

Planning Committee

18 February 2016

Reference:
APP/15/01633

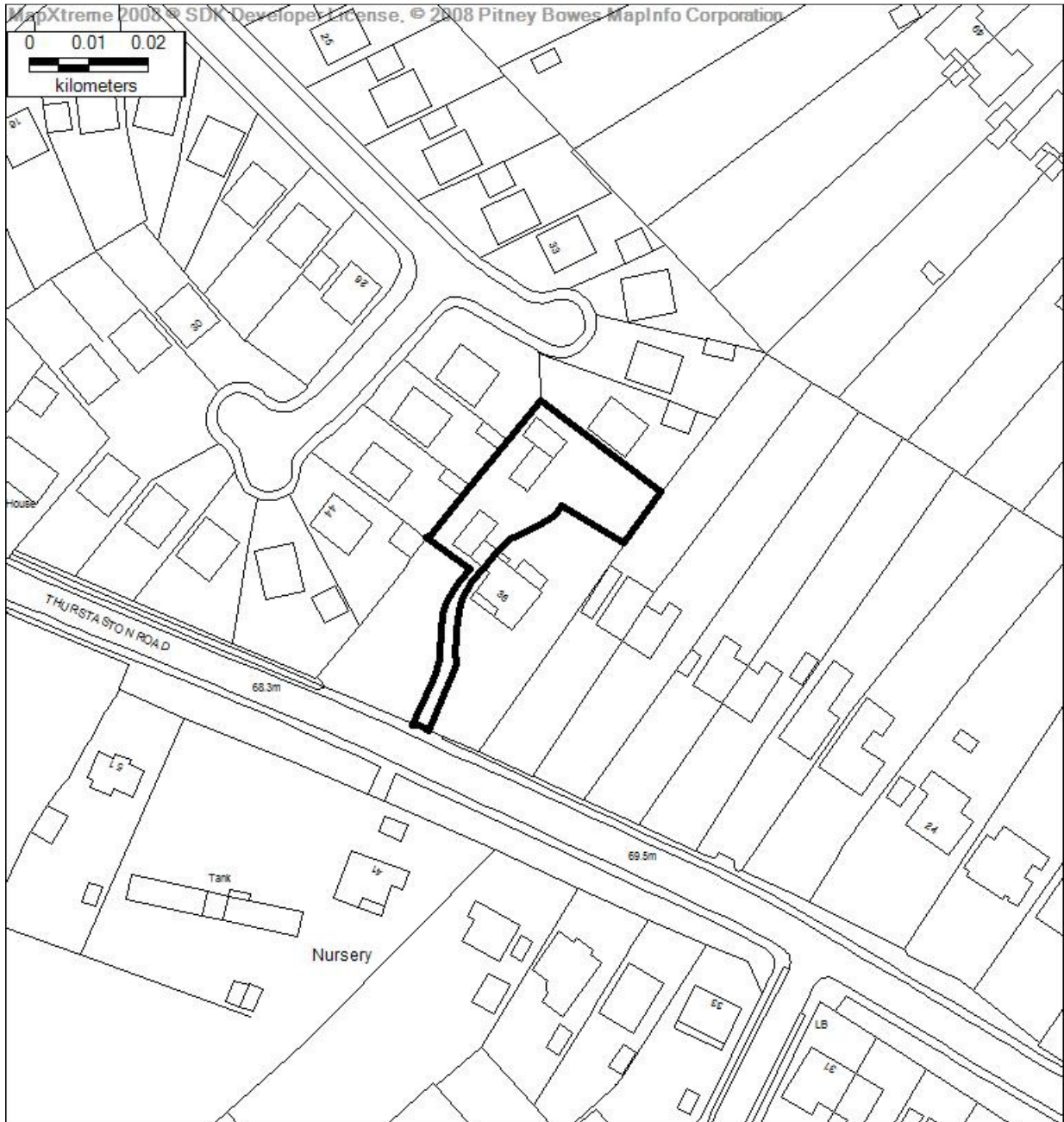
Area Team:
North Team

Case Officer:
Mr M Parry-Davies

Ward:
**Greasby Frankby
and Irby**

Location: PLOT 2 REAR OF 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: Approve

Location: Land adjacent to 38 THURSTASTON ROAD, IRBY, CH61 0HF
Application Type: Full Planning Permission
Proposal: Erection of detached house
Application No: APP/15/00213
Decision Date: 07/05/2015
Decision Type: Approve

Location: 38 THURSTASTON ROAD, IRBY, CH61 0HF
Application Type: Full Planning Permission
Proposal: Erection of house and garage
Application No: APP/14/01412
Decision Date: 20/03/2015
Decision Type: Refuse

Location: Plot 2 rear of 38 THURSTASTON ROAD, IRBY, CH61 0HF
Application Type: Full Planning Permission
Proposal: Erection of dormer bungalow and garage.
Application No: APP/15/01236
Decision Date: 16/12/2015
Decision Type: Withdrawn

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 have been 7 objections received from the occupiers of 36 Thurstaston Road and the occupiers of 37, 39, 42, 46, 48 and 50 Martin Close. The objections can be summarised as follows:

1. The building is too big for the site;
2. The proximity of the proposed dwelling to the site boundaries is unsatisfactory;
3. Rear dormer windows at first floor will directly overlook rear garden of adjacent property leaving the garden amenity space totally devoid of privacy;
4. There is a gap/distance of less than 2 metres between the side (gable) elevation of 39 Martin Close and that of the proposed dwelling which will impact on light to windows on the gable of 39 Martin Close;
5. Rear garden areas of adjoining properties will be seriously compromised;
6. The proposed new dwelling is significantly larger than other properties in the immediate vicinity which will result in a large house squeezed into a small plot that would be out of character with the semi-rural nature of the locality;
7. The development proposed should be subject to the provisions of the Party Wall Act; and
8. The proposed dwelling would be completely overbearing to its neighbours & out of character with the pattern of development in the area.

Councillor Wendy Clements requested that this application be taken out of delegation due to representations received by her from local residents that it is detrimental to their amenity.

CONSULTATIONS

Head of Environment & Regulation (Environmental Health Division) - No objections

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

Director's Comments:

INTRODUCTION

Planning permission is sought for the erection of a detached dwelling and garage on land at the rear of 38 Thurstaston Road. An earlier outline permission for the erection of two detached dwellings on this site and the plot to the west of 38 Thurstaston Road was approved in 2014. This application is a full application and does not constitute the submission of reserved matters. However, the recent approval of outline permission (in 2014) for a dwelling on this site is a material consideration with the principle of a dwelling having been established with the granting of outline permission. That permission did not restrict the layout, appearance or scale of a dwelling in any way and although indicative drawings submitted at outline stage indicated a dormer bungalow, the permission granted was not tied to those plans that were submitted only for illustrative purposes. Therefore, a 2-storey dwelling would be acceptable in principle subject to criteria set out in Policy HS4 being satisfied.

SITE AND SURROUNDINGS

The site is located north of 38 Thurstaston Road within the former garden area of that property. The new dwelling would sit immediately south of 39 Martin Close, which is a detached 2-storey dwelling adjacent to the site boundary. The proposed dwelling is 2-storey with a detached garage proposed at the western boundary of the site with vehicular access via Thurstaston Road. A good sized garden area, with ample private amenity space will be retained for the existing residence immediately to the south of the application site (38 Thurstaston Road). There are a mix of housing styles in the area, most of which are detached properties.

POLICY CONTEXT & PRINCIPLE OF DEVELOPMENT

The application seeks permission for the erection of a 2-storey dwelling in an area designated in the Unitary Development Plan for Primarily Residential purposes. As such the principle of development is established, subject to consideration of the criteria in UDP Policy HS4: Criteria for New Housing Development.

Policy HS4 sets out a number of criteria which must be addressed if planning permission is to be granted for new development – including: the requirement that a proposal is of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development; the proposal not resulting in a detrimental change in the character of the area; access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access; the provision of appropriate landscaping and boundary treatment; the provision of adequate individual private or communal garden space to each dwelling.

Considering the first of these criteria - scale and form - the proposed dwelling is considered to be of a scale and achieves a density of development commensurate with surrounding property. The principle of a dwelling on this site has already been established with the grant of outline planning permission in 2014. This proposed dwelling would be comfortably spaced from adjoining properties with elevations and windows positioned to avoid any adverse impact on adjoining properties and achieving minimum separation distances. The dwelling has been designed to ensure that windows at first-floor level would not result in unacceptable levels of overlooking and the rear and front elevations at first floor have been designed to match those of 39 Martin Close. Therefore, the first floor would not sit forward of the front or rear of 39 Martin Close, ensuring that any potential impacts on habitable room windows to that property are avoided. An assessment of any potential for loss of sunlight and/or daylight to habitable rooms at 39 Martin Close has been applied (applying the 45 degree-rule) and this demonstrates that no over-shadowing would occur as a result of approving the proposed dwelling. Although the proposed dwelling at ground floor level would project forward of the front elevation of 39 Martin Close there are a number of mitigating factors that ensure any impacts to that property would not be sufficient to warrant a refusal of planning permission. These are: the projection is single storey with a shallow, hipped roof that angles away from 39 Martin Close and measures no more than 3 metres from the front elevation of 39 Martin Close thereby ensuring there will be no impact on the front elevation of that neighbouring property. Also taken into consideration is the presence of an existing 1.8 metres high boundary fence which would obscure the majority of this element of the proposal from view.

Although the proposed dwelling is located 1.8 metres from the gable elevation of 39 Martin Close, the windows on that gable are all obscurely glazed and relate to non-habitable rooms. As such, this gable should be considered as a blank gable as the Council cannot consider any potential impact relating to loss of sunlight/daylight to non-habitable rooms. Therefore, a distance of 1.8 metres between the two properties is not considered to be unacceptable and in any event, the principle of a dwelling in this location has already been established and approved with the grant of outline planning permission in 2014.

The rear garden of 36 Thurstaston Road is long and narrow and runs along the length of the eastern boundary of the application site. There is a 1.8 metres high boundary fence that runs along this shared boundary and further down the garden at 36 Thurstaston Road, natural landscaping exists to screen the rear of properties on Martin Close. The first floor rear elevation of the proposed dwelling has been set 10.2 metres from the shared boundary to achieve the minimum separation distance that the Council looks to achieve (10 metres) to ensure that overlooking of private gardens is kept to a minimum. The first floor elevation of the proposal is also in line with those existing properties along Martin Close that back onto the rear garden area of 36 Thurstaston Road, so together with additional boundary landscaping (that can be secured via an appropriately worded planning condition) and impact in terms of potential for overlooking this garden area can be satisfactorily mitigated against, particularly having regards to the fact that the minimum distance required has also been achieved.

In all other aspects, the Council's interface distances have been achieved.

Considering character, the application seeks permission for a new dwelling that incorporates a number of design decisions carried through from new dwelling approved and currently being built at the front of the site fronting Thurstaston Road. This will ensure that the new dwelling would not negatively impact on the character of the area. A planning condition would be imposed to require samples of the materials to be used to be agreed by the Local Planning Authority.

In terms of access and parking, permission is sought for a single residential unit. Four bedrooms are indicated within the development. Given this, the Council's current parking standards – set out in Supplementary Planning Document 4: Parking Standards (SPD4) would set a maximum of two parking spaces. The application indicates that a detached garage would provide space for parking together with a driveway in front. In this instance, it is considered that the proposed access and parking arrangements are appropriate to the development. Access to the new property would be via a new driveway from Thurstaston Road.

Lastly, a good sized garden space would be retained by 38 Thurstaston Road, and garden/private amenity area is also provided for the new dwelling.

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

As outlined above, the first-floor of the proposed dwelling is now in line with the front and rear elevations of 39 Martin Close, ensuring that any potential for overbearing and/or loss of light to that property is avoided. The set back at first floor on the rear elevation of the proposed dwelling also ensures that any potential overlooking of 36 Thurstaston Road is kept to a minimum and within acceptable limits.

The design of the proposed dwelling is simple and seeks to replicate elements carried through on the new dwelling being built on Plot 1 front Thurstaston Road. Given the location of the site at the rear of 38 Thurstaston Road, the new dwelling will not be particularly visible from any street scene, being obscured from view from Thurstaston Road by the existing dwelling at No38. The dwelling will be partly visible from Martin Close - at the very head of the cul-de-sac - but would be mostly screened from wider view. Additional boundary landscaping (secured by an appropriately worded planning condition) would ensure that the new dwelling would not harm the character of the area.

The proposed detached garage would be located on the western boundary of the site and would have a

height of some 2.2 metres, which is standard for a single-storey building. The garage would be largely screened from view by existing boundary treatment, with the pitched roof sloping away from the neighbouring properties ensuring that it does not have an unacceptable adverse impact on the amenities of neighbouring properties.

Whilst the proposed new dwelling is a large property, it has been sited on the property to ensure that issues of overlooking and loss of privacy have been minimised. The footprint of the new dwelling is marginally larger than that of the approved dwelling currently being built on the Thurstaston Road frontage. Privacy to habitable rooms in neighbouring properties is secured by the separation distances achieved satisfying the Council's minimum distance guidance.

The scale and siting of the proposed new dwelling are both appropriate to the size of the plot it will sit in and takes account of neighbouring properties, with impacts on any loss of privacy minimised by the siting of the new property and its interior layout.

In summary, the new dwelling is considered to be of a scale which relates satisfactorily to surrounding properties and has regard to existing densities in the area. The design, scale and siting of the new dwelling is not considered to detrimentally impact on the character of the area. Access to the property is via new access arrangements from Thurstaston Road and hard standing area(s) and a detached garage provides for parking on site together with provision of vehicle turning area(s). There is existing landscaping and boundary treatment around the site perimeters within neighbouring gardens and a condition requiring additional landscaping within the application site is proposed to ensure the development relates to its surroundings. The provision of private amenity (garden) space is secured to the rear and side of the new dwelling with ample garden space retained for the frontage property (38 Thurstaston Road). As such, the proposal is considered to comply with Policy HS4 of the Wirral Unitary Development Plan.

SEPARATION DISTANCES

The proposed new dwelling takes account of neighbouring properties well and the main elevations taking account of the Council's guidance for minimum interface distances. As a result there will be no adverse impact upon the outlook or privacy of neighbouring dwellings. The proposals are therefore acceptable in terms of normal privacy interfaces and separation distances.

HIGHWAY/TRAFFIC IMPLICATIONS

There are considered to be no highway/traffic implications arising as a result of approving this development. Access is achieved by a new driveway and access from Thurstaston Road with adequate sightlines and visibility achieved. Off-street parking is secured (see above) and there have been no objections to the proposal from the Head of Environment & Regulation (Traffic & Transportation Division).

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 site is located within a primarily residential area and as such the erection of a dwelling is acceptable and the principle of a new dwelling on this site has been established with the recent grant of outline planning permission in 2014. The new dwelling is considered to be of a scale which relates well to surrounding properties and has regard to existing densities in the area. The design, scale and siting of the new dwelling is not considered to detrimentally impact on the character of the area. Access to the property is via new access arrangements from Thurstaston Road and hard standing areas and a detached double garage provides for parking on site together with provision of vehicle turning area(s). The provision of private amenity (garden) space is secured to the rear and side of the new dwelling with ample garden space retained for the frontage property (38 Thurstaston Road). The proposed development is therefore considered to comply with Policies HS4 (Criteria for New Housing Development) of the Wirral Unitary Development Plan and the National Planning Policy Framework and is recommended for approval subject to the following conditions.

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 site is located within a primarily residential area and as such the erection of a dwelling is acceptable. The new dwelling is considered to be of a scale which relates satisfactorily to surrounding properties and has regard to existing densities in the area. The design, scale and siting of the new dwelling is not considered to detrimentally impact on the character of the area. Access to the property is access arrangements from Thurstaston Road and hard standing areas and a detached double garage provides for parking on site together with provision of vehicle turning area(s). Additional landscaping and boundary treatment within the site and around the site perimeters will ensure the proposed development relates to its surroundings. The provision of private amenity (garden) space is secured to the rear and side of the new dwelling with ample garden space retained for the frontage property (38 Thurstaston Road). The proposed development is therefore considered to comply with Policies HS4 (Criteria for New Housing Development) of the Wirral Unitary Development Plan and the National Planning Policy Framework.

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. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all materials to be used in the external construction (facing bricks, roof tiles/slates etc.) of this development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details.

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 BEFORE details of the proposed finished floor levels; ridge and eaves heights of the dwelling hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of neighbouring property. The development shall be carried out as approved.

Reason: To ensure a satisfactory relationship between the various components of the development and between the site and adjoining land, to ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, any trees and hedgerows and the amenities of neighbouring properties, having regard to Policy HS4 and GR7 of the adopted Wirral Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) there shall be enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking or re-enacting that Order with or without modification) no garages, outbuildings or enclosure shall be constructed within the application site without the prior written approval of the Local Planning Authority.

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.

6. NO DEVELOPMENT SHALL TAKE PLACE BEFORE details of all walls (including retaining walls), fences, gates or other means of enclosure to be erected in or around the development have been submitted to and approved in writing by the Local Planning Authority. PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT the walls (including retaining walls), fences, gates or other means of enclosure shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of adjoining properties, having regard to Policy HS4 and GR7 of the Wirral Unitary Development Plan.

7. 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

8. 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.

9. BEFORE THE DEVELOPMENT HEREBY PERMITTED IS FIRST OCCUPIED the first-floor window on the side (north-facing) elevation, shall be glazed with obscure glass only and shall be top hung and open inwards. The window shall be permanently maintained with obscure glazing at all times thereafter.

Reason: In the interest of the amenities of occupiers of adjoining properties and to comply with Policy HS4 of the Wirral Unitary Development Plan.

10. NO DEVELOPMENT SHALL TAKE PLACE until full details of soft and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall detail the locations, species and heights of all existing and proposed trees, shrubs and hedge planting and all existing and proposed grassed and hard surfaced areas and any other natural or proposed features. The approved scheme shall be implemented in full in the first planting season following first occupation of the dwellings hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy HS4 of the UDP.

11. Any trees or shrubs in connection with the approved landscaping scheme required by Condition 9 that are removed, dying, being severely damaged or becoming seriously

diseased within five years from the completion of the scheme shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory standard of appearance and that the proposed development enhances the visual amenity of the locality in accordance with Policy GR5 of the UDP.

12. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 15 December 2015 and listed as follows: 2930/1.A (dated 11.12.2015)

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

Further Notes for Committee:

Last Comments By: 18/01/2016 16:04:51

Expiry Date: 09/02/2016