

**Planning Committee**  
16 February 2017

**Reference:**  
**APP/16/01623**

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

**Case Officer:**  
**Mrs S Lacey**

**Ward:**  
**Heswall**

**Location:**

Amulree, 5 BROOMFIELD CLOSE, HESWALL, CH60 9HD

**Proposal:**

Retention of a dormer bungalow

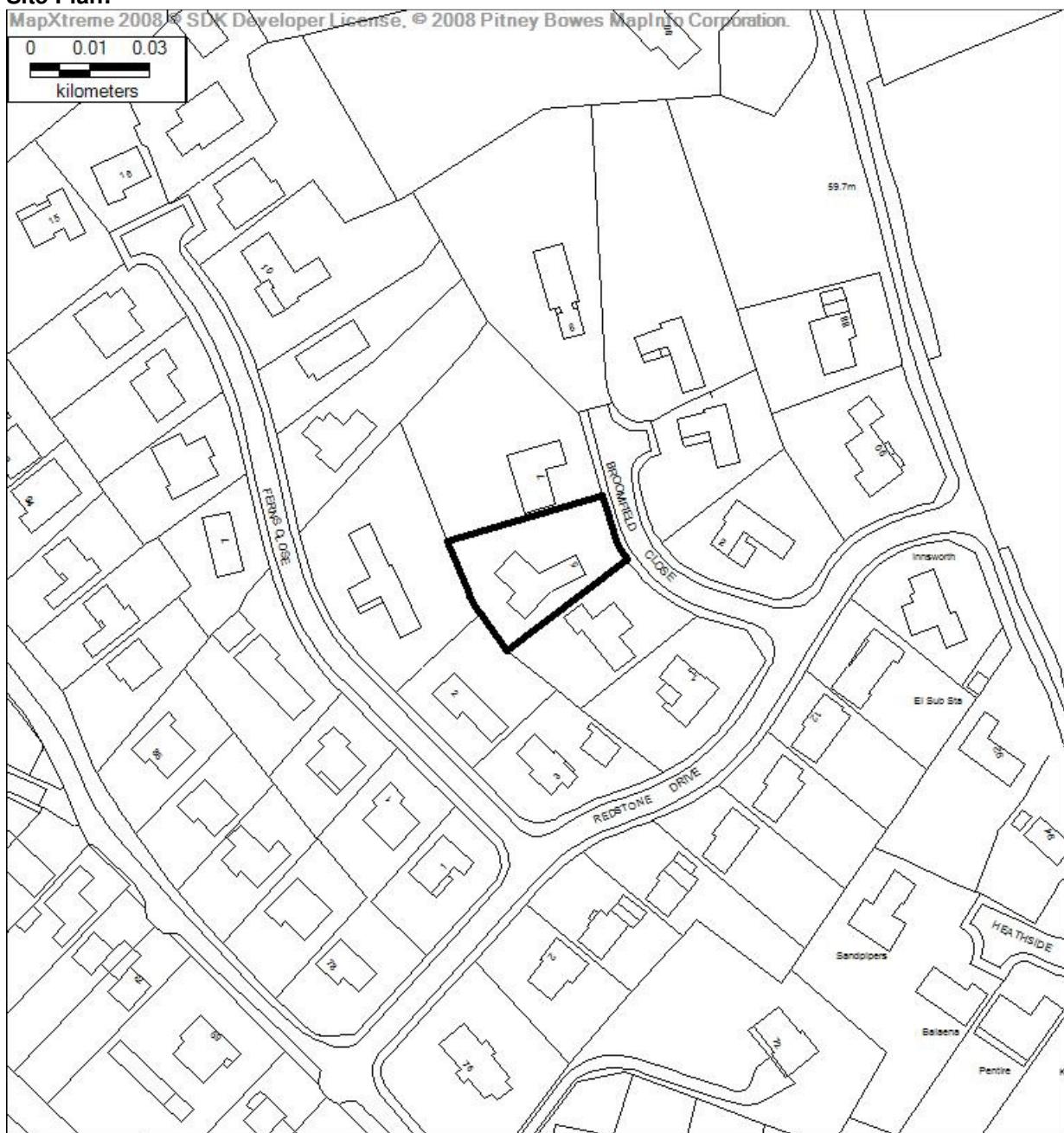
**Applicant:**

Mrs Linda Thompson

**Agent :**

Hughes Architectural

**Site Plan:**



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**Development Plan allocation and policies:**

Primarily Residential Area

**Planning History:**

Location: Amulree, 5 BROOMFIELD CLOSE, HESWALL, CH60 9HD  
Application Type: Full Planning Permission  
Proposal: Extension to front of property to create additional rooms, Re-align garage with property and add pitched roof, raise roof to create upstairs room space, Replace flat roof with pitched roof on rear projecting area of existing lounge area  
Application No: APP/16/00719  
Decision Date: 27/07/2016  
Decision Type: Approved

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

Having regard to the Council Guidance on Publicity for Applications, 11 letters of notification were sent to neighbouring properties. A site notice was displayed by the case officer 04 January 2017 and the neighbour consultation period was extended to 25th January 2017. 13 individual objections and a qualifying petition of 47 signatures have been received citing the following concerns:

1. Overlooking and loss of privacy to neighbouring properties and their gardens on Broomfield Close and Ferns Close;
2. The original property has been demolished and the new proposal started without planning permission being granted;
3. There have been fundamental changes from the original application including additional windows, doors and a balcony;
4. Loss of privacy is contrary to Policy 6.8 of the District Wide Local Plan and Human Rights Act Protocol 1 & 8;
5. Loss of a view;
6. The scale and mass of the build is too large for the plot and its relationship with neighbouring properties, resulting in an overbearing, intrusive and dominant structure;
7. Loss of sunshine and light;
8. The building is completely out of character with the surrounding area;
9. Sets a precedent for similar developments;
10. Concerns regarding disturbance from ongoing works and construction traffic on Broomfield Close;
11. The height of the new build is in excess of the previously approved application;
12. Concerns regarding the neighbour notification, site notices and site visits.

One representation was received supporting the application, citing there have been similar builds in the surrounding roads.

**CONSULTATIONS:**

No statutory consultations required for this development.

**Director's Comments:****REASON FOR REFERRAL TO PLANNING COMMITTEE**

A qualifying petition of 47 signatures has been received.

**INTRODUCTION**

The application proposes the retention of a dormer bungalow at 5 Broomfield Close, Heswall.

A previous planning application (reference APP/16/00719) was approved July 2016 for ground floor and roof extensions to the original dwelling (including dormer windows and rear balcony).

The applicant subsequently demolished the original property and has deviated from the approved drawings by adding windows and doors, and extending the dormers and balcony area. The owner of the property has submitted a retrospective planning application seeking permission for the retention of the dwelling that is currently under construction. The drawings submitted indicate the dimensions of the building that has been built, as well as all window openings and dormer/balcony extensions that

have been built into the development that currently stands on the site.

Whilst the original property has been demolished, the recently approved planning application is a material consideration when determining the current application.

### **PRINCIPLE OF DEVELOPMENT**

The proposal for a replacement dwelling is acceptable in principle, subject to complying with policy HS4 Criteria for New Housing Development of the Wirral Unitary Development Plan.

The Town and Country Planning Act 1990 sets out that it is not an offence to carry out development and apply for planning permission retrospectively. The Act specifically makes provision for a developer to apply for planning permission retrospectively in circumstances where development is carried out without the benefit of planning permission, or at odds to a permission that has already been granted.

### **SITE AND SURROUNDINGS**

The site is set on a steep gradient where the land drops to the rear of the site, in an area of mixed design dwellings. No.3 Broomfield Close is a traditional rendered bungalow with a garage adjacent to the proposal. No.7 is a brick bungalow set forward. No.1 Broomfield Close has undergone significant extensions including dormer windows. No.4 (opposite) is two-storey when viewed from the front elevation and is brick/render/stone clad.

### **POLICY CONTEXT**

The application shall be assessed in accordance with policy HS4 Criteria for New Housing Development of the adopted Wirral Unitary Development Plan.

Policy HS4 sets out the scale of proposals should relate to surrounding property and should not result in a detrimental change in the character of the area.

Whilst the proposal does not propose extensions to an existing property, the principles of Supplementary Planning Guidance 11 remains relevant. SPG11 sets out extensions should comply with the 45 degree test to allow for neighbouring properties to enjoy a reasonable outlook and main habitable room windows should be at least 14 metres from any blank gable and 21 metres from a habitable window.

### **APPEARANCE AND AMENITY ISSUES**

The proposed dwelling is considered acceptable in scale and design and is not considered to harm the character of the residential area or the amenities of neighbouring properties.

The footprint of the new dwelling is consistent with the original property and the scheme approved under APP/16/00719. The build is set low within the site due to the topography of the landscape, and will not form a prominent structure when viewed from Broomfield Close, where there is a mix of housing designs including two-storey dwellings opposite the site (no.2 and 4). The proposal is set off the boundaries and respects the separation distances between properties and the densities of the surrounding properties in the close. The proposal is 7.4 metres in height with a long sloping roof, and is not considered to form an overbearing or dominant structure when viewed from surrounding properties. The closest property, no.3 Broomfield Close, has a garage adjacent to the proposal which is not considered a habitable room. The proposal is not considered to result in loss of outlook, light or sunlight to neighbouring properties, and complies with policy HS11 and SPG11.

The principle concern raised by neighbouring properties is the degree of overlooking and loss of privacy from the new development, particularly from the rear dormer windows but also from the additional windows as constructed.

The properties on Broomfield Close and Ferns Close are built on a steep gradient, where the land drops to the south-west and the properties to the rear of the site are at a much lower level than the proposed new dwelling. As such the rear dormer windows are higher than the ridge lines of no.s 2 and 4 Ferns Close. The significant height difference results in the outlook from the dormer windows and balconies over the top of the roofs of the properties on Ferns Close. SPG11 states main habitable room windows should be at least 21 metres from a habitable window. The windows in the rear dormers are 24m away from the rear elevation of no.4 Ferns Close and 21m away from the rear conservatory of no.2 Ferns

Close, and both these properties are off-set. It is also a material consideration a 50 cubic metre rear dormer could have been constructed under permitted development in the original roof without requiring planning consent. Likewise, the proposed new openings at ground floor in what would have been the original side elevation could have been inserted without the need for planning consent. Notwithstanding this, the proposed window openings are not considered to result in significant overlooking or loss of privacy to neighbouring properties as the required separation distances are achieved. If Committee Members are minded, a condition could be attached requiring privacy screens to either end of the balcony.

Regarding representations received from neighbouring properties, the owner has not committed an offence by commencing a development without planning permission and applying for planning permission retrospectively, however the developer continues with the new development at their own risk because, if their retrospective planning application were to be refused, the Act provides the Local Planning Authority with all the powers necessary to subsequently ensure the removal of the unauthorized development. The Council has assessed the application in relation to privacy under the relevant local planning policy HS4 and SPG11. Loss of a private view and disturbance from building work cannot form a reason for refusal. Each planning application is assessed on its individual merits and the proposal will not set a precedent. Having regard to the Council Guidance on Publicity for Applications, letters of notification were sent to properties adjoining the site, and a site notice was displayed by the case officer on 04 January 2017.

### **SEPARATION DISTANCES**

SPG11 states main habitable room windows should be at least 14 metres from any blank gable and 21 metres from a habitable window. The property opposite is 40m away, and the property to the rear is 21m away. The proposed rear dormer window and balcony facing neighbouring properties will not result in direct overlooking or loss of privacy as they are positioned higher than the roofline of the properties on Ferns Close. It is considered no residential properties will be affected by the proposed development in terms of overlooking or loss of privacy.

### **HIGHWAY/TRAFFIC IMPLICATIONS**

The proposal will utilise the existing access and there is provision for off-street parking. 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 considered not to have a harmful visual impact on its surroundings or the character of the building. It is deemed not to adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design, complies with policies HS4 of the adopted Wirral Unitary Development Plan 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 proposal is considered not to have a harmful visual impact on its surroundings or the character of the building. It is deemed not to adversely impact on the amenities that the occupiers of the neighbouring properties can reasonably expect to enjoy. The proposal is acceptable in terms of scale and design, complies with policies HS4 of the adopted Wirral Unitary Development Plan and the National Planning Policy Framework.

<b>Recommended Decision:</b>	<b>Approve</b>
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**Recommended Conditions and Reasons:**

None (as this is a retrospective application).

**Further Notes for Committee:**

**Last Comments By:** 08/02/2017

**Expiry Date:** 16/02/2017