

**Planning Committee**

19 March 2015

**Reference:**  
**APP/14/01412**

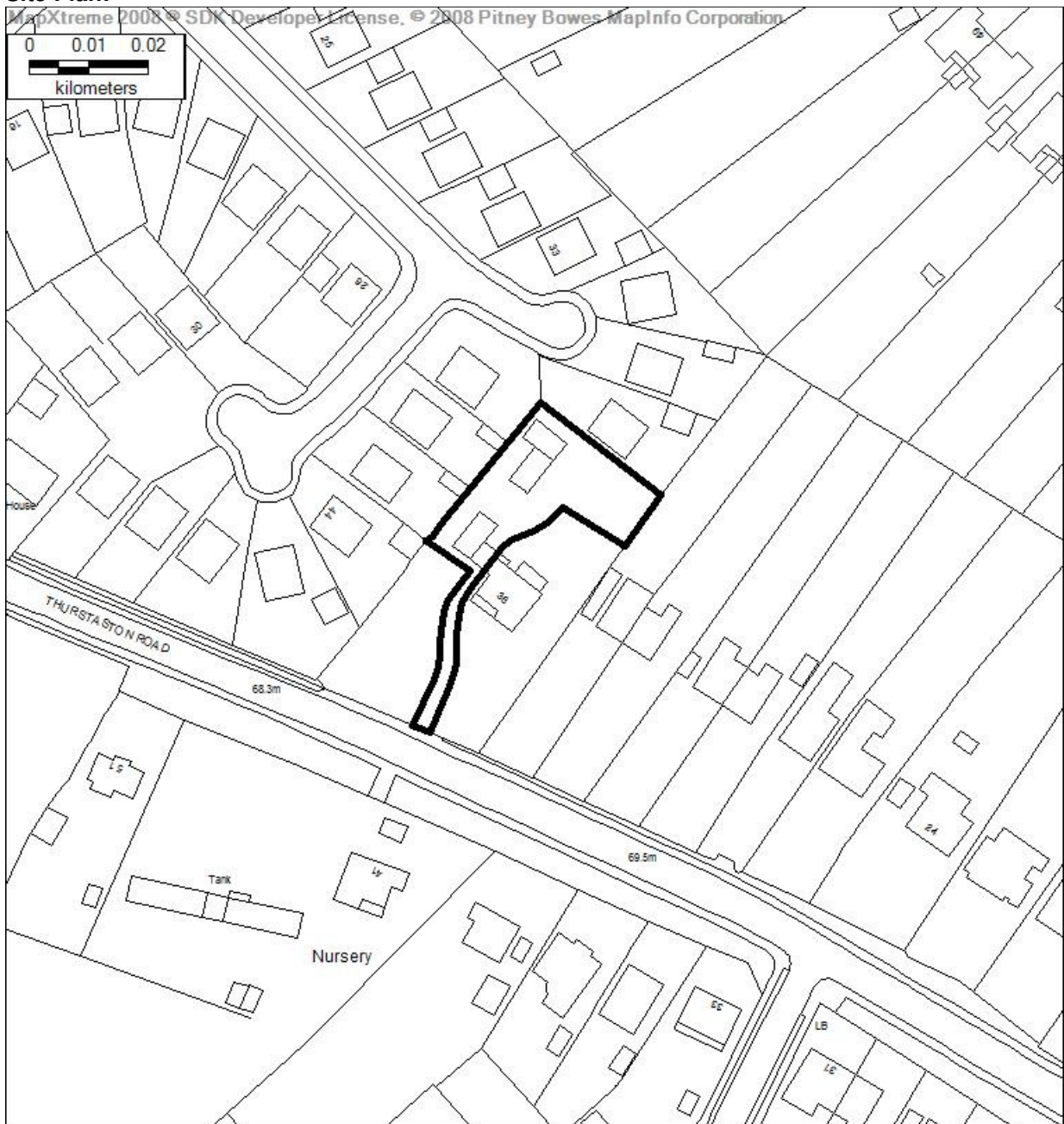
**Area Team:**  
**North Team**

**Case Officer:**  
**Mr N Williams**

**Ward:**  
**Greasby Frankby  
and Irby**

**Location:** 38 THURSTASTON ROAD, IRBY, CH61 0HF  
**Proposal:** Erection of house and garage  
**Applicant:** Mr David Hale  
**Agent :** C W Jones

**Site Plan:**



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: 38 THURSTASTON ROAD, IRBY, CH61 0HF  
Application Type: Outline Planning Permission  
Proposal: Outline planning application to create 2 No. new residential properties  
Application No: OUT/14/00094  
Decision Date: 17/04/2014  
Decision Type: Approved

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

Having regard to the Council's Guidance for Publicity on Planning Applications, 15 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been 6 objections received from the occupiers of 39, 42, 46, 48 and 50 Martin Close, and 36 Thurstaston Road. The objections are on the grounds of:

1. Proposed dwelling will form overbearing, oppressive and dominant feature;
2. Overlooking;
3. Proposed dwelling is much bulkier than outline permission and out of place to rear of original dwelling;
4. Proposed dwelling is out of scale with surrounding properties and disproportionate for the plot;
5. Increased traffic problems;
6. Loss of light;
7. Proposed garage is too large

Councillor Wendy Clements requested that the application be taken out of delegation due to neighbours believing that the proposal will be detrimental to their amenity.

CONSULTATIONS

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

**Head of Environment & Regulation (Traffic and Transportation Division)** - No objection

**Director's Comments:**

The application was deferred from Planning Committee on 19th February 2015 to allow for a formal Members Site Visit.

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

Councillor Wendy Clements has removed the application from delegation as a result of concerns raised by neighbours. As such, the application is required to be considered and determined by the Planning Committee.

**INTRODUCTION**

The application is for the erection of a two-storey dwelling to the rear of 38 Thurstaston Road, together with a detached garage. The dwelling will be accessed from the existing Thurstaston Road driveway.

Outline planning permission was recently granted for two additional dwellings on the plot of 38 Thurstaston Road - one in the front garden and one to the rear. This application was at outline level only, with specific details relating to the scale and design of the proposed dwellings reserved for further approval. In any case, this current application is a stand-alone full application, although the outline approval has established the principle of a new dwelling to the rear of 38 Thurstaston Road.

Amendments have been received which have resulted in the proposed dwelling being reduced in height

together with the first-floor (facing 36 Thurstaston Road) being set back a further 0.75 metres from the boundary with 36 Thurstaston Road. The roof of the proposed garage has also been altered to give a true pitched roof.

### **PRINCIPLE OF DEVELOPMENT**

The principle of additional dwellings on a site within a Primarily Residential Area is acceptable, subject to relevant policy and guidelines.

### **SITE AND SURROUNDINGS**

The application site contains an existing two-storey dwelling on large plot. There are other two-storey dwellings surrounding the site, with properties on Martin Close to the north and west of the site, and 36 Thurstaston Road to the east.

### **POLICY CONTEXT**

The application is subject to Wirral's Unitary Development Plan Policy HS4: Criteria for New Housing Development. This policy states that new housing development in Primarily Residential Areas will be permitted provided they are of a scale which relates well to the surrounding area and would not harm the character of the area.

### **APPEARANCE AND AMENITY ISSUES**

The proposed dwelling has been amended from the plan originally submitted. The height of the roof has been reduced, from 7.5 metres to 6.7 metres, with the windows on the south east elevation (facing 36 Thurstaston Road) now being partly incorporated into the roof space. The first-floor has also been reduced, with it being set back a further 0.75 metre from the south east boundary. It is considered that this reduction in scale, whilst fairly minor, ensures that the proposed dwelling will not have an unacceptable adverse impact on the amenities of 36 Thurstaston Road. The first-floor windows will be a distance of almost 11 metres, which is sufficient to prevent any unacceptable overlooking. The first-floor of the proposed dwelling will now be practically in line with the rear elevation of 39 Martin Close, and this is considered acceptable to reduce any overbearing impact a new dwelling would have on the neighbouring property at 36 Thurstaston Road.

The design of the proposed dwelling is fairly simple, although the unusual shape will give it some interest. Given the location of the site, it will not be particularly visible on any street scene. It will be located to the rear of the existing dwelling of 38 Thurstaston Road, and will therefore be barely visible from Thurstaston Road. The dwelling will be partly visible on Martin Close - however, this will be at the very head of the cul-de-sac, and mostly screened from wider view. As such, it will be in no way prominent on the street scene of Martin Close and will therefore not harm the character of the area.

The original proposal for the detached garage included a large mansard roof. It was considered that the side elevation of this, being 3.7 metres high, would have an unacceptable adverse impact on the occupiers of 46 Martin Close due to it being directly adjacent to the rear boundary of this property. To overcome this, the design of the garage has been altered to a more traditional pitched roof. This results in the side elevation only being 2.2 metres in height, which is standard for a single-storey building and will largely be screened by existing boundary treatment, with the pitched roof above now sloping away from the neighbouring property. Whilst the footprint of the proposed garage remains fairly large, it is considered that this amendment to the roof will ensure that it does not have an unacceptable adverse impact on the amenities of neighbouring properties.

### **SEPARATION DISTANCES**

The proposed dwelling has no first-floor windows on the elevation closest to the boundary with 46 - 50 Martin Close. This elevation is approximately 17 metres from these neighbouring properties, which complies with the required distance of 14 metres. There is a habitable window on the other north-west elevation of the proposed dwelling, as well as a landing window, but these are both over 21 metres from windows on the rear elevations of the Martin Close properties.

There will be a distance of approximately 2 metres between the proposed dwelling to the rear and 39 Martin Close. The side elevation of 39 Martin Close contains windows for a stairs/landing, a bathroom and a toilet - as none of these are habitable windows, the close proximity of the proposed dwelling is considered acceptable. Whilst the proposed dwellings projects further to the front of 39 Martin Close, it is not considered that this in itself will result in an unacceptable loss of light. It will project 3 metres

further past the front elevation, but there will be a distance of at least 2 metres between the two properties which will limit the impact. The neighbouring property claims that this proposal will result in a loss of light due to it failing to comply with the '45 degree rule'. However, neither Wirral UDP Policy HS4 nor the NPPF state that a development must comply with this rule, and in any case, the development appears to comply with this rule when measured from the middle of the ground-floor window on the front elevation of 39 Martin Close. To the rear, the amendment results in the first-floor of the proposed dwelling being practically in line with the rear elevation of 39 Martin Close. It is not considered that there will be any unacceptable direct overlooking of this property from the proposed dwelling.

There are no habitable first-floor windows on the south-west elevation of the proposed dwelling, facing the existing dwelling at 38 Thurstaston Road. The elevation of the proposed dwelling is approximately 15 metres from the rear windows of 38 Thurstaston Road, which complies with the required distance of 14 metres.

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

The principle of a new dwelling on this site has already been established. It is therefore not considered that this current proposal would result in a highway safety issue.

#### **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**

Overall, it is considered that the proposal will not have an unacceptable adverse impact on the amenities of neighbouring properties, nor will it harm the character of the area and the proposal is therefore considered to comply with Wirral Unitary Development Plan Policy HS4 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:-

It is considered that the proposal will not have an unacceptable adverse impact on the amenities of neighbouring properties, nor will it harm the character of the area and the proposal is therefore considered to comply with Wirral Unitary Development Plan Policy HS4 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. NO DEVELOPMENT SHALL TAKE PLACE UNTIL samples of the 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.

3. 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 policy EM8 of the Waste Local Plan.

4. PRIOR TO FIRST OCCUPATION OR USE OF THE DEVELOPMENT, 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 previous submitted to and agreed in writing by the Local Planning Authority, prior to the first occupation of the building.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to Waste Local Plan Policy EM9.

5. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 28th January 2015 and listed as follows: 2793/1 Revision B; and 2793/2 Revision A

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

6. All first-floor windows on the north-east elevation and the first-floor en-suite window on the south-west elevation of the dwelling hereby permitted shall be obscurely glazed and non-opening up to a height of 1.7m above finished floor level, and retained as such thereafter

**Reason:** To preserve the amenities of neighbouring properties

7. 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.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

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

**Further Notes for Committee:**

**Last Comments By:** 18/12/2014 16:24:08

**Expiry Date:** 30/12/2014