

Planning Committee

26 November 2015

Reference:
APP/15/01235

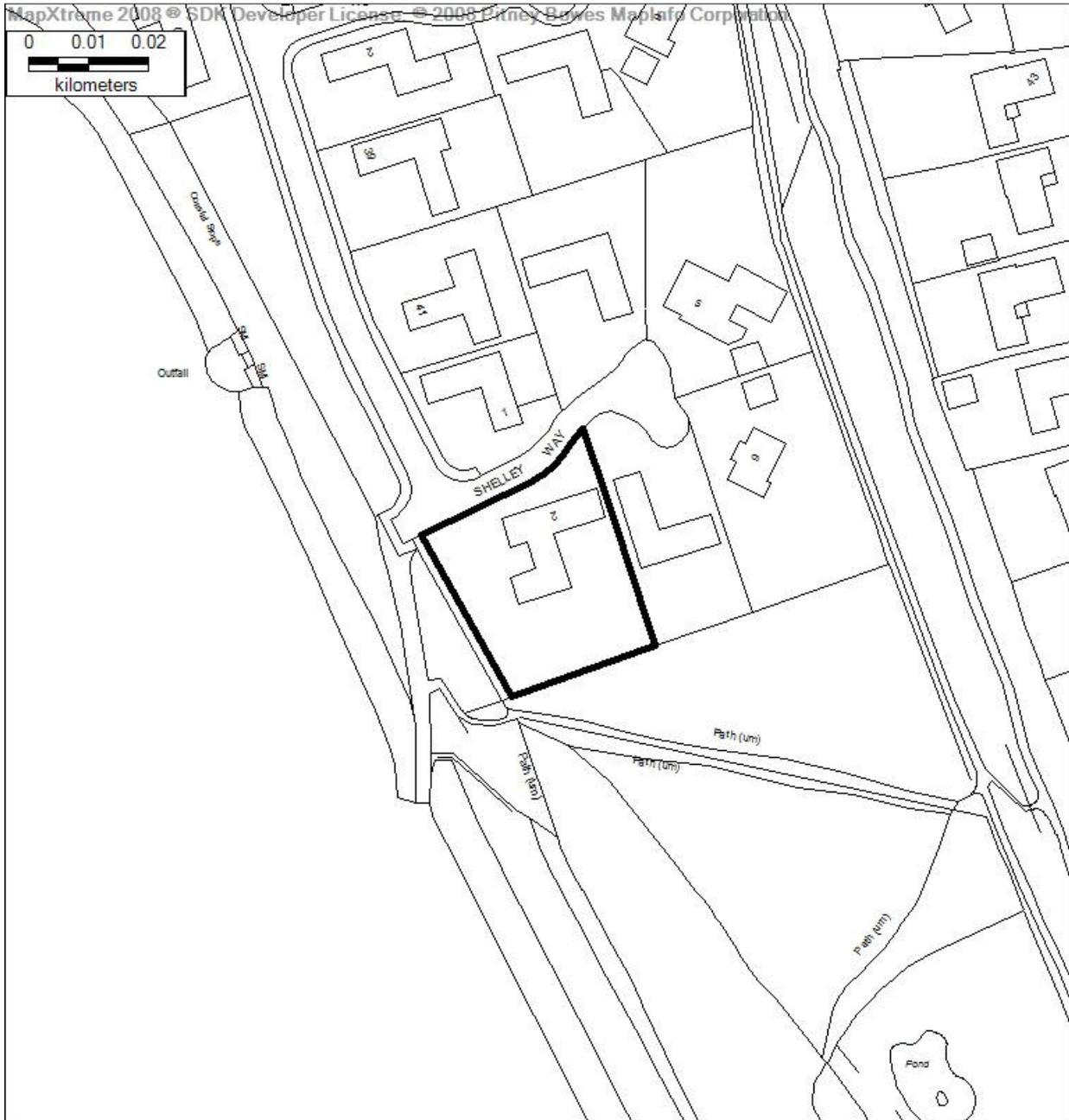
Area Team:
North Team

Case Officer:
Mrs MA Jackson

Ward:
**West Kirby and
Thurstaston**

Location: 2 SHELLEY WAY, WEST KIRBY, CH48 3LQ
Proposal: Retention of garden pavilion/summer house (resubmission of APP/14/01323)
Applicant: Mrs Pamela David
Agent : N/A

Site Plan:



© Crown copyright and database rights 2015 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Development Plan allocation and policies:

Primarily Residential Area

Planning History:

- Location: 2, Shelley Way, West Kirby. L48 3LQ
Application Type: Full Planning Permission
Proposal: Retention of a conservatory at rear.
Application No: APP/93/05989
Decision Date: 19/07/1993
Decision Type: Approve
- Location: 2 Shelley Way, West Kirby, Wirral, CH48 3LQ
Application Type: Full Planning Permission
Proposal: Retention of 0.84 metre high fencing around front/side garden.
Application No: APP/00/06172
Decision Date: 03/08/2000
Decision Type: Approve
- Location: 2 Shelley Way, West Kirby, Wirral, CH48 3LQ
Application Type: Full Planning Permission
Proposal: Erection of single-storey rear extension
Application No: APP/03/06168
Decision Date: 22/09/2003
Decision Type: Approve
- Location: 2 Shelley Way, West Kirby, Wirral, CH48 3LQ
Application Type: Full Planning Permission
Proposal: Erection of single storey rear extension.
Application No: APP/05/06222
Decision Date: 22/07/2005
Decision Type: Approve
- Location: 2 Shelley Way, West Kirby, Wirral, CH48 3LQ
Application Type: Full Planning Permission
Proposal: Erection of an extension.
Application No: APP/08/06020
Decision Date: 06/08/2008
Decision Type: Approve
- Location: 2 SHELLEY WAY, WEST KIRBY, CH48 3LQ
Application Type: Full Planning Permission
Proposal: Erection of garden pavilion
Application No: APP/14/01323
Decision Date: 20/03/2015
Decision Type: Refuse

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications 3 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report one objection have been received and a letter of support. The objection stated the following:-

1. The nearest part of the pavilion is only 1.4 metres from the fence
2. The overall height of the pavilion is in excess of 3 metres.
3. Visual impact
4. Effect on the character of the neighbourhood
5. Bulk and massing
6. Out of scale and character in terms of its appearance

7. Loss of views.

CONSULTATIONS:

None required for this householder application

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

The application was withdrawn for delegation by Councillor Watt due to the fact that the pavilion already constructed and sited close to the common boundary (and for which permission has already been refused) is of such a scale and height as to be overbearing and is an intrusive and unneighbourly form of development unacceptably impacting on their residential amenity, all contrary to Policy HS11 of Wirral's adopted Unitary Development Plan.

INTRODUCTION

The proposal is a resubmission for the retention of a garden pavilion.

PRINCIPLE OF DEVELOPMENT

The principle of the development is acceptable subject to Policy HS11 and GB5 of Wirral's Unitary Development Plan, SPG11 and the provisions of the National Planning Policy Framework.

SITE AND SURROUNDINGS

The site comprises a detached single storey brick property in an area of similar design. The plot includes a large generous garden. A public footpath runs along the side of the property. The dwelling is situated within a primarily residential area and adjacent to green belt area.

POLICY CONTEXT

The application property is located within a Primarily Residential Area. The proposal is assessed against the National Planning Policy Framework, which states that proposals should reflect good design as this is important in achieving sustainable development and should contribute positively to making places better for people.

The proposal relates to the erection of a garden pavilion. Whilst not in the Green Belt, it is adjacent to the Green Belt boundary therefore Policy LA7 is relevant. It is noted that Policy LA7 Criteria for Development at the Urban Fringe states "When considering new development at the edge of the urban area or in other locations which would be clearly visible from the open countryside, the Local Planning Authority will pay special regard to the visual impact of the proposals".

Wirral Unitary Development Plan Policy HS11 relates to house extensions and states that proposals should be designed in such a way as to have no significant adverse effect on the appearance of the original property the character of the area in general or impact on the amenities of the occupiers of neighbouring properties in particular through overlooking, or an adverse effect on the area in general.

APPEARANCE AND AMENITY ISSUES

The submitted plans indicate a height of just less than 3 metres however when measured on site, the proposal exceeds 3 metres and as such planning permission is required. Since the last application was refused a fence has been added along the boundary. Additional wood panelling has also been added to the pavillion. The proposal when measured by the Wirral Council Officer measured 2.54 wide with steps measuring 0.8m. The pavilion in to the highest point measures 3.07m in height.

A representation was received from the neighbouring property Mr and Mrs Thomson at No 4 Shelley Way, the main concerns noted are regarding overpowering blot on the landscape, prevents enjoying the amenity of their garden, overwhelming loss and blotting out the openness of the sky. Also the fence exacerbates the negative impact of the pavilion. The pavilion is visually intrusive from the principal rooms of their house. The structure has been sited too far away from the applicant's property and out of any principal sight line from their house windows. Further points include:

- The nearest part of the pavilion is only 1.4 metres from the fence

- The overall height of the pavilion is in excess of 3 metres.
- Visual impact
- Effect on the character of the neighbourhood
- Bulk and massing
- Out of scale and character in terms of its appearance
- Loss of views.

The structure is located to the rear of the property, whilst the top of the structure is visible from the adjacent garden, the height of the pavilion is 0.7 metres over permitted development. The effect of the character of the neighbourhood and the amenity of the adjacent property would not be considered affected by a wooden design structure. Regarding loss of views it is considered that the structure has no significant impact than the mature screening and wooden fence already in situ but in any case, the loss of view is not a material planning consideration and is therefore not something that the Council can have regard to.

A letter received from another neighbour at No.6 was in support of the structure. Also a neighbour at No1 Shelley Way has no objection and states that it enhances the garden being of outstanding architectural design. The pavilion is now considered acceptable due to the less significant impact of the structure regarding the fence and the wooden screening. The general principles of Policy HS11 and SPG11 are that extensions should not over dominate the existing property and not be so extensive as to be unneighbourly. The structure is in the rear of the property. The proposal is deemed to be comfortably accommodated well within the plot without detracting from the character of the area. The proposal is not considered to have an adverse impact on the amenities which the occupiers of neighbouring properties can reasonably expect to enjoy. The proposal complies with policies outlined above and is recommended for approval.

SEPARATION DISTANCES

There are no separation distances relating to this proposal.

HIGHWAY/TRAFFIC IMPLICATIONS

There are no Highway Implications relating to this proposal.

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 not considered to have an adverse impact on the amenities which the occupiers of the neighbouring properties can reasonably expect to enjoy in terms of loss of privacy or outlook. The proposed extension is not considered detrimental to the character of the area or the character of the host dwelling. The proposal is acceptable in terms of scale and design, complies with the provisions of Policy HS11 of the adopted Wirral Unitary Development Plan, SPG11 and the provisions of 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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposal is not considered to have a harmful visual impact on the street scene, the character of the building of the open appearance of the green belt. The proposal is not considered to have an adverse impact on the amenities which the occupiers of neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design and complies with Policies HS11 and GB5 of Wirral's Unitary Development Plan and SPG11.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 9.09.2015 and listed as follows: attachment 1, 15/01235, 9,9,15.

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

Further Notes for Committee:

Last Comments By: 13/10/2015 13:40:15

Expiry Date: 04/11/2015