

## Planning Committee

16 February 2017

**Reference:**  
**APP/16/01323**

**Area Team:**  
**South Team**

**Case Officer:**  
**Miss A McDougall**

**Ward:**  
**Heswall**

**Location:**

77 PIPERS LANE, HESWALL, CH60 9HR

**Proposal:**

Demolition of an existing residential property and the creation of a new build residential dwelling - amended plans

**Applicant:**

Mr A Piggot

**Agent :**

SHACK Architecture Ltd

### Site Plan:



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**Development Plan designation:**

Site of Biological Importance  
Primarily Residential Area

**Planning History:**

Location: 77, Pipers Lane, Heswall. L60 9HR  
Application Type: Full Planning Permission  
Proposal: Erection of a single storey lounge extension at the rear  
Application No: APP/87/05622  
Decision Date: 04/06/1987  
Decision Type: Approved

Location: 77, Pipers Lane, Heswall. L60 9HR  
Application Type: Full Planning Permission  
Proposal: Erection of a detached garage forward of the dwelling.  
Application No: APP/87/05432  
Decision Date: 16/04/1987  
Decision Type: Approved

Location: 77 Pipers Lane ,Heswall L60 9HR  
Application Type: Full Planning Permission  
Proposal: Erection of 1st floor extension to existing bungalow to create 3 bedrooms  
Application No: APP/83/22947  
Decision Date: 28/07/1983  
Decision Type: Refused

Location: 77 Pipers Lane,Heswall,L60 9HR  
Application Type: Full Planning Permission  
Proposal: Extension to provide three bedrooms at first floor level.  
Application No: APP/83/23391  
Decision Date: 13/10/1983  
Decision Type: Approved

Location: 77 Pipers Lane ,Heswall,L60 9HR  
Application Type: Full Planning Permission  
Proposal: Erection of detached garage  
Application No: APP/84/24435  
Decision Date: 09/04/1984  
Decision Type: Approved

Location: 'Ockbrook',77 Pipers Lane,Heswall  
Application Type: Full Planning Permission  
Proposal: Bedroom extension at rear.  
Application No: APP/75/02032  
Decision Date: 01/04/1975  
Decision Type: Approved

Location: Ockbrook ,77 Pipers Lane ,Heswall ,L60 9HR  
Application Type: Full Planning Permission  
Proposal: Conversion of loft to two new bedrooms and toilet, involving extension of roof  
Application No: APP/79/12083  
Decision Date: 14/06/1979  
Decision Type: Approved

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

Having regard to the Council Guidance on Publicity for Applications, 8 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report a qualifying petition of objection containing 40 signatures and 6 objections have been received, listing the following

grounds:

1. dominant
2. overbearing
3. out of character
4. loss of privacy
5. loss of light
6. impact onto neighbouring aspect
7. parking
8. visual impact from Wirral Country Park
9. roof height

**CONSULTATIONS:**

**Highways** - No Objections

**Environmental Health** - No Objections

**Wirral Wildlife** - Bat roost potential and conditions to protect badgers

**Merseryside Environmental Advisory Service** - Bat roost potential and conditions relating to breeding birds

**The Heswall Society** - Object due to proposed scale, appearance and lack of parking provision

**DIRECTORS COMMENTS:**

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of objection containing 40 signatures has been received.

**INTRODUCTION**

The proposal is for a replacement dwelling at 77 Pipers Lane in Heswall. The current dwelling is single storey. The proposed dwelling would be 2-storey at the front and, due to the land levels, would appear as 3-storey when viewed from the rear.

The original drawings have been amended to show a reduction in height and depth of the building, further consultation was sent following the amendments to the neighbouring properties, subsequently a petition of objection was submitted.

**PRINCIPLE OF DEVELOPMENT**

A replacement dwelling is considered acceptable in principle, the site is within the designated Primarily Residential Area.

**SITE AND SURROUNDINGS**

The application site is located on the west side of Pipers Lane, the site itself bounds the Wirral Way and affords views across the countryside and coast to Dawpool Bank. Due to the sloping land levels, the front elevation of the building is a true bungalow however to the rear there is a lower ground level, the properties either side are two-storey houses and are constructed on similar land levels.

**POLICY CONTEXT**

The proposal is for a replacement dwelling and will be assessed in accordance with Wirral's UDP Policy HS4 and the National Planning Policy Framework.

**HS4 Criteria for New Housing Development Policy**

Proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria:

- (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development;

- (ii) the proposal not resulting in a detrimental change in the character of the area;
- (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access;
- (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5;
- (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime;
- (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and
- (vii) the provision of adequate individual private or communal garden space to each dwelling.

For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.

The NPPF states: Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

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

The original dwelling is a detached bungalow with a forward projecting garage, to the rear the bungalow has a partial lower level which reflects the ground level drop to the rear as the plot meets the Wirral Way. The properties either side of the application site are true two storey houses when viewed from the front, the dwellings on the opposite side of Pipers Lane are generally bungalows that are also on a split level and are higher than the properties opposite.

The proposed dwelling has been designed with a dormer style house front elevation and a three storey rear elevation, similar to those either side. The plans were amended following consultation with the agent to reduce the height of the roof and the depth of the extension to the north west side.

The proposed dwelling has a contemporary external appearance with box dormers and large glazed areas, the proposal includes a mix of material finishes of brick and render that reflects the materials of the surrounding dwellings. To the front elevation the house has a dormer style appearance with a large front gable that includes an entrance porch, the roof has a gable end design to the sides and is sited between two different types of two-storey houses. Following concerns regarding the height of the ridge, the plans have been amended so that the ridge does not exceed the height of the neighbouring property no.75 or the ridge of the original section of no.79, the proposed house does have a higher ridge than the two-storey side extension of no.79.

To the rear the ground and first floor follow the levels of the houses either side, the proposal also seeks to use the difference in land levels to include a lower ground floor level to the rear that will open out onto the lower garden level. Due to the way in which the land drops, the lower ground floor only creates usable rooms to the rear, the proposal is to provide a storage area and a lounge with access from the

ground floor. The existing dwelling also includes a lower ground level that is currently used for storage.

The general arrangement and design of the house reflects the neighbouring properties on this side of Pipers Lane, the siting of the building is similar to the footprint of the existing bungalow although the building is much higher than the original bungalow, it does not exceed the roof heights of the neighbouring dwellings.

Concerns have been raised with regards to the scale, appearance, loss of light and loss of parking that would result from a larger property on the site. Having regard to the concerns raised, the footprint of the proposed dwelling is similar to the original bungalow, the front garage will be removed and the single storey extension to the rear along the party boundary with no.79 will also be removed. In parts the dwelling will be set further away from the neighbours boundaries and at some points closer but this is only considered to be marginal and on both sides the house is approximately 1m in from either side boundary.

There are two sections of the building that are considered to have the most impact onto the neighbouring properties, the front north-east elevation and to the rear south-west elevation. To the front north east the house is set 0.5m back from the original building line, however the building has a greater height than the original bungalow, the front building line is 3.8m out from the front of the neighbouring house no.75. The front elevation of no.75 does contain windows that serve the entrance and the kitchen, the proposal at this point is considered acceptable as the roof is pitched back, the proposed dwelling is also sited to the west of the property so is unlikely to have a detrimental impact onto light except towards the end of the day. The general arrangement between the two properties is retained in terms of position of the proposed dwelling on the plot.

To the rear south west elevation, the depth of the dwelling has been reduced, the house now projects 2m out from the rear building line of no.79 and is set 1m in from the boundary. The house at 79 has previously been extended to the side, the section of house nearest the boundary is a single storey extension with an access door, the main habitable room windows are located further in from the boundary and having regard to the 45 degree rule, the siting of the dwelling and its height will not result in a harmful loss of daylight into these rooms.

The proposed dwelling is likely to have a greater impact onto the surrounding properties as the proposed replacement building is greater in height and will have a different external appearance, however the plot is within a residential area and the application site is between two, two-storey dwellings and it is considered that the proposed replacement dwelling will not result in a dwelling that causes an unacceptable level of harm to neighbouring amenity.

## **SEPARATION DISTANCES**

The houses opposite are approximately 28m away from the front elevation of the application site, these properties are set slightly higher due to the land levels of Pipers Lane, as such the interface distances of 21m is more than provided.

To the rear the dwelling has outlook across a large rear garden and the Wirral Way, the ground floor terrace is set at the same land level as the houses either side so is not considered to have an overbearing impact that results in loss of privacy.

The development also includes side windows to habitable and non habitable rooms, due to the siting of the dwelling the majority of these windows are considered acceptable in terms of position, there is a side window at first floor to bedroom 3 that is within close proximity to the neighbouring house no.79 and would have unrestricted views across the front of this dwelling, it is therefore proposed that this window shall be conditioned to be fixed and obscurely glazed.

## **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no Highway Implications relating to this proposal. The proposal includes an "in/out" style driveway that contains sufficient room for at least two cars parked off the road.

## **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

## **CONCLUSION**

The replacement dwelling is larger in scale than the existing bungalow however given the character of the area, the scale of the neighbouring dwellings and the position of the house on the plot, the proposal is considered acceptable with regards to Wirral's UDP 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 policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The replacement dwelling is larger in scale than the existing bungalow however given the character of the area, the scale of the neighbouring dwellings and the position of the house on the plot, the proposal is considered acceptable with regards to Wirral's UDP Policy HS4 and the National Planning Policy Framework.

### **Recommended              Approve Decision:**

#### **Recommended Conditions and Reasons:**

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

**Reason:** To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 6 December 2016 and listed as follows: A101, A102 Rev A, A103 Rev A, A104 Rev A, A105 Rev A.

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

3. Before any construction commences, 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.

4. Before the first occupation of the dwelling hereby permitted the first floor side window serving bedroom 3 shall be fitted with fixed and obscured glazing up to a height of 1.7m from the finished first floor internal floor level and shall be permanently retained in that condition thereafter.

**Reason:** Having regard to residential privacy

5. 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.

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

Wirral's UDP

6. No tree felling, vegetation management, ground clearance and/or building works is to take place during the period of 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, shrubs and trees are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected must be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To protect breeding birds in accordance with UDP Policy NC7.

7. Details of heights of all boundary fencing, walls, gateways and means of enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is completed and the work shall be carried out prior to first occupation, in accordance with the details so approved, and subsequently maintained to the satisfaction of the Local Planning Authority.

**Reason(s):** To ensure a proper standard of separation from, and standard of amenity with respect to, neighbouring property.

8. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

**Reason:** To prevent hydraulic overloading of the public sewerage system, to protect health and safety of existing residents and ensure no pollution of or detriment to the environment.

**Last Comments By:** 27/12/2016

**Expiry Date:** 15/12/2016