

Planning Committee
22 March 2018

Reference:
APP/17/01388

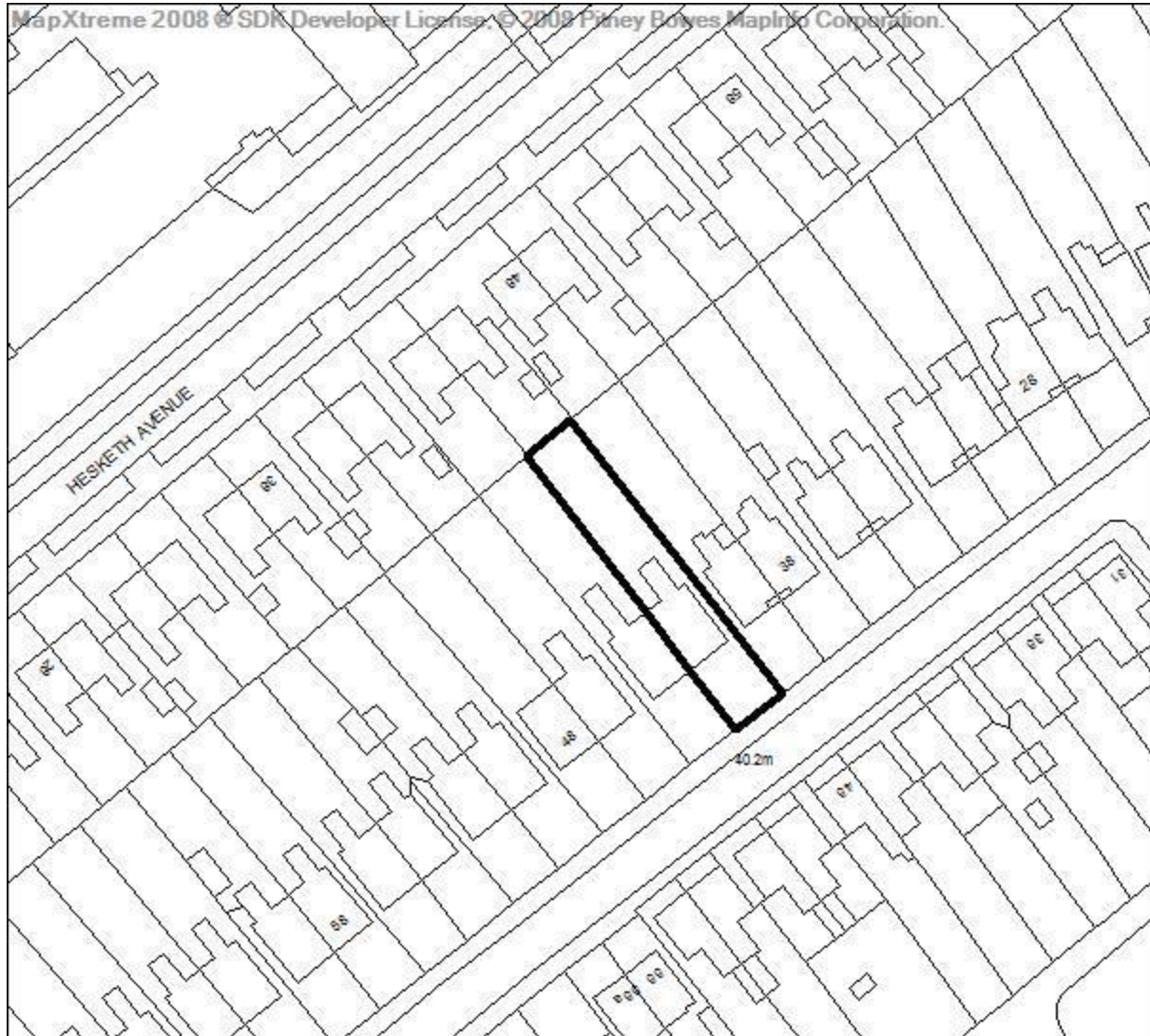
Area Team:
South Team

Case Officer:
Mr C Smith

Ward:
Rock Ferry

Location: 42 CAVENDISH DRIVE, ROCK FERRY, CH42 6RQ
Proposal: Rear ground floor extension (retrospective).
Applicant: Mr Sean Harrington
Agent : Mr William Harrington

Site Plan:



© Crown copyright and database rights 2017 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

Development Plan designation
Primarily Residential Area

Planning History:

Location: 42 CAVENDISH DRIVE, ROCK FERRY, CH42 6RQ
Application Type: Full Planning Permission
Proposal: Rear ground floor extension (retrospective).

Application No: APP/17/01388

Decision Date:
Decision Type:

Location: 42 CAVENDISH DRIVE, ROCK FERRY, CH42 6RQ
Application Type: Prior Approval Householder PD
Proposal: Erection of a single storey rear extension which would extend beyond the rear wall of the original house by 5m for which the maximum height would be 3.8m and for which the height of the eaves would be 2.5m

Application No: RESX/15/00793
Decision Date: 01/07/2015
Decision Type: Prior approval is not required

Location: 42 Cavendish Drive Rock Ferry
Application Type: Full Planning Permission
Proposal: Erection of Plastic Netting Fence 7-8 feet high (approximately)
Application No: APP/74/01270
Decision Date: 04/03/1975
Decision Type: Refuse

Appeal Details

Summary Of Representations and Consultations Received:

REPRESENTATIONS:

Having regard to the Council Guidance on Publicity for Applications 5 notifications were sent to adjoining properties. A site notice was also displayed. At the time of writing this report 20 objections have been received.

Brief summary of objections:

- i. A number of objections have stated that the building and site have been kept untidy and are in a state of disrepair for a number of years.
- ii. A number of objections stated that the site is used as a storage facility and tipping zone for building materials and waste.
- iii. A number of objections have stated that the works have been on-going for a number of years and it appears the developer will never finish the building works on the site.
- iv. A number of objections stated that said tipping on the site is causing vermin issues.
- v. A number of objections stated that a van parks outside the property which obscured traffic and causes highway safety issues.
- vi. The occupier of No. 40 Cavendish Drive objected on grounds that the extension impacts on light into their kitchen and dining room.
- vii. The occupiers of No. 44 Cavendish Drive states that the extension has been built on the boundary wall contrary to a written agreement with the developer.
- viii. The occupiers of No. 44 Cavendish Drive have stated that in 2015 a party wall/boundary was removed by the developer and not made good.

CONSULTATIONS:

None Required.

DIRECTORS COMMENTS:

REASON FOR REFERRAL:

Councillor Moira McLaughlin requested the application be heard by the planning committee. The Councillor stated that the property has been in a dreadful state for several years and the developer has not responded to any of the concerns that residents have expressed about the detrimental effect it has had on surrounding properties.

The application was considered at Planning Committee on the 18th January 2018 with a recommendation of approval subject to conditions: the standard 3 years implementation condition and the standard compliance with plans condition. As the proposal is retrospective, the development has already been implemented and therefore the condition relating to the implementation of the

development are unnecessary in this case. At the Committee in January, Members requested the rewording of that condition to read:

“The development hereby permitted shall be limited to a period of 12 months, expiring on 18th January 2019.”

The purpose of this report is to advise members that, having considered the implications of the above condition, it is not considered to be reasonable or enforceable. The condition therefore fails to meet the six tests set out in paragraph 206 of the National Planning Policy Framework (use of conditions in planning permission).

It is understood that the purpose of imposing this condition was to encourage the developer to substantially complete the works within a set time frame, and to bring the building process to a swift conclusion. Government guidance sets out that such a condition is likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development.

As the proposal is to the rear of the dwelling and thereby almost totally obscured from the street scene, the impact of the extension on the visual amenity of the area and street scene is logically quite limited. It is therefore considered that it would also be unreasonable in this instance for the Local Authority to refuse the application for the retention of the rear extension on grounds that the extension has not been substantially finished.

At the Committee Meeting on 18th January 2018, the Assistant Director of Environmental Services stated that Officers would explore whether any powers are available to the Council to require the site as a whole to be tidied. Whilst no formal enforcement powers are available, Officers from the Planning Enforcement team and the Environmental Health Team have met with the owner of the site to discuss the issue. I can report that whilst the site remains a building site, steps have been taken to greatly improve its condition and the owner has agreed to take reasonable steps moving forward to prevent the condition from deteriorating.

It is therefore recommended that planning permission be granted without the imposition of the additional condition discussed by Committee on 18th January 2018.

The application has therefore been returned to Planning Committee so members can be fully informed before determining the retrospective planning application. For the reasons set out above, it is recommended that planning permission be granted without the imposition of the additional condition discussed by Members on 18th January 2018.

INTRODUCTION

The proposal is seeking planning permission for a rear ground floor extension (retrospective).

The developer applied for a Notification of a Proposed Larger Home Extension in 2015 (RESX/15/00793). The developer sought permission in 2015 for the “Erection of a single storey rear extension which would extend beyond the rear wall of the original house by 5m for which the maximum height would be 3.8m and for which the height of the eaves would be 2.5m”. On 01/07/15 the Local Authority determined that ‘prior approval is not required’ for the works proposed by the developer. This planning consent granted by the Local Authority was subject to development being completed on or before 30th May 2016.

The Local Authority received an enforcement complaint on 01/08/17 alleging that the works on the proposal site had not been completed before 30th May 2016. Following a site visit, the Local Authority Enforcement Officers established that the rear extension had been partially constructed, but was not

considered substantially completed and therefore the development breached the previous consent granted in 2015 (RESX/15/00793). As planning permission for the 2015 application has expired, the development requires planning consent again and the current application seeks to retain the rear extension retrospectively.

PRINCIPLE OF DEVELOPMENT

The principle of the development is acceptable subject to Policy HS11 of Wirral's Unitary Development Plan, SPG11 and the provisions of the National Planning Policy Framework.

SITE AND SURROUNDINGS

The proposal site contains a two storey semi-detached dwelling set within a Primarily Residential Area. The neighbouring dwellings are generally of similar scale and design and share uniform buildings lines along Cavendish Drive.

The proposal site dwelling appears to be under construction and unoccupied currently. The front elevation windows and doors appear to have been replaced with new UPVC and the external render on the front and side of the dwelling is in a state of disrepair.

The single storey rear extension is currently constructed from breeze block bricks, with a mono pitched roof with a shallow roof slope and three Velux roof lights. The rear elevation of the extension has a large section of bi-folding doors which have only been partially constructed. The rear extension, which the current application relates to, extends 5.0 metres from the rear wall of the original dwelling with a maximum height of 3.8 metres and eaves at 2.5 metres. The rear extension on the proposal site is in very close proximity to the boundary with the neighbouring site of No. 44 Cavendish Drive.

The proposal site rear garden party boundary with No. 44 Cavendish Drive consists of an approximately 2.4 metre high concrete post fence with timber infill panels. This fence along the boundary with No. 44 Cavendish Drive starts in-line with the rear elevation of the 5.0 metre extension and runs the length of the side boundary of the site. The party boundary with No. 40 Cavendish Drive consists of an approximate 1.5 metre brick high wall with a further 0.4 metre high timber fence along the top of the brick wall. The neighbouring dwelling No. 40 Cavendish Drive has an original single storey rear extension. The neighbouring dwelling of No. 44 Cavendish Drive has a single storey rear extension that looks to project approximately 3.0 metres from the rear wall of the original dwelling and is in close proximity to the boundary with the proposal site.

POLICY CONTEXT

The application shall be assessed under policy HS11 House Extensions of the Wirral Unitary Development Plan, SPG11 House Extensions and the National Planning Policy Framework.

HS11 states that the scale of any proposed development should be appropriate to the size of the plot and not dominate the existing building, and not be so extensive as to be unneighbourly. Particular regard should be had to the effect on light to and the outlook from neighbours habitable rooms and development should not result in significant overlooking of neighbouring residential property. The design features and materials used should complement the existing building.

SPG11 states that it is always important to consider the specific character of the building being extended and to take account of the context of the property. Extensions built close to the boundary with a neighbouring property may have an adverse impact on the enjoyment of that property. Extensions should not be so large as to create an effect of over-dominance or cause significant visual intrusion or significantly impact existing light levels (daylight and sunlight).

SPG11 states that rear extensions should not dominate nor significantly alter the existing levels of sunlight, privacy and daylight to adjoining properties. Single storey rear extensions within 1 metre of the party boundary should not project more than 3.0 metres from the original rear wall of the property on semi-detached dwellings.

SPG11 states that where two habitable rooms to principal elevations face one another such that direct overlooking is likely to occur, the windows shall be a minimum of 21 metres apart. Where a sole window to a main habitable room faces a blank wall they must be a minimum of 14 metres apart.

National Planning Policy Framework (NPPF) supports sustainable development which encompasses good design. 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

The main issues to regard with this current application is the potential impact of the single storey rear extensions on neighbouring amenity in regard to existing light, outlook and privacy.

Wirral's adopted Unitary Development Plan states that single storey rear extensions on pairs of semi-detached dwellings 1 metre of the party boundary should not project more than 3.0 metres from the original rear wall of the property. SPG11 which supports HS11 states that rear extensions should not dominate not significantly alter the existing levels of sunlight, privacy and daylight to adjoining properties.

The semi-detached neighbouring dwelling has an existing single store rear extension that appears to project approximately 3.0 metres from the rear wall of the neighbouring original dwelling. The neighbouring extension appears to be set at a lower land level than the proposal site rear dwelling, and thereby has a lower maximum height and eaves than the proposal site rear extension. Both the proposal site and neighbouring extension are in close proximity to the party boundary, but do not abut one another. The neighbouring rear extension has UPVC French style patio doors on the rear elevation and these are the windows that would be principally impacted by the rear extension on the proposal site.

In this instance substantial weight must be given to the fact that the neighbouring dwelling has an existing rear extension, and therefore the proposed extensions impact on the amenity of the neighbouring occupier is diminished significantly. It is estimated that the proposed rear extension projects 2.0 metres past the rear elevation of the neighbouring dwellings single storey extension, and in this instance the proposed rear extension is not considered to have any significant adverse impacts on the expected amenity of No. 44 Cavendish Drive in regard to existing light and outlook.

The rear extension is set approximately 1.6 metres from the party boundary with the neighbouring dwelling No. 40 Cavendish Drive. The neighbouring dwelling No. 40 Cavendish Drive is a further 1.8 metres from the party boundary with the proposal site. As the proposed rear extension is single storey and set over 1.0 metres from the party boundary, the rear extension is not thought to cause any significant harm to the amenity of No. 40 Cavendish Drive in regard to existing light.

The party boundary between the proposal site and neighbouring sites consist of high boundary walls/fences, and given the proposed rear extension has no side facing windows, the development will not result in any overlooking or privacy issues for neighbouring occupiers.

Some weight is also given to the fact that the developer received planning permission in 2015 (RESX/15/00793) for a single storey rear extension of the same dimensions as is currently being proposed. The current proposal only requires permission by virtue that the developer failed to complete the works before 30th May 2016. It would be reasonable in this instance to take into account that central government has relaxed permitted development rights in recent years for single storey rear extensions on households, to enable this type of development. It would likely be considered unreasonable for the Local Authority in this particular instance to subsequently refuse permission for a development that received planning permission in 2015 through The Town and Country Planning (General Permitted Development) Order 2015 (as amended).

The proposed materials include external block and render walls, a tiled roof and bi-folding doors. The use of render/pebbledash is already established on the host dwelling, and as the development is to the rear of the dwelling the proposed materials are considered to have no negative impact on the

character of the host dwelling or wider street scene.

Taking into account the above considerations, the extension is not thought to detract from the amenities neighbouring properties can reasonably expect to enjoy. The increase in floor space will create no impact on the street scene. The application is therefore considered acceptable.

Other matters:

A considerable number of objections related to the condition of the land and building and the length that building works have been on-going at the site. Linked to this issue are the residents' concerns that waste and tipping is occurring on the site which is attracting vermin. The issue over the current condition of the land or buildings on the site has little weight in the determination of the acceptability of this household proposal. As previously stated, the developer is understood to have tidied up the site following discussions with the Local Authority.

A number of objections stated that the developer clearly has no intention to complete building works at the property. The Local Authority has limited scope on single household developments in compelling developer to finish the proposed works, as many complex issues could possibly explain why works are on-going or cannot be substantially completed in the short, medium or long term. The proposal is to the rear of the dwelling and thereby almost totally obscured from the street scene, therefore on the whole, the impact of the extension on the visual amenity of the area and street scene is logically limited in this case.

A number of objections stated that a van repeatedly parks outside the site, obscuring traffic and causing highway safety issues. As the site is situated on a residential road and has no parking restrictions such as double yellow lines, the Local Authority Planning Department has little control over private vehicles parking on the public highway outside the site.

The occupier of No. 40 Cavendish Drive stated that the rear extension impacts light into their kitchen and dining room. As previously considered, the distances between the rear habitable windows of the neighbouring dwelling No. 40 Cavendish Drive and the rear extension are considered acceptable and thereby result in no significant impact on the amenity of neighbouring occupiers in these regards.

The occupiers of No. 44 Cavendish Drive stated that the developer has undertaken a number of works in regard to boundary walls/treatments against written agreements between the two parties. Matters in regard to the party wall are civil and not material planning considerations.

The occupier of No. 44 Cavendish Drive stated they received no notification to the application. As previously stated, notification letters were sent to adjoining properties on 27/11/17 and a site notice was displayed on 30-11-17 to notify neighbouring occupiers to the proposed development.

SEPARATION DISTANCES

SPG11 states that 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 is not considered to result in direct overlooking.

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.

CONCLUSION

The proposal is not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal complies with NPPF - Requiring Good Design, HS11 - House Extensions, SPG11 - House

Extensions, and is therefore considered acceptable.

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 not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal complies with NPPF - Requiring Good Design, HS11 - House Extensions, SPG11 - House Extensions, and is therefore considered acceptable.

**Recommended Approve
Decision:**

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 21/11/17 and listed as follows: Drawing No. 02.

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

Further Notes for Committee:

Last Comments By: 25/12/2017 14:31:53

Expiry Date: 16/01/2018