



**Development Plan Designation:**

Conservation Area (for illustrative purposes)  
Primarily Residential Area

**Planning History:**

Location: Nursery and Allotment Gardens, DEE VIEW ROAD, HESWALL, CH60 0DJ  
Application Type: Full Planning Permission  
Proposal: Erection of 3 no. Detached Dwellings with Integral Garages - Amended Design  
Application No: APP/16/00048  
Decision Date: 11/04/2016  
Decision Type: Approved

Location: Nursery and Allotment Gardens, DEE VIEW ROAD, HESWALL, CH60 0DJ  
Application Type: Full Planning Permission  
Proposal: Residential development, Erection of 3no detached dwellings with integrated garages  
Application No: APP/15/00600  
Decision Date: 24/07/2015  
Decision Type: Approved

Location: Laburnum Cottage, West Grove, Heswall, Wirral, CH60 0DR  
Application Type: Full Planning Permission  
Proposal: Erection of trellis fencing on top of existing sandstone retaining wall along Thurstaston Road boundary.  
Application No: APP/01/06945  
Decision Date: 12/12/2001  
Decision Type: Withdrawn

Location: Nursery and Allotment Gardens, DEE VIEW ROAD, HESWALL, CH60 0DJ  
Application Type: Full Planning Permission  
Proposal: Residential development, erection of 4no dwellings and 1 private 3 bay garage, demolition of 1no existing dwelling.  
Application No: APP/14/01340  
Decision Date: 21/01/2015  
Decision Type: Withdrawn

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

Having regard to the Council Guidance on Publicity for Applications, 25 notifications were sent to adjoining properties and a site notice was also displayed. At the time of writing this report 15 individual objections have been received stating concern over:

1. The developer has failed to comply with the planning process
2. Large feature windows are out of keeping
3. Concern over the height and scale of the houses
4. Negative impact on the Conservation Area
5. Houses were originally 4 bedroom and have been built as 5 bedroom with increase roof height.

**Heswall Society** - The height of the buildings should not exceed the height already approved, welcome the window detailing and improved landscaping

**CONSULTATIONS:**

**Highways** - No objection

**Environmental Health** - No objection

**Director's Comments:**

## **REASON FOR REFERRAL TO PLANNING COMMITTEE**

15 individual objections have been received and under the provisions of the Scheme of Delegation for Determining Planning Applications, the application is required to be considered and determined by the Planning Committee.

## **INTRODUCTION**

The proposal is for the erection of three detached dwellings on the site of the former nursery, allotment gardens, Dee View Road, Heswall. The proposal is a resubmission of a previously approved application and APP/16/00048 as it seeks amended design. There is an original approval under reference APP/15/00600 for the three dwellings that was superseded by the approval of APP/16/00048 as this was for amended design. Works have commenced on site with the three houses substantially completed and as the pre-commencement conditions attached to approval APP/16/00048 have not been discharged, this effectively invalidates the approval. In addition, concerns have been expressed about the scale and height of the houses along with the proposed first floor window design in the front gables. This planning application seeks approval for the proposed houses and addition of velux windows. Since the first submission, the first floor windows have been amended to reflect the design of the windows approved under APP/16/00048.

## **PRINCIPLE OF DEVELOPMENT**

The site is within a Primarily Residential Area where the principle of a residential development is acceptable. The site is also within Heswall Lower Village Conservation Area where a residential development should make a positive contribution to the local character and distinctiveness quality of the area. The principle of developing the site for three dwellings is established given the previous approvals.

## **SITE AND SURROUNDINGS**

The application site was previously a nursery and allotment garden and the houses approved under reference APP/16/00048 have been substantially constructed. The site fronts onto Dee View Road and is bounded by West Grove at the rear. The site is open at the front as the previous hedgerow has been removed to allow for the vehicular access to the site. The area is predominantly residential in character and the properties within the immediate vicinity are a mix of detached and terraced properties that consist of a variety of materials that vary in age, design and size.

## **POLICY CONTEXT**

The site is located within Heswall Lower Village Conservation Area and the Primarily Residential Area.

UDP Policy HS4 - New Housing Development states that proposals should be an appropriate scale that relates well to surrounding property, in particular with regard to existing densities and form of development. The development should not result in a detrimental change in the character of the area; should provide appropriate landscaping and boundary treatment that contributes to a secure environment; access and services capable of satisfactory provision with the provision of adequate vehicular access.

UDP Policy CH2 - Development Affecting Conservation Areas states that proposals within or adjacent to or otherwise affecting the setting or special character of a Conservation Area will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance the distinctive characteristics of the area including important views into and out of the conservation area, the general design and layout of the Area and that special regard will be given to matters of detailed design (especially within main frontages and prominent elevations and materials to be used).

Policy CH14 in relation to Heswall Lower Village Conservation Area states that the principal planning objectives for the area will be to:

- (i) preserve the character of the old village core, including the setting and character of its former farm buildings and cottage scale dwellings;
- (ii) preserve the character and setting of the surrounding area characterised by substantial property in large, well-landscaped grounds and by the denser more modest scale development to the north of

Dawstone Park;

(iii) retain unifying features such as stone walls, the character of narrow lanes such as School Hill, Brow Lane, West Grove and Feather Lane and areas of mature landscaping. Notwithstanding designation as Urban Greenspace under Proposal GR2, special attention will be given to retaining the historic character of Dawstone Park.

The reasoned justification for the criteria set out in Policy CH14 states that Heswall Lower Village Conservation Area was designated in April 1979. Its boundaries are drawn to encompass the original nucleus of the small fishing village which pre-dated the suburban expansion of Heswall after the arrival of the railway in the late nineteenth century, as well as some of the earliest and best of the later suburban development.

A Character Appraisal has been approved for the conservation area. This sets out a description of the area in terms of plot sizes, topography and scale and design of older, and original traditional dwellings as well as the more recent developments in the area.

The heart of the original settlement, based around Village Road, Raby Close and The Lydiate, can still be discerned and retains much of the character of a typical English Village, including its church and rectory, public house, village hall, shops and groups of cottage scale dwellings, and former farm buildings such as Lydiate Farm and The Old Smithy. One objective of Policy CH14 is, therefore, to ensure that the distinctive character of the old village continues to be preserved.

Policy CH14 also seeks to preserve the setting and appearance of the surrounding area. This area can be split into two distinct segments: the area characterised by substantial houses set in large grounds, situated towards and along Dawstone Road; and the more clustered modest scale development, based around Dee View Road, The Mount and the upper part of School Hill. In accordance with Policy CH14, new proposals will be required to reflect the specific character of the sub-area in which it is located.

The special character of Dawstone Park, and the significance of its location at the junction of these three distinct areas in the historic development of the Village, also merits special protection. Policy CH14, therefore, provides for the historic character of this open space to be preserved.

Guidance in the National Planning Policy Framework (NPPF) states that new development in conservation areas should make a positive contribution to the local area in terms of character and distinctiveness. In terms of the setting within the Conservation Area, the NPPF states that applicants should describe the significance of any heritage assets affected. This should be included within a Heritage Statement to be submitted with the planning application. When determining a planning application, the Local Planning Authority will take account of:

- The desirability of sustaining or enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness

The NPPF supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area.

## **APPEARANCE AND AMENITY ISSUES**

As set out in the Policy Section above, any development on this site needs to contribute positively to the character of the conservation area. The need to make a positive contribution to the conservation area does not preclude the principle of development rather that such development should respect its surroundings in terms of layout, design and use of materials. This application seeks to remedy the breach of planning in that the approval under reference APP/16/00048 is invalid as works have commenced before conditions have been discharged. The conditions related to site level, submission

of samples and access details. The application originally included changes to the window design that would result in a larger opening at first floor level with a larger area of glazing proposed. This has subsequently been amended to reduce the opening to reflect a more traditional style of window and improves the appearance of the houses. This is the design that was approved under reference APP/16/00048.

Concern has been raised about the scale and height of the houses and that this did not reflect the previous approval. The measurements of the houses in terms of height and overall scale has been checked on site. The measurements confirm that the houses have been constructed in line with the previous approval APP/16/00048 and as such the principle of retaining the houses at this height is acceptable.

The materials have been chosen to match neighbouring properties and include a mix of render, brick and grey/blue slate. These are considered appropriate on this site, as they reflect the character of the area as a whole. The levels within the site are relatively flat although levels differ outside the site, across Dee View Road and to the rear, West Grove. The difference in levels forms part of the character in this part of Heswall with houses across the road opposite the site enjoying elevated positions looking across to the River Dee. The siting and scale of the houses has attracted a number of objections from the occupiers of houses along Dee View Road relating to the loss of view given their prominence. Loss of a view is not a material planning consideration and notwithstanding this, the houses are sited to meet the usual separation distances. Although the presence of the houses is obvious given that the site was previously undeveloped, the houses do not appear over dominant.

Objections have been received stating that the proposal will not enhance or preserve the character of the Conservation Area and raise issues over scale and design. The fact that the site is within a Conservation Area is not a reason to restrict development, rather than to ensure that the land is used in a sustainable way, taking account of its setting within a Conservation Area. The houses are considered appropriate given that the window design has been amended. The properties in the area all vary in type, scale, age and design with a varied mix of materials. As such, the design principles adopted for the proposed development aim to pick up distinct features within the Conservation Area and have influenced the choice of materials.

It is considered that the scale, layout and design of the proposed dwellings is appropriate within the site. The proposal has regard to the character of the conservation area and is designed to preserve both the character of the older village core as well as more recent developments and the setting of the surrounding area.

#### **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. The proposal complies with the current guidance on separation distances.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

There are no highway objections to the 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 layout, scale and design of the proposed dwellings represents an appropriate development within the Conservation Area. The proposal is considered to make a positive contribution to the local area in terms of character and distinctiveness. The proposal is a sustainable housing development which encompasses good design and widens the choice of high quality homes. The proposed development will not result in any harm to the amenities of the occupiers of adjacent houses and is in keeping with the pattern of development and character of the Conservation Area. The proposal therefore accords with UDP Policies CH2, CH14 and 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 layout, scale and design of the proposed dwellings represents an appropriate development within the Conservation Area. The proposal is considered to make a positive contribution to the local area in terms of character and distinctiveness. The proposal is a sustainable housing development which encompasses good design and widens the choice of high quality homes. The proposed development will not result in any harm to the amenities of the occupiers of adjacent houses and is in keeping with the pattern of development and character of the Conservation Area. The proposal therefore accords with UDP Policies CH2, CH14 and HS4 and the National Planning Policy Framework.

**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 as amended on the 22 March 2017 and listed as follows: Drawing number 001, 002, 003 and 004 dated 22.03.17

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

2. PRIOR TO FIRST OCCUPATION OF THE DEVELOPMENT details of a scheme for all boundary treatment shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of amenity

3. 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/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 2008 (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 and CH2 of the Wirral Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no walls, fences or other means of enclosure shall be erected on any part of the site other than that approved under Condition 10 below.

**Reason:** In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4, CH2 & CH14 of the Wirral Unitary Development Plan.

6. PRIOR TO FIRST OCCUPATION OF THE DWELLINGS full details of soft and hard landscaping shall be 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.

7. Any trees or shrubs 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.

8. PRIOR TO THE FIRST OCCUPATION OF THE DWELLINGS 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 to be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented in full unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance and adequate standards of hygiene and refuse collection, having regard to policies WM8 and WM9 of the Waste Local Plan.

9. The access to the site shall be in accordance with the details shown on the submitted plan, drawing number 001 Revision C dated 22.03.17 with the hedgerow maintained at a height of 1 metre or below and retained as such at all times.

**Reason:** In the interests of highway safety and to accord with Policy HS4 of the in the Wirral Unitary Development Plan.

10. PRIOR TO THE OCCUPATION OF THE DWELLINGS a scheme for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall take account that foul water and surface water discharges shall be drained separately from the site. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system and no land drainage run-off shall be permitted to discharge, either directly or directly, to the public sewerage system. No part of the development shall be brought into use until the drainage system has been constructed and completed in accordance with the approved plans.

**Reason:** In the interests of providing satisfactory drainage of the site and to accord with Policy HS4 of the Wirral Unitary Development Plan.

#### **Further Notes for Committee:**

**Last Comments By:** 10/04/2017  
**Expiry Date:** 12/04/2017