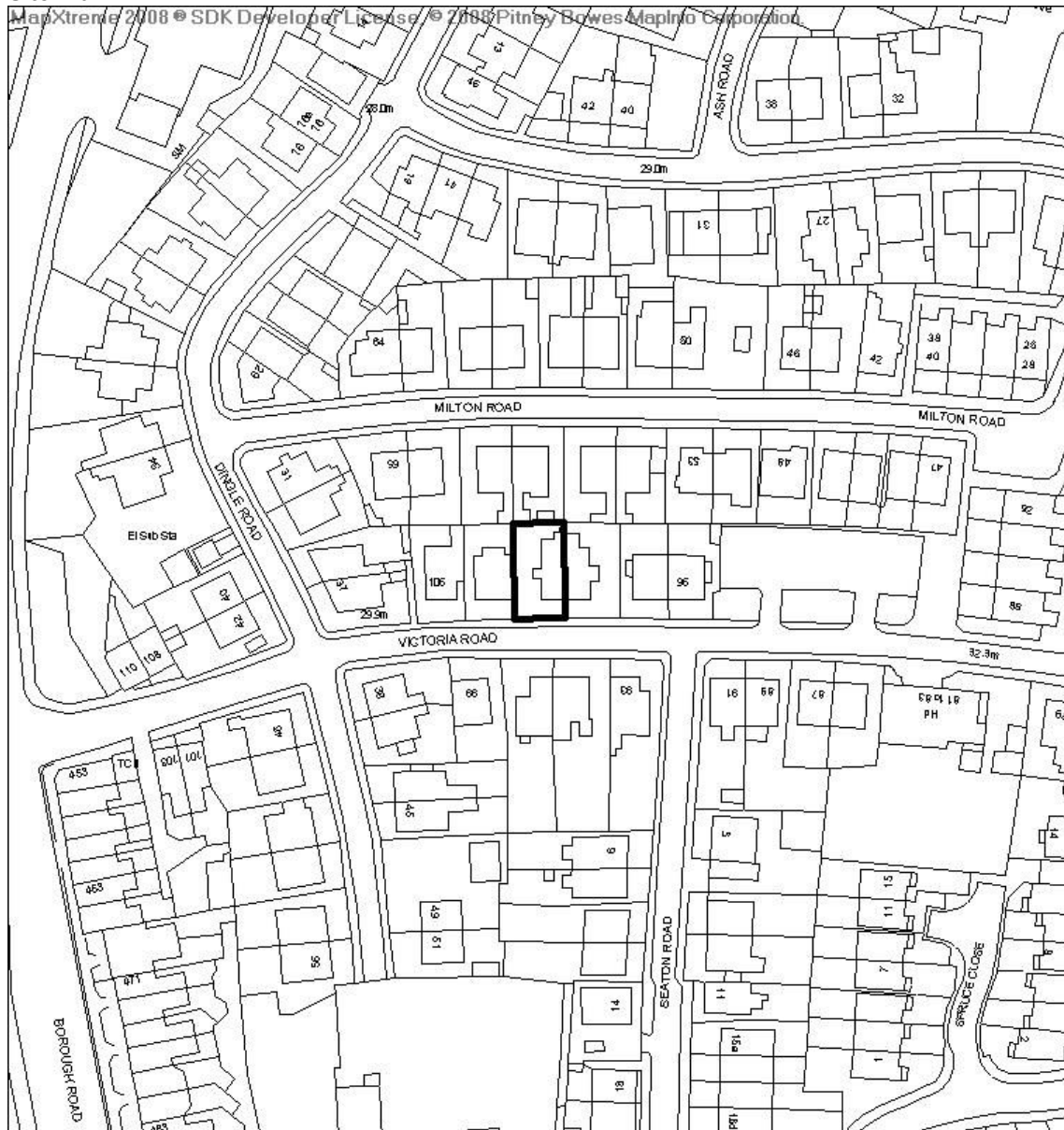
Case Officer:
Mr K Spilsbury

Ward:
**Birkenhead and
Tranmere**

Location: 102 VICTORIA ROAD, TRANMERE, CH42 0JY
Proposal: Change of use to sheltered accommodation (C2 Use) for semi independent living and associated work including the erection of a two storey rear extension, loft conversion and alterations (Retrospective application).

Applicant: Wirral Independent living services
Agent : SDA Architecture.com

Site Plan:



© Crown copyright and database rights 2011 Ordnance Survey 100019803

Development Plan allocation and policies:

Primarily Residential Area

Planning History:

Location: 102 VICTORIA ROAD, TRANMERE, CH42 0JY
Application Type: Full Planning Permission
Proposal: Erection of a double storey rear extension and loft alterations.
Application No: APP/13/00984
Decision Date: 03/12/2013
Decision Type: Returned invalid

Location: 102 Victoria Road, Tranmere, Wirral, CH42 0JY
Application Type: Full Planning Permission
Proposal: Loft conversion with dormers to front and rear. (Resubmission of App/2008/5115)
Application No: APP/08/06142
Decision Date: 20/08/2008
Decision Type: Refuse

Location: 102 Victoria Road, Tranmere, Wirral, CH42 0JY
Application Type: Full Planning Permission
Proposal: Loft conversion with dormers to front and rear.
Application No: APP/08/05115
Decision Date: 17/04/2008
Decision Type: Refuse

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

Having regard to the Council Guidance on Publicity for Applications, 6 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 4 objections have been received from the occupiers of 55, 57 & 59 Milton Road and 95 Victoria Road listing the following grounds:

1. overlooking of properties to the rear of the site
2. the appearance of the dormer window is not in keeping with the surrounding area.
3. loss of sunlight into neighbouring gardens at the rear of the site.
4. the building being operated as a business,
5. the development bringing down the desirability of the area
6. the future occupants potentially creating antisocial behaviour in the area
7. the construction process
8. inconvenience caused by the building work
9. the application has been submitted makes one resident feel something underhand is going on
10. parking issues
11. the potential for noise that the development would create.
12. previous schemes have been refused on the site.

CONSULTATIONS:

Head of Environment & Regulation (Traffic & Transportation Division) - No Objections

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

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

The application is submitted by SDA Architects and Surveyors, a partner and architect of which is an elected Member of the Council. Under the current scheme of delegation any SDA application with at least one objection must be reported to Planning Committee.

INTRODUCTION

The proposed development is a retrospective application for the change of use of the dwelling to sheltered accommodation (C2 Use) for semi independent living and associated work including the erection of a two storey rear extension, loft conversion and alterations.

PRINCIPLE OF DEVELOPMENT

The site is allocated as primarily residential within Wirral's Unitary Development Plan. Therefore the principle of sheltered housing (C3 Use) is acceptable subject to the relevant policies outlined below including policy HS7 - sheltered housing of Wirral's Unitary Development Plan and the NPPF.

SITE AND SURROUNDINGS

102 Victoria Road is a large semi detached dwelling house located within an area of mixed design. The works have already been carried out on the property and as such the application is retrospective.

The dwellings are well spaced along Victoria Road but have minimal back to back distances with the dwellings located along Milton Road.

POLICY CONTEXT

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 & 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 HS7 which sets out criteria against which applications for Sheltered Housing development should be assessed. Policy HS7 states proposals for sheltered housing will be permitted subject to it being of a scale which relates well to surrounding property; adequate private amenity space being provided at a rate of approximately 10 square metres for every bed space, except where the proximity of open space or other features adjoining the site justifies a reduced provision; the site being easily accessible on foot to local shops and public transport; and the proposal otherwise complying with Policy HS4.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

APPEARANCE AND AMENITY ISSUES

The scheme is the result of a number of meetings between the Local Planning Authority and the developer which has resulted in various design changes in addition to a withdrawn application (APP/13/00984). One of the main challenges to the development is to ensure that the scheme does not over dominate or introduce overlooking to surrounding properties. As the proposal is for 4 separate C2 flats with staff accommodation at second floor there is a need to ensure all of the properties have an acceptable outlook without compromising the amenities of the existing local residents.

There is adequate private amenity space provided for residents as there are 4 units and approximately 80 square metres of front, side and rear garden. The site is also easily accessible to local shops and transport, making it a sustainable development.

Having regard to the Council Guidance on Publicity for Applications, 6 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 4 objections have been received from the occupiers of 55, 57 & 59 Milton Road and 95 Victoria Road. The concerns are set out below and addressed accordingly:

Concern has been raised from neighbouring properties with regards to overlooking of properties to the rear of the site and the appearance of the dormer window is not in keeping with the surrounding area.

The design of the development has been amended at the request of the Local Planning Authority. The rear dormer at second floor has been fixed and obscurely glazed to a height of 1.7m and the room has been converted from a habitable residential room to a staff room. Should members be minded to approve the proposed development a condition will be imposed to ensure the dormer is clad in grey roof tiles in order to match the appearance of the existing dwelling.

Concern has also been expressed over loss of sunlight into neighbouring gardens at the rear of the site. As the dormer is set within the existing roof, the loss of light to the neighbours garden will be no more than that already experienced.

The proposed extension fills a void on the corner of the building and as such the bulk and massing is considered acceptable as the overall form of the building will only be marginally altered. The amended design is such that scale of the building is not considered to over dominate its neighbours or introduce overlooking into the rear of the dwelling or to the private garden area to the rear.

Other concerns raised relate to the building being operated as a business, the development bringing down the desirability of the area, the future occupants potentially creating antisocial behaviour in the area, the construction process and the inconvenience caused by the building work are not planning matters and as such a refusal on these grounds could not be sustained.

One resident also questions the way the application has been submitted and that something underhand is going on as the works have been commenced on site. Any applicant who carries out work without planning permission does so at their own risk. The application is the result of enforcement action following a complaint by a member of the public.

With regards to parking and the Head of Environment & Regulation (Traffic & Transportation Division) has been consulted on highway safety and parking and has raised no objections to the scheme.

Other objections have been received from residents concerned about the potential for noise that the development would create. The Head of Environment and Regulation (Environmental Health) have been consulted with regards to these concerns and has raised no objection to the scheme. A refusal on these grounds can therefore not be sustained.

In accordance with the Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting. Should members be minded to approve the scheme conditions can be imposed to ensure this is achieved.

Two previous schemes have been refused at the site for similar developments, 08/5115 & 08/6142. Both of the schemes had front and rear dormer windows. The current proposal only has a rear dormer and the window will be obscured to ensure there is no overlooking as such the development is deemed acceptable in terms of the criteria set out in Wirral's Unitary Development plan policy HS7 and the National Planning Policy Framework.

SEPARATION DISTANCES

In order to preserve local residential amenity, the following separation distances need to be achieved: 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. If there are differences in land levels or where development adjoins that of different ridge height, such as three-storey development adjacent to two-storey property, a greater separation should be provided. For every metre difference in ridge height (or part thereof) the above distances should be increased by 2 metres.

There are a number of habitable room windows in the dwellings to the rear of the site along Milton Road that directly face the proposal as well as rear private amenity space. In order to prevent any overlooking the new dormer window will be fixed and obscurely glazed up to a height of 1.7m in order to prevent any overlooking or loss of privacy to neighbouring residents and such the proposal is

deemed acceptable.

HIGHWAY/TRAFFIC IMPLICATIONS

The Head of Environment & Regulation (Traffic & Transportation Division) has been consulted on highway safety and parking and has raised no objections to the proposed scheme.

ENVIRONMENTAL/SUSTAINABILITY ISSUES

There are no environmental/sustainability issues relating to the scheme.

HEALTH ISSUES

There are no health implications relating to this application.

CONCLUSION

As detailed above, the Local Planning Authority considers that the scale and form of development is now acceptable and relates well to surrounding development. It does not result in a detrimental change in the character of the area and appropriate separation distances are achieved preserving residential amenity through a condition for obscure glazing to the rear dormer. As such, it is considered that the proposed development accords with both national and local planning policies and is hereby recommended for approval.

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:-

As detailed above, the Local Planning Authority considers that the scale and form of development is now acceptable and relates well to surrounding development. It does not result in a detrimental change in the character of the area and appropriate separation distances are achieved preserving residential amenity through a condition for obscure glazing to the rear dormer. As such, it is considered that the proposed development accords with both national and local planning policies and is hereby recommended for approval.

**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 12th May 2014 and listed as follows: 97_2013_01 Revision D (Dated 21.06.2013)

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

3. Within 1 month of this permission the proposed dormer window in the rear elevation facing north towards Milton Road shall be fixed and obscurely glazed up to a level of 1.7m above finished floor level with frosted glass and shall be retained as such thereafter.

Reason: In the interest of residential amenity having regards to Policy HS7

4. Within one month of the date of this approval, a Site Waste Management Plan, confirming how demolition and construction waste will be recovered and re-used on the site or at other sites, has been submitted to and approved in writing by the Local Planning Authority.

The approved Plan shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development would include the re-use of limited resources, and to ensure that the amount of waste for landfill is reduced to accord with policies WM8 and WM9 of the Waste Local Plan.

5. Prior to the first occupation of the dwellings arrangements for the storage and disposal of refuse, and vehicle access thereto, shall be made within the curtilage of the site, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

Last Comments By: 20/03/2014 11:43:27

Expiry Date: 15/04/2014