

# Planning Committee

18 January 2018

**Reference:**  
**APP/17/01263**

**Area Team:**  
**North Team**

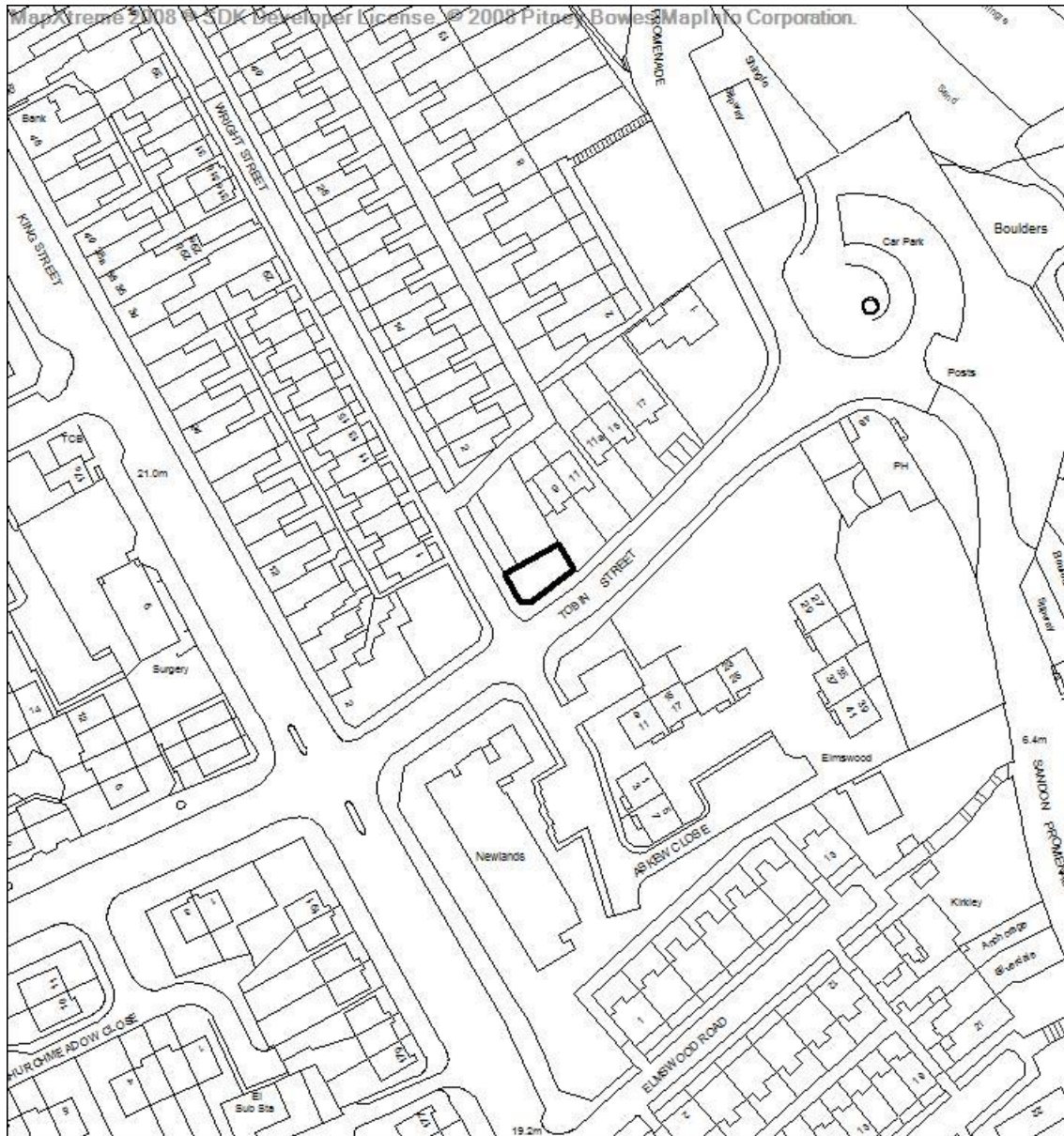
**Case Officer:**  
**Mr K Spilsbury**

**Ward:**  
**Liscard**

**Location:** 3-5 TOBIN STREET, EGREMONT, CH44 8DF  
**Proposal:** Installation of 3no additional windows to the north east side elevation of the building (amended design).

**Applicant:** Mr S Ward  
**Agent :** D.J. Cooke & Co Ltd

## Site Plan:



**Development Plan Designation:**

Primarily Residential Area

**Planning History:**

Location: 3- 5 TOBIN STREET, EGREMONT, CH44 8DF  
Application Type: Full Planning Permission  
Proposal: Conversion (change of use) of former printing works offices into three self contained flats, formation of communal yard area and minor alterations to existing workshop.

Application No: APP/14/01091  
Decision Date: 16/10/2014  
Decision Type: Approve

Location: 3-5 TOBIN STREET, EGREMONT, CH44 8DF  
Application Type: Full Planning Permission  
Proposal: Alterations to convert the basement into a self contained flat  
Application No: APP/15/00495  
Decision Date: 24/06/2015  
Decision Type: Approve

Location: 3-5 TOBIN STREET, EGREMONT, CH44 8DF  
Application Type: Outline Planning Permission  
Proposal: Conversion (change of use) of former printing works offices into three dwellings, demolition of existing workshop and erection of a pair of semi detached houses.  
Application No: OUT/14/00820  
Decision Date: 18/08/2014  
Decision Type: Withdrawn

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

Having regard to the Council Guidance on Publicity for Applications, 53 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 3 objections have been received from neighbouring properties. The objections are summarised as follows:

1. Invasion of privacy/overlooking
2. Mess during construction
3. Health and safety issues relating to cleaning and maintenance
4. Impact upon the value of adjacent homes

The application has been taken out of delegation by Cllr Williamson on the following grounds: written and verbal representations from a number of residents from Tobin Street who are concerned that the installation of windows, as proposed in the application, would completely destroy their privacy as they would be overlooked in their front gardens

**CONSULTATIONS:**

Engineers Department - No objections

Environmental Health – No objections

**DIRECTORS COMMENTS:****REASON FOR REFERRAL**

Councillor Williamson has requested the application be taken out of delegation and heard at planning committee as she has received written and verbal representations from a number of residents from Tobin Street who are concerned that the installation of windows, as proposed in the application, would completely destroy their privacy as they would be overlooked in their front gardens

## **INTRODUCTION**

The proposed development is for the installation 3 additional windows to the north east side elevation of the building. Following consultation with the planning department, the window design has been altered to an oriel window that is obscured on the side facing the properties located on Tobin Street.

## **PRINCIPLE OF DEVELOPMENT**

The proposal is for an amendment to an existing residential apartment scheme within a designated Primarily Residential Area as such, the proposal is acceptable in principle.

## **SITE AND SURROUNDINGS**

The site is located within the residential area of Egremont and is a former print works. There are a mix of properties within the area including semi detached dwellings to the east, residential care apartments to the south, the Vaults public house to the west and terrace dwellings located along Wright Street to the north.

The side elevation is currently black at present and lies adjacent to the southern most point of the neighbouring front gardens

## **POLICY CONTEXT**

Unitary Development Plan policies HS4 and HS13 are relevant, whilst Supplementary Planning Documents SPD2: Self Contained Flat Developments and SPD4: Parking Standards are also relevant.

The layout and design of the development must satisfy the criteria of HS4 – it must relate well to adjacent properties and not result in a detrimental change in the area. The proposal involves the insertion of windows within the side elevation of the property on Tobin Street. The size and form of the proposed windows will tie in with the character if the building and follows the form of the existing fenestration. The new windows will serve the existing bedrooms and following the amendment will provide views to the south and east.

The proposed oriel windows address the criteria of policy HS13, and are within the limits established in Supplementary Planning Document 2 (SPD2).

As Tobin street falls steeply in gradient from west to east, the introduction of windows will allow the proposed secondary windows views of the Mersey River to the east without detriment to the amenities of neighbours. Whilst the windows are on the side of the property adjacent to the side gardens 9 Tobin Street, the amended design will ensure the windows do not overlook the adjoining properties. Should members be minded to approve the application a condition will be imposed that ensures these windows are fixed and obscurely glazed.

The NPPF states purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 18 to 219 taken a whole constitute the Governments view of what sustainable development in England means in practice for the planning system. . It is a core principle that planning decisions should always seek to secure high quality design and a good standard of amenity for all existing and future occupants.

The proposal is for an amendment to sustainable residential development within a residential area which is encouraged by the NPPF.

## **APPEARANCE AND AMENITY ISSUES**

At the time of writing this report 3 objections have been received from neighbouring properties. The objections are summarised as follows:

1. Invasion of privacy/overlooking
2. Mess during construction
3. Health and safety issues relating to cleaning and maintenance
4. Impact upon the value of adjacent homes

The proposed conversion will have minimal impact upon the overall appearance of the building as the proposed windows will tie into the character of the host building without detriment to the street scene. The proposed windows have been amended at the request of the Local Planning Committee and as

such it is considered that there will be no overlooking of neighbouring properties introduced.

As stated above the windows have been amended to preserve the privacy of neighbours. The oriel design ensures the view of the window is directed to the south east away from the adjoining dwellings. The properties 9-17 Tobin Street have long front gardens that drop off at the last metre or so to a retaining wall where the properties meet the highway. The back section of the proposed oriel windows nearest to the dwelling houses will be fixed and obscurely glazed to prevent overlooking, the view will be focused away from the dwellings and at most will provide views over the sloping planted area of the front garden only that is immediately adjacent to the road. The Council has taken the view that the newly designed windows will allow views towards the south east and due to the angle of the apartments and the design of the proposed windows will not result in any detriment to the amenities of the adjacent dwellings.

In addition the objections all relate to loss of privacy of their front gardens. Whilst the Council considers the proposed oriel windows overcomes these issues, the front gardens are only semi-private at present as currently these gardens can be seen from the road and from the neighbouring flats across the road - Elmswood.

Health and safety issues regarding cleaning and maintenance, the mess during construction and loss of value are not planning matters.

Both the Environmental Health team and the engineers department have been consulted and have not raised any issues relating to noise, disturbance or highway safety.

The proposed development is deemed acceptable in terms of the criteria set out in Policy HS13 of Wirral's Unitary Development Plan, SPD2 and the NPPF.

#### **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.

As stated above the design of the additional windows will ensure there will be no additional overlooking created.

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

There are no significant highway/traffic implications. The Engineers department has raised no objection to the proposed development.

#### **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 amended design of the proposed windows will ensure there will be no loss of amenity to the occupiers of adjacent properties, and will be in keeping with the character of the area. As such the proposal is therefore deemed to be in accordance with Policies HS13 of the Wirral Unitary Development Plan, SPD 2 and the National Planning Policy Framework and recommended for approval.

#### **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 amended design of the proposed windows will ensure there will be no loss of amenity to the occupiers of adjacent properties, and will be in keeping with the character of the area. As such the proposal is therefore deemed to be in accordance with Policies HS13 of the Wirral Unitary

Development Plan, SPD 2 and the National Planning Policy Framework and recommended for approval.

**Recommended Decision:**            **Approve**

**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. Before the development hereby permitted is brought into use the back section of the oriel windows hereby permitted, facing north east shall be fixed and obscurely glazed with frosted glass up to 1.7m above finished floor level as indicated on drawing no. 6319/19a and shall be retained as such thereafter.

**Reason:** In the interest of amenity having regards to policy HS13 of Wirral's Unitary Development Plan.

**Last Comments By:** 09/01/2018 11:36:03

**Expiry Date:** 29/12/2017