

Planning Committee

16 February 2017

Reference:
APP/16/01537

Area Team:
South Team

Case Officer:
Mrs C Parker

Ward:
Heswall

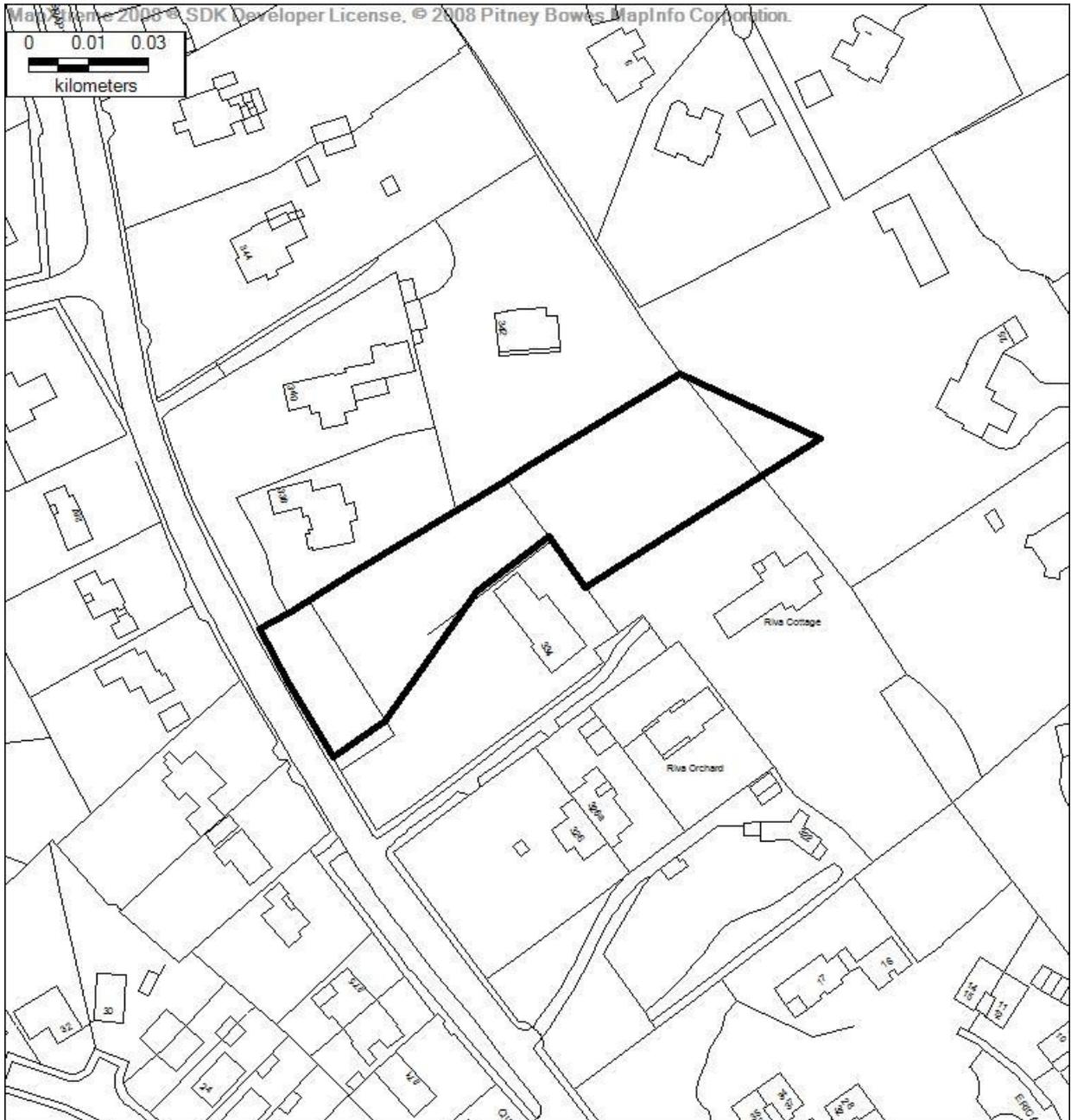
Location:
Proposal:

Winward House 336 TELEGRAPH ROAD, HESWALL, CH60 6RW
To erect new single detached dwelling as alternative to DLS/15/00082 (dated 21/05/15), to add conservation rooflights, dormer windows to sw elevation & single storey mower store to rear.

Applicant:
Agent :

Mr & Mrs M Richings
Atelier 2 Architecture

Site Plan:



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Development Plan Designation:

Primarily Residential Area

Planning History:

Location: Land at 328 TELEGRAPH ROAD, HESWALL, CH60 6RW
Application Type: Reserved Matters
Proposal: Reserved matters in relation to erection of a new single detached dwelling
Application No: DLS/15/00082
Decision Date: 21/05/2015
Decision Type: Approved

Location: Riva Cottage, 328 TELEGRAPH ROAD, HESWALL, CH60 6RW
Application Type: Outline Planning Permission
Proposal: Approval for new single detached dwelling
Application No: OUT/13/00473
Decision Date: 13/06/2013
Decision Type: Approved

Location: Garden south west of Riva Cottage, 328, Telegraph Road, Heswall. L60 6RW
Application Type: Reserved Matters
Proposal: Erection of a new house.
Application No: DLS/88/05161
Decision Date: 25/02/1988
Decision Type: Approved

Location: Land Adjacent to Riva Cottage, 328 TELEGRAPH ROAD, HESWALL, CH60 6RW
Application Type: Full Planning Permission
Proposal: Residential Development Creating 2 X No 5 Bedroom Dwellings On Building Plot Adjacent To Riva Cottage, 328 Telegraph Road, Heswall, Wirral, CH60 6RW
Application No: APP/14/00125
Decision Date: 09/04/2014
Decision Type: Refused

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

Having regard to the Council's Guidance on Publicity for Planning Applications, 14 notifications were sent to adjoining properties and a site notice was displayed near the site. 4 representations have been received objecting to the proposal due to:

1. Ridge height has increased resulting in a three-storey building
2. Dormer windows will result in overlooking
3. The building does not comply with the original approval
4. The building is larger and dominates existing properties
5. The developer never intended to comply with the planning permission and such conduct should not be permitted.

A qualifying petition with 29 signatures has been received objecting to the changes to the planning and building of a three storey dwelling.

CONSULTATIONS:

Highways - No objection

Environmental Health - No objection

Director's Comments:

REASON FOR REFERRAL TO PLANNING COMMITTEE

A qualifying petition of objection with 29 signatures has been received and under the Council's Scheme of Delegation, the planning application is referred to Planning Committee.

INTRODUCTION

The proposal is a full application for a new dwelling and is an amendment to DLS/00082 and includes the addition of conservation roof lights, dormer windows and a single store outbuilding/mower store to the rear. Outline approval for a new dwelling (OUT/13/00473) was approved on the 13/06/2013 and a subsequent reserved matters application was approved under reference DLS/15/00082 on the 21/05/2015. Development has commenced on site and the dwelling has been partly constructed with additional features that were not part of the approved reserved matters application. As such, this application seeks to regularize the development by including the roof lights, dormer windows and includes a single storey mower store building.

PRINCIPLE OF DEVELOPMENT

The principle of development is acceptable subject to the policies set out below.

SITE AND SURROUNDINGS

The site is formerly the grounds of Riva Cottage and is adjacent to Riva Cottage and 334 Telegraph Road. There is a small unmade track that currently serves 334 Telegraph Road that will form the access to the site. The front of the site immediately adjacent to Telegraph Road is heavily wooded area with the trees protected by a TPO. The previous outline application approved the access and included a 'no dig' to protect the protected trees, which will run through the wooded area to the site at the rear. The dwelling is currently under construction and as mentioned above has been constructed approximately 1m higher than approved under the reserved matters application to accommodate the addition of two roof dormer windows.

POLICY CONTEXT

Policy HS4 - Criteria for New Housing Development states that proposals should be of a scale which relates well to surrounding property, not result in a detrimental change in the character of the area with satisfactory provision of access.

Policy GR7 -Trees and New Development states that in assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value within the locality and their value for nature conservation and will require that buildings, structures and hard surface areas are sited in order to substantially preserve the wooded character of the site or of the surrounding area and provide for the protection of trees of greatest visual or wildlife value.

The National Planning Policy Framework (NPPF) is a material consideration and sets out the core planning principles to support sustainable development and states that good design is a key aspect of sustainable development and that proposals should optimise the potential of the site to accommodate the development.

APPEARANCE AND AMENITY ISSUES

The access will be shared with 334 Telegraph Road, which is a fairly modern property also developed in the former garden land of Riva Cottage (1988). The site is comparable in size to adjacent plots as Riva Cottage was set in extensive gardens that have been sub divided over the years. The proposed house is detached and has increased from two storey in height by 1 metre to accommodate additional rooms within the roof space and includes two roof dormers. The single storey side extension has increased in size but remains single storey with additional windows. The adjacent neighbour has raised concern if a first floor is created over the single storey extension. The plans do not show a first floor and would require planning permission if this was proposed in the future. As the site is bounded on all sides by residential properties, it is proposed to remove permitted development rights for further extensions, windows and outbuildings/garages in order to safeguard residential amenity.

There are a mix of dwellings in the immediate area, in terms of scale, age, design and size and some have roof dormers. As such, the addition of roof dormers at this site is not a feature that is out of

keeping, especially given the different types of dwelling and varied appearance that characterises this part of Telegraph Road. The main issue is whether the roof dormers would result in any undue overlooking of the property located at the front of the application site, 334 Telegraph Road. This is discussed under the heading 'separation distances' below.

Objections have been received to the amendments to the previously approved house with concern that the house is dominant and not in keeping with the area. The house is set well back within the site and will only be visible to the immediate neighbours. The usual separation distances are achieved as set out below. The area is residential in character and the scale, design and siting within the plot is in keeping with adjacent dwellings, both older properties and more recently constructed dwellings. The fact that the area comprises a mix of dwellings of different age, design, scale and size set within fairly substantial plots forms part of the residential character of the area.

The objections focus on the fact that the building is under construction and that it does not comply with the original approval; the assertion that developer never intended to comply with the planning permission and such conduct should not be permitted. This application seeks approval for the amendments and although it is unfortunate that the dwelling does not reflect the previously approved plans, the Planning system allows for such a process, that is, for retrospective planning applications. Notwithstanding this, the amendments need to be assessed against the relevant policies, which seek to protect the amenities of the occupiers of adjacent properties and the impact of development on the character of the area. In this case, it is considered that the amendments to the dwelling would not result in any detrimental impact to the character of the area or lead to a loss of amenity that would be detrimental to the occupiers of adjacent properties.

SEPARATION DISTANCES

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.

There is an excess of 21m from the rear elevation of 342 Telegraph Road (to the north) to the shared boundary and the side elevation of the new house does not directly face the rear of 342. The front elevation of the house is located 30 metres from rear elevation of 334 Telegraph Road, which is a two-storey house. In addition, the front dormer is set back within the roof by approximately 1 metre. The distance of 30 metres takes into account the 1 metre increase in height taking the previously approved two storey house to three storey and the relationship to the two storey house, 334 Telegraph Road. The usual standard of 21 metres should be increased by 2 metres given the additional 1 metre increase in height of the new dwelling. As such, the 30 metre separation distance is in excess of the usual standard and is considered acceptable.

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 seeks amendments to a previously approved scheme for a new dwelling and includes two front dormer windows, single storey mower store and conservation rooflights. It is considered that the amendments will not result in any harm to residential amenity due to overlooking or over dominance and the resultant dwelling will not be out of keeping or detrimental to the character of the area. For these reasons the application is recommended for approval subject to the conditions set out below.

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 seeks amendments to a previously approved scheme for a new dwelling and includes two front dormer windows, single storey mower store and conservation rooflights. It is considered that the amendments will not result in any harm to residential amenity due to overlooking or over dominance and the resultant dwelling will not be out of keeping or detrimental to the character of the area. For these reasons the application is recommended for approval subject to the conditions set out below.

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 the 25 November 2016 and listed as follows: A2A.14.646_201, A2A.14.646_202 dated 17.10.16, A2A.14.646_301 Rev G dated 17.10.2016, A2A.14.646_302 Rev K dated 08.11.2016, A2A.14.646_303 Rev G dated 31.10.2016 and A2A.14.646_305 Rev D dated 04.11.2016

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

2. Details of all 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 occupation, in accordance with the approved details and subsequently maintained to the satisfaction of the Local Planning Authority.

Reason: To safeguard the visual amenity of the area and the privacy of the adjoining properties having regard to Policy HS4 of the Wirral Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 and residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

5. No works relating to the access road 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 submitted to and agreed in writing with the LPA. This scheme shall include:

- A. the details and/or category (section 4.5 of BS 5837) 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.
 - D. written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.

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

- E. 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.
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 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)
- K. 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.
- L. 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.
- M. 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).
- N. the details of tree protection measures for site works, landscaping operations and management (section 8 of BS5837).
- O. the timing of the various phases of the works or development in the context of the tree protection measures.

Any works to the access road shall be in accordance with the approved arboricultural method statement and tree protection plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

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 prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

Further Notes for Committee:

Last Comments By: 30/12/2016

Expiry Date: 20/01/2017