

## Planning Committee

26 November 2015

**Reference:**  
**APP/15/00983**

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

**Case Officer:**  
**Mr K Spilsbury**

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

**Location:**  
**Proposal:**

Chestnut House, KINGS DRIVE, CALDY, CH48 2JF

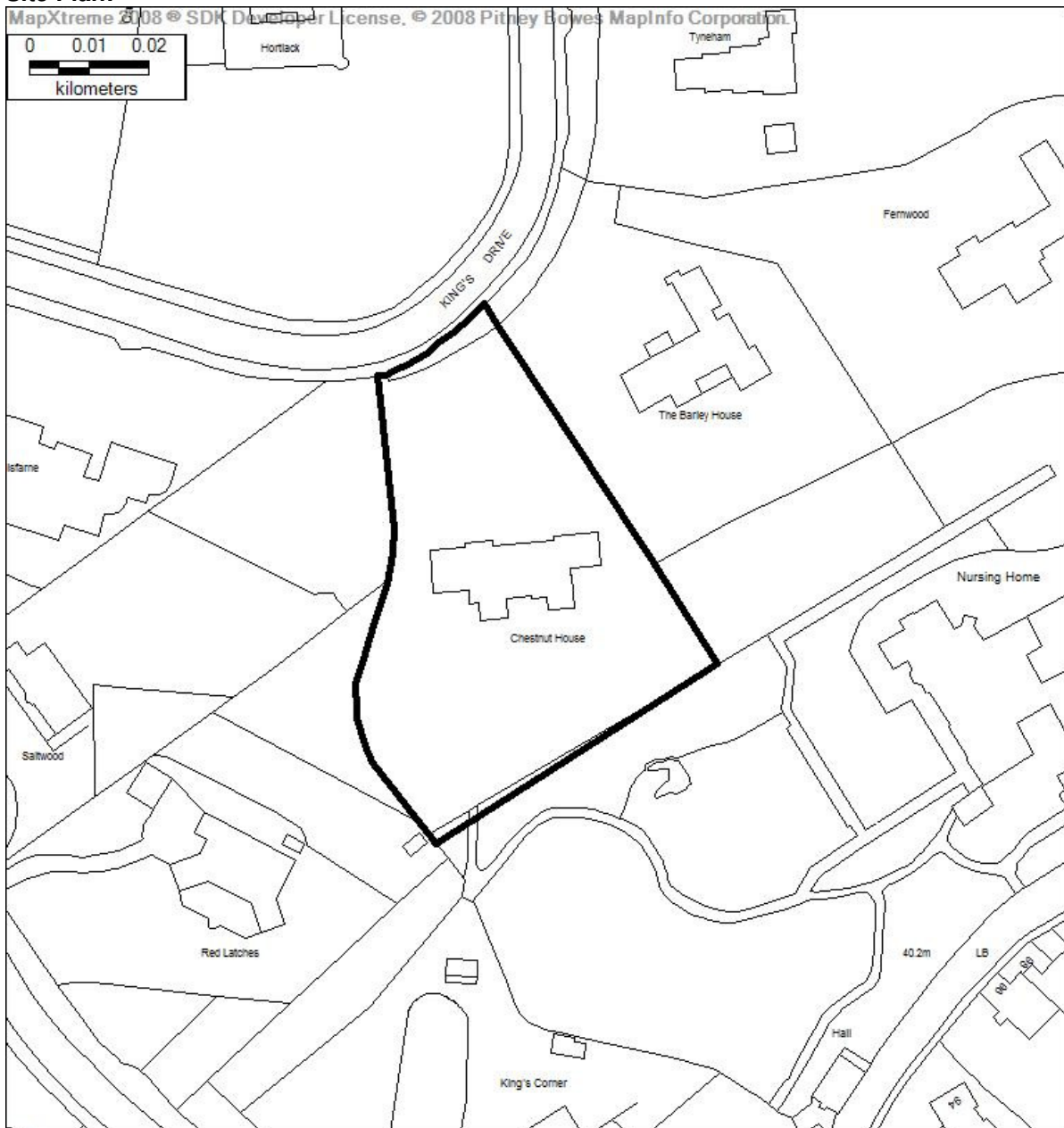
Re-design of existing dwelling with proposed extensions to include a new swimming pool, gymnasium, habitable spaces. Proposed External works and re-model of the elevations and new external detached double garage and landscaping works.

**Applicant:**  
**Agent :**

Mr A Chadwick

Condy & Lofthouse Architects Ltd

### Site Plan:



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**Development Plan allocation and policies:**

Primarily Residential Area  
Density and Design Guidelines Area  
Site of Biological Importance  
Conservation Area (for illustrative purposes)

**Planning History:**

Location: Land adjacent to Barley House, Kings Drive, Caldy, Wirral, CH48 2JF  
Application Type: Full Planning Permission  
Proposal: Alterations to previously approved application 2003/6670 - for the erection of a new dwelling.  
Application No: APP/06/06429  
Decision Date: 12/10/2006  
Decision Type: Approve

Location: Land adjacent to Barley House, Kings Drive, Caldy, Wirral, CH48 2JF  
Application Type: Full Planning Permission  
Proposal: Erection of new dwelling.  
Application No: APP/03/06670  
Decision Date: 19/11/2003  
Decision Type: Approve

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

Having regard to the Council Guidance on Publicity for Applications, 15 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 3 letters of objection have been received from the occupiers of Fernwood, The Barley House and Saltwood all of Kings Drive. The objections are summarised as follows:

1. this is an overdevelopment of the site,
2. too close to The Barley House,
3. the pool will impinge upon privacy,
4. too many trees being removed, it will come within 10m of the root structure of protected trees,
5. the pool will present a long unbroken section of wall that resembles an industrial or commercial building,
6. the large window in the north east elevation of the pool and dormer windows will overlook The Barley House,
7. the development is excessive and out of character that disregards its natural surroundings and the impact of the banking up of land to create a subterranean garage on the boundary wall between Chestnut house and Saltwood and by raising the level of the land would allow overlooking into the neighbouring Saltwood as a result of people being able to stand on it and
8. the impact of the two windows in the western elevation at first floor and the potential for overlooking.

**Wirral Badger Group** have asked for conditions to protect badgers.

**Councillor Geoffrey Watt** has asked for the application to be taken out of delegated on the grounds that nearby residents are concerned that the proposed development, by reason of its size and scale, represents overdevelopment of the site and is likely to affect the privacy of neighbours, contrary to policies HS11, CH2 and CH11 of the Wirral Unitary Development Plan; the Caldy Conservation Area Appraisal & Management Plan and the National Planning Policy Framework.

**CONSULTATIONS:**

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

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

**Wirral Wildlife** - no objection subject to conditions

## **Director's Comments:**

### **REASON FOR REFERRAL**

Councillor Geoffrey Watt has asked for the application to be taken out of delegated and heard at planning committee on the grounds that nearby residents are concerned that the proposed development, by reason of its size and scale, represents overdevelopment of the site and is likely to affect the privacy of neighbours, contrary to policies HS11, CH2 and CH11 of the Wirral Unitary Development Plan; the Caldys Conservation Area Appraisal & Management Plan and the National Planning Policy Framework.

### **INTRODUCTION**

The proposed development is for a re-design of the existing dwelling with proposed extensions to include a new swimming pool, gymnasium and habitable spaces. The proposal involves external works and re-modelling of the elevations as well as a new external detached double garage and landscaping works.

### **PRINCIPLE OF DEVELOPMENT**

The proposal is for extensions and alterations to an existing property within the Caldys Conservation area and as such the principle of the development is acceptable subject to the policies outlined below.

### **SITE AND SURROUNDINGS**

The property is an large, detached dwelling located within the Caldys Conservation Area. The site lies adjacent to the listed Caldys Manor (to the south). Large detached dwellings dominate the surrounding area with Barley House to the east, Saltwood and Red Latches to the West and Hortiack and Lindisfarne to the north. There are a number of mature trees on the site and as such the dwelling is centrally located within the plot.

In accordance with the Donall Insall appraisal; Caldys village lies in the north-western part of the Wirral Unitary Authority area. It adjoins West Kirby, the principal settlement on the western shore facing the Dee estuary. The village is largely south and west facing but is separated from the shore by the Wirral Way, a former railway line.

The village has developed on the southern slopes of a small rocky eminence which rises to a maximum height of about 77m above sea level. Parts of the village are on the top of Caldys Hill, some houses are located on the steeper slopes, but most are located on the more gentle lower slopes which merge with the coastal verge which generally lies at about 25m above sea level. The geology of the area is Bunter sandstone overlain in the southern part by Boulder Clay.

The village has a narrow range of building uses. Private dwellings predominate to a considerable degree. The only properties falling outside this category are the church and village institute and the residential home at Caldys Manor. There are no commercial premises

### **POLICY CONTEXT**

As stated above the site is located within the Caldys Conservation Area. The Donall Insall Associated Caldys Conservation Area Appraisal (appendix A) classifies the property as a Category C Property - Neutral, either modern buildings of little interest or buildings where character has been lost. The document also states that policies should be put in place to encourage the enhancement of, in particular Category Band C buildings.

Unitary Development Plan Policy CH11 - Caldys Conservation Area states; the principal planning objectives for the area will be to: retain the character of a low density, maturely landscaped suburb with substantial houses in large grounds; retain the unifying features of design, layout and building materials within the old village core; preserve the unity of strongly enclosed boundary treatment incorporating high walls, dense landscaping or dark-stained, close-boarded, timber fences in the area outside the old village core; and preserve, wherever practicable, views of the Dee Estuary and of the North Wales coast beyond. Only primarily residential uses will be permitted within this Area.

The site is also located within a site of Biological Importance as such policy NC6 and NC7 - Species

Protection are relevant. Policy NC7 states; development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/ or planning obligations.

Policy HS11 - House Extensions states proposals for house extensions will be permitted subject to all the following criteria being complied with: the scale of the extension being appropriate to the size of the plot, not dominating the existing building and not so extensive as to be unneighbourly, particular regard being had to the effect on light to and the outlook from neighbours' habitable rooms and not so arranged as to result in significant overlooking of neighbouring residential property, the materials matching or complementing those of the existing building; design features such as lintels, sills, eaves and roof form and line matching or complementing those of the existing building; where the rear extension is single storey on the party boundary and the existing dwelling semi-detached.

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.

The National Planning Framework (NPPF) is also directly relevant. The National Planning Policy Framework advocates a presumption in favour of sustainable development as well as delivering a wide choice of high quality homes. It goes on to say; In determining planning applications, local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.

#### **APPEARANCE AND AMENITY ISSUES**

Planning consent was granted for the dwelling in 2003 (APP/06/06670) and then in 2006 alterations were approved under planning consent APP/06/06429. The proposal remodels and extends the existing house, introducing a new swimming pool, a repositioning of the garage further up the hill within the site, remodelling of the inside spaces to create open plan areas and larger bedrooms, a master bedroom suite to the south west corner of the property, a new garden room and associated remodelling of the external appearance of the building by introducing more glazing to the south facing elevations.

At the time of writing this report 3 letters of objection have been received from the occupiers of Fernwood, The Barley House and Saltwood all of Kings Drive. The objections are summarised as follows: this is an overdevelopment of the site, too close to The Barley House, the pool will impinge upon privacy, too many trees being removed, it will come within 10m of the root structure of protected trees, the pool will present a long unbroken section of wall that resembles an industrial or commercial building, the large window in the north east elevation of the pool and dormer windows will overlook The Barley House, the development is excessive and out of character that disregards its natural surroundings and the impact of the banking up of land to create a subterranean garage on the boundary wall between Chestnut house and Saltwood and by raising the level of the land would allow overlooking into the neighbouring Saltwood as a result of people being able to stand on it and the impact of the two windows in the western elevation at first floor and the potential for overlooking.

It is considered that the proposed alterations will enhance the existing property thus improving upon a neutral category C property. The dwelling is set well back from the road and whilst the new pool will create an enlarged eastern elevation it is set a sufficient distance away from the boundary of the adjacent property; the Barley House to ensure there is no adverse impact. The large front window is located at ground floor and faces north to the side of the adjacent Barley House. The existing boundary treatment running along the side boundary will be retained and should members be minded to approve the scheme a condition will be imposed to secure appropriate landscaping and boundary treatment to ensure the privacy of neighbouring dwellings is preserved. The amendments also include a landscaping plan that will enhance the land around the dwelling thus framing the building and creating an attractive frontage and rear garden. The design of the proposal is bold and modern. A condition for materials will be attached to an approval to ensure the finish of the building is in keeping with the character of the area.

The introduction of an detached garage to the north west of the plot is not deemed to result in any adverse impact upon the occupiers of the adjacent dwelling Saltwood or the boundary wall. The land falls from south to east and by incorporating the garage into the landscape softens the effect of the development upon the character of the building and the surrounding conservation area. The garage will act as a retaining wall and the land between the boundary wall and the west facing garage wall will remain the same. The raising of the land levels will potentially allow someone to stand on top of the re-graded land above the garage and potentially see over into the neighbouring plot, however the neighbouring property is heavily wooded and as such views into the private area of the garden will be limited. In addition it is unlikely that this area of the garden will be used for sitting out as it is located at the front of the site adjacent to the driveway and the rear garden is south facing making it the more attractive option for external use.

In terms of the Unitary Development Plan Policy CH11 - Caldby Conservation Area the development is deemed to retain the low density, maturely landscaped character of the area. The house is existing and the large grounds will be retained. All existing boundary treatment is to be retained and the views of the Dee Estuary and of the North Wales coast beyond will not be affected.

With regards to nature conservation, the site is within an area of local biological importance. Natural England advises the council that the proposal is unlikely to affect any statutorily protected sites or landscapes. Wirral and Cheshire Badger Group have raised concern over the development as there is a badger sett close to the site and they claim there are shortcomings in the ecological assessment. They state there is potential risk of harm to badgers during construction activities and as such conditions for their protection is required. In addition Wirral Wildlife have also requested badger protection conditions and a condition to protect birds during the felling of trees. Should members be minded to approve the application appropriate conditions will be attached.

The arboricultural officer has assessed the impact of the development upon the protected trees and has raised no objection. A refusal on these grounds could therefore not be sustained.

It is considered that the proposed development is acceptable in terms of the criteria set out in Wirral's unitary development plan and the National Planning Policy Framework and as such is recommended for approval.

### **SEPARATION DISTANCES**

Planning guidance suggests 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.

Separation distances are easily met, the closest residential property; The Barley House is approximately 24m from the site. No residential properties will be adversely affected by the proposed development.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal. The Head of Environment & Regulation (Pollution Control Division) has raised no objections to the scheme.

### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals. Should members be minded to approve the application conditions will be attached to ensure all appropriate habitat is preserved and protected species safe guarded. .

### **HEALTH ISSUES**

There are no health implications relating to this application.

### **CONCLUSION**

It is considered that the proposed development is acceptable in terms of the criteria set out in Wirral's unitary development plan and the National Planning Policy Framework and as such is 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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

It is considered that the proposed development is acceptable in terms of the criteria set out in Wirral's unitary development plan and the National Planning Policy Framework and as such is recommended for approval.

**Recommended Decision: Approve**

**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 31st July 2015 and listed as follows:  
13-125-134 A (Dated 10.15), 13-125-131 E (Dated 06.15), 13-125-132 E (Dated 06.15),  
13-125-133 D (Dated 06.15), 13-125-160 F (Dated 06.15), 13-125-161 E (Dated 06.15),  
13-125-110 B (Dated 06.15),

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

3. In order to protect habitats of special local importance for nature conservation:
  - i. Construction work shall only take place between 8am and 6pm.
  - ii. Any holes or trenches left open overnight must have a means of escape provided.
  - iii. All construction materials, especially those containing lime, must be stored so that badgers cannot access them, and to the front of the house, not the rear.
  - iv. When fencing to the garden is installed, access shall be left for the badgers to move around between gardens.
  - v. No fires to be lit in the vicinity of the sett
  - vi. No heavy plat machinery to be driven or used in the vicinity of the sett
  - vii. Any obvious badger paths to be left clear of obstruction
  - viii. The boundary fences allow for the free movement of badgers

**Reason:** To protect the presence of Badgers on the site having regards to policy NC5 of Wirral's UDP

4. No tree, shrub or hedgerow felling, or any vegetation management and/or cutting operations should take place during the period 1st March to 31st August inclusive unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect birds during their breeding season and to comply with Policy NC7 in the Wirral Unitary Development Plan.

5. No works or development shall take place until a scheme for the protection of the retained trees- The Tree protection plan (section 5.5, BS 5837:2012, Trees in relation to design, demolition and construction - Recommendations) has been agreed in writing with the LPA. This scheme shall include:

- A. the details of each retained tree as required at section. 4.4 of BS5837 in a separate schedule.
- B. a plan or relevant drawings, including proposed site layout plans, to a scale and level of accuracy appropriate to the proposal that shows constraints posed by existing trees (section 5.2 BS 5837), the position, crown spread and Root Protection Area (section 4.6 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
- C. a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 2010, Tree work-Recommendations.

An arboricultural method statement (section 6 BS 5837) containing;

- D. the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 6.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.
- E. the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (para 6.2.3 of BS5837).
- F. the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 6 of BS5837).
- G. the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (para 5.5.6 of BS5837).
- H. the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.5.6 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- I. the details of any special engineering required to accommodate the protection of retained trees (section 7 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- J. the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the RPAs of retained trees (section 7 BS 5837).
- K. the details of the working methods to be employed for the installation of drives and paths within the RPAs of retained trees in accordance with the principles of "No-Dig" construction (section 7.4 BS 5837)
- L. the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.
- M. the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.
- N. the details of the method to be employed for the stationing, use and removal of site cabins within any RPA (para. 6.2.2.3 of BS5837).
- O. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).
- P. the timing of the various phases of the works or development in the context of the tree protection measures.

**Reason:** To protect trees which are of significant amenity value having regards to Policy GR7 of Wirral's UDP

- 6. The following activities must not be carried out under any circumstances:
  - A. No fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree.

- B. No works shall proceed until the appropriate Tree Protection Barriers are in place, with the exception of initial tree works.
- C. No equipment, signage, fencing, tree protection barriers, materials, components, vehicles or structures shall be attached to or supported by a retained tree.
- D. No mixing of cement or use of other materials or substances shall take place within a RPA, or close enough to a RPA that seepage or displacement of those materials or substances could cause them to enter a RPA
- E. No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the LPA.

**Reason:** To protect trees which are of significant amenity value having regards to policy GR7 of Wirral's UDP

7. No works or development shall take place until a specification of all proposed tree planting has been approved in writing by the LPA. This specification will include details of the quantity, size, species, position and the proposed time of planting of all trees to be planted, together with an indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance. In addition all shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape should be similarly specified. All tree, shrub and hedge planting included within that specification shall be carried out in accordance with that specification and in accordance with BS 3936 (parts 1, 1992, Nursery Stock, Specification for trees and shrubs, and 4, 1984, Specification for forest trees); BS4043, 1989, Transplanting root-balled trees; and BS4428, 1989, Code of practice for general landscape operations (excluding hard surfaces).

**Reason:** To protect trees which are of significant amenity value having regards to policy GR7 of Wirral's UDP

8. Before any construction commences, samples of the facing/roofing/window 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 HS11 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 Joint Waste Local Plan.

10. 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 Joint Waste Local Plan

11. The area(s) so designated within the site shall be suitably landscaped in accordance with a scheme to be submitted to and approved by the Local Planning Authority before any works commence on site, the landscape work to be completed during the first available planting season following completion of the development hereby approved and shall be maintained thereafter to the satisfaction of the Local Planning Authority.



The detailed 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) a schedule of implementation

**Reason:** In the interests of visual amenity and to ensure that the development complies with Policy HS11 of the Wirral Unitary Development Plan.

**Last Comments By:** 16/09/2015 13:54:23  
**Expiry Date:** 25/09/2015