

**Planning Committee**

20 January 2015

**Reference:**  
**APP/14/01294**

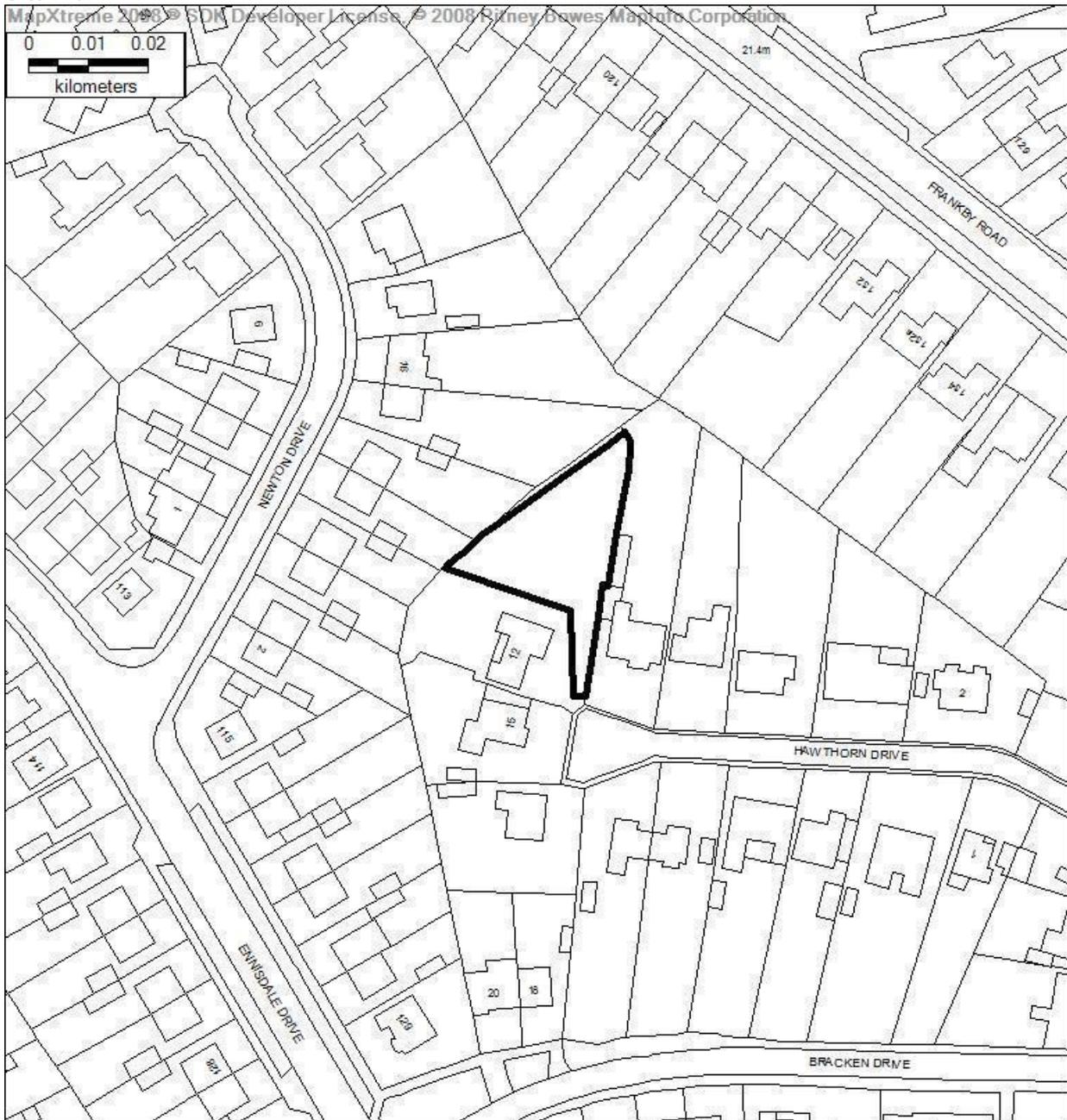
**Area Team:**  
**North Team**

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

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

**Location:** 12 HAWTHORNE DRIVE, NEWTON, CH48 9XJ  
**Proposal:** Proposed sub-division of ownership land into two plots creating an additional plot for construction of a new build 2xbedroom bungalow (amended description)  
**Applicant:** Mr Neil Jones  
**Agent :** Bryson McHugh Architects

**Site Plan:**



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: Newlyn, 12 HAWTHORNE DRIVE, NEWTON, CH48 9XJ  
Application Type: Full Planning Permission  
Proposal: Erection of a two storey rear extension to include a first floor roof terrace  
Application No: APP/14/00517  
Decision Date: 17/06/2014  
Decision Type: Approve

Location: Newlyn, 12, Hawthorne Drive, Newton. L48 9XJ  
Application Type: Full Planning Permission  
Proposal: Erection of single storey rear extension.  
Application No: APP/86/06147  
Decision Date: 09/09/1986  
Decision Type: Approve

Location: Garden to the north of (adjacent) 12, Hawthorne Drive, Newton. L48 9XJ  
Application Type: Outline Planning Permission  
Proposal: Erection of detached bungalow and garage, (outline).  
Application No: OUT/89/07022  
Decision Date: 12/10/1989  
Decision Type: Refuse

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

Having regard to the Council Guidance on Publicity for Applications, 6 letters of notification were sent to neighbouring properties. A Site Notice was displayed. Two letters of objection have been received from no.14 Newton Drive and no.10 Hawthorn Drive, citing the following concerns:

1. The proposal constitutes overdevelopment and changes the nature of the immediate environment;
2. The property has already been granted planning permission for an intrusive extension;
3. The proposal is contrary to policy HS4;
4. Loss of trees, shrubs and open space;
5. The potential for future dormer windows to be added;
6. Hawthorn Drive cannot support additional traffic as there is already congestion at times;
7. A similar application was refused in the 1980s, and there has been an increase in car ownership since then;
8. Existing parking problems;
9. Character of the road;
10. The boundary lines have not been drawn correctly and the bungalow is closer to no.10 than shown.

**CONSULTATIONS:**

**Head of Environment & Regulation (Highway Management Division):** No objection subject to an informative.

**Head of Environment & Regulation (Environmental Health Division):** No objection.

**United Utilities** commented on drainage but had no objections.

**Director's Comments:**

Consideration of this item was deferred from Planning Committee on 18 December 2014 to allow for a Members Site Visit.

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

Councillor Watt removed the application from delegation on the grounds the proposal constitutes overdevelopment and will cause a detrimental change in the character of the area and residential amenity, and satisfactory access cannot be achieved.

## **INTRODUCTION**

The application proposes the erection of a bungalow to the land adjacent to 12 Hawthorne Drive, Newton. Amended plans were received 03 December 2014 altering the internal layout to a 2-bedroom 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 HS10 'Backland Development'. The proposal is acceptable in principle.

## **SITE AND SURROUNDINGS**

The site comprises of a garden plot area surrounded by 2 metre high wooden fences to the side and rear boundaries and vegetation screening. This site is designated Primarily Residential Area, and Hawthorn Drive comprises of mixed design properties, including brick/render bungalows. No.12 is a detached two-storey rendered dwelling. The adjacent bungalow no.10 Hawthorn Drive, has its principle outlook to the front and rear elevations. The small side windows are considered secondary and look onto the 2 metre high wooden fences and car port. The dwellings to the rear on Newton Drive are two-storey semi-detached properties with 18m-33m long rear gardens.

## **POLICY CONTEXT**

The proposal is assessed primarily against the following policies:

### Wirral Unitary Development Plan

Policy HS4 - Criteria for new housing development . This 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.

Policy HS10 - Permits one to three new dwellings subject to the original dwelling retaining sufficient garden space, not harming the character of the area, providing adequate access and garden space.

Policy TR9 - Sets out the requirement for off street parking provision within new development and road safety and traffic management considerations.

Policy GR5 - This policy establishes the requirement for new developments to make a positive visual statement through new landscaping and the protection of existing landscape features.

SPG10 - Sets out the access proposed should be 3 metres wide with amenity strips and adequate passing places.

### The National Planning Policy Framework (NPPF)

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. Local Planning Authorities are expected to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Planning policies and decisions should optimise the potential of sites to accommodate development.

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 proposal is acceptable in scale and the design. Hawthorn Drive comprises of mixed design properties, including brick/render bungalow, and the proposal reflects the scale of surrounding properties. Good quality materials will ensure a high quality finish, and the contemporary design is considered to contribute to the mix of designs, and is set back within the plot so not to result in a prominent structure. The proposal is not considered harmful to the character of the area or the amenities of surrounding properties. It is not considered to result in undue noise and disturbance. The proposed dwelling is not considered to over dominate the neighbouring properties or result in a sense of enclosure, and there remains a reasonable spacing between the properties. The proposal is not considered to result in significant overshadowing. The original and proposed dwellings both have adequate private amenity space. There is reasonable outlook from the living area and the main bedrooms, following the submission of amended plans omitting bedroom 3. The windows to the east elevation facing no.10 Hawthorn Drive can be obscurely glazed to prevent overlooking. The proposal complies with policy HS4 and the NPPF.

In response to the objections received, the proposal for a single bungalow does not constitute overdevelopment and will not change the character of the area. No.12 has been granted planning permission for an extension which complied with the relevant planning policy, and this does not prevent further applications that comply with policy. The proposal complies with policy HS4 in that there is sufficient amenity space and separation distances achieved. No.14 Newton Drive remains 32 metres away from the proposed bungalow, and the proposal is not considered to form an overbearing structure. A 1.8m high fence could be erected under the Town and Country Planning (General Permitted Development) Order 1995 Part 2 Class A Minor Operations without the need for planning permission. There are several mature trees in the garden, but these trees are not protected and could be removed without consent prior to construction. However it is considered reasonable to retain the trees that will not be affected by the proposals foundations, and this can be done by condition. A landscaping scheme can also be conditioned to ensure the character of the area is not compromised. It is considered reasonable to remove permitted development for extensions and dormer windows to protect the appearance of the building and the amenities of neighbouring properties. The agent confirmed the boundaries have been drawn correctly.

There has been a previous refusal of planning permission dated October 1989 for a detached bungalow on this site (reference OUT/89/07022). The reason for refusal was an additional bungalow will increase domestic activity and movement about the site, diminishing the high level of residential amenity enjoyed by neighbouring residential properties. Whilst there do not appear to be any significant physical changes on site since 1989, planning policies have changed. The current proposal complies with the National Planning Policy Framework, which looks to support new housing development on sustainable sites within existing residential areas with access to existing transport links and community facilities. Local planning policies also weigh in favour of a residential development which complies with planning policy and do not harm residential amenity. It is considered the proposal for a single bungalow is of a scale and design which would not result in a detrimental change in the character of the residential area, and the proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. The proposal complies with Policy HS4, HS10, TR9 and GR5 of the adopted Wirral Unitary Development Plan, SPG10, and the National Planning Policy Framework.

### **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. No.10 Hawthorn Drive has no principle habitable windows to the side elevation and the proposed ground floor windows are not considered to result in overlooking or loss of privacy to the house or garden. A condition obscurely glazing the windows on the east elevation will reduce any perception of being overlooked. There is a 25m-32m separation distance to the property to the rear on Newton Drive, and the proposed ground floor windows are not considered to increase overlooking. The proposal with a condition is not considered to result in direct overlooking or loss of privacy to neighbouring properties.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

An objection was received concerning additional traffic and parking. The Head of Environment and Regulations (Highway Engineers) had no objection to the proposal. The proposal provides off-street parking for both the original and proposed dwelling. One additional dwelling is not considered to significantly increase the flow of traffic. The access is considered acceptable for a single dwelling on

this quiet cul-de-sac. The proposal is considered not result in highway safety implications and complies with policy HS10 and SPG10.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

A landscaping condition can be implemented to retain the green quality of the site. 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, HS10, TR9 and GR5 of the adopted Wirral Unitary Development Plan, SPG10, 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. The proposal complies with policies HS4, HS10, TR9 and GR5 of the adopted Wirral Unitary Development Plan, SPG10, 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 amended plans received by the local planning authority on 03 December 2014 and listed as follows: drawing numbers 85\_2014\_000\_01 revision 03 (dated 02/12/2014) and 85\_2014\_000\_02 revision 03 (dated 02/12/2014)

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

3. Before any construction commences, 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. Prior to the commencement of development, detailed landscaping plans shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plans shall

include:

- (i) details of boundary treatments and hard surfaces
- (ii) the location, size and species of all trees to be planted
- (iii) the location, size, species and density of all shrub and ground cover planting
- (iv) details of protection measure of the trees to be retained
- (v) a schedule of implementation

Development shall be carried out in accordance with the approved details. The scheme for planting should be implemented within the first planting season prior to the occupation of the dwellings. The boundary treatments shall be implemented prior to the occupation of the dwellings and retained thereafter.

**Reason:** In the interests of visual amenity and to ensure that the development complies with Policy HS4 and HS10 of the Wirral Unitary Development Plan.

5. All existing trees which are not directly affected by the buildings and works hereby approved shall be clearly located and described in the required landscaping scheme. Such trees shall be retained and shall not be lopped, topped, felled, pruned, have their roots severed or be uprooted without prior approval of the Local Planning Authority. Any such tree which subsequently dies, becomes seriously diseased or has to be removed as a result of carrying out this development shall be replaced with a tree of a species and size and in such position, as the Local Planning Authority may require, in conjunction with the general landscaping required therein. Prior to the commencement of demolition/construction the trees to be retained on and adjacent to the site shall be protected by chestnut paling fences 1.5 metres high erected to the full extent of their canopies or such lesser extent as may be approved by the Local Planning Authority, the fencing to be removed only when the development (including pipelines and other underground works) has been completed; the enclosed areas shall at all times be kept clear of excavated soil, materials, contractors' plant and machinery. The existing soil levels under tree canopies shall not be altered at any time.

**Reason:** To ensure that the trees on or adjacent to the application site are not damaged during the period of construction, as they represent an important amenity which the Local Planning Authority considers should be substantially maintained and kept in good condition.

6. Notwithstanding the provisions of Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or any Order revoking or re-enacting that Order) no external alterations or extensions shall be carried out to the buildings 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.

7. Notwithstanding the provisions of Class B of the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or any Order revoking or re-enacting that Order) the enlargement of the dwelling house consisting of an addition or alteration to its roof, including dormer windows, is not permitted.

**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.

8. The windows facing east (towards no.10 Hawthorn Drive) shall not be glazed otherwise than with obscured glass and top hung, opening outwards 1.7 metres above finished floor level, 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.

9. NO DEVELOPMENT SHALL TAKE PLACE until 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.

**Further Notes for Committee:**

**Last Comments By:** 03/12/2014 16:49:12

**Expiry Date:** 24/12/2014