

Planning Committee

13th December 2018

REPORT OF THE DIRECTOR

Reference: **APP/18/01085**

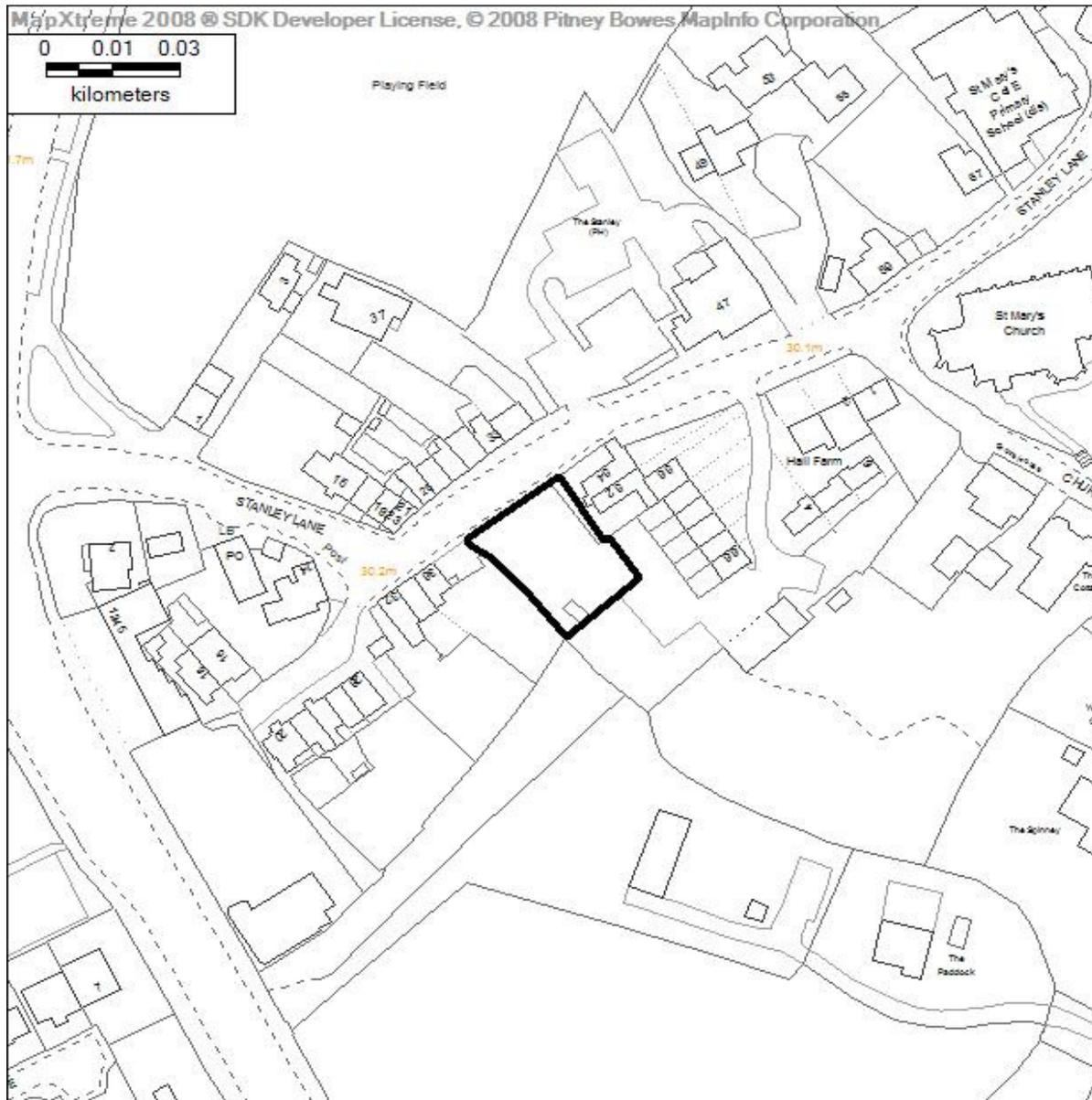
Proposed development: Erection of new detached dwelling

Site Address: Land between 36 & 52/54 Stanley Lane, Eastham, CH62 0AG

Applicant: Mr Evans

Agent : PWE Design

Ward: **Eastham**



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1.0 RECOMMENDATION

1.1 Approve - subject to conditions detailed in paragraph 4.1

2.0 KEY ISSUES/SUMMARY OF RECOMMENDATION

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 proposed development will not harm the character or integrity of the Eastham Village Conservation Area, or have an unacceptable adverse impact upon the amenities of neighbouring dwellings. The proposal is therefore considered to comply with Wirral Unitary Development Plan Policy HS4, CH1, CH2 and CH10 and the National Planning Policy Framework

3.0 RATIONALE

3.1 Reason for referral to Planning Committee

3.1.1 The application has been referred to Committee due to it being a departure from the Unitary Development Plan.

3.2 Site and Surroundings

3.2.1 The application site is an area of undeveloped land located between the residential properties of 36 and 52/54 Stanley Lane. It is currently overgrown, with a small stone wall and dense tree screening to the front and is within the Green Belt. The site is within the Eastham Village Conservation Area and is directly opposite three Grade II Listed Buildings.

3.3 Proposed Development

3.3.1 The application is for the erection of a new detached dwelling on land between 36 and 52/54 Stanley Lane.

3.3.2 The application follows the refusal of a previous application (APP/16/01237), which was refused for the following reasons:

- The site lies within the Green Belt, where the National Planning Policy Framework and Policy GB2 in the Wirral Unitary Development Plan make it clear that there is a general presumption against inappropriate development and substantial weight must be given to the harm arising from inappropriate development. It is not considered that very special circumstances have been demonstrated that would outweigh such harm and the proposal is therefore contrary to UDP Policy GB2 and the National Planning Policy Framework
- The proposed development of this site, including the loss of trees, would not preserve or enhance the character of Eastham Village Conservation Area and the proposal is therefore contrary to Wirral Unitary Development Plan Policy CH2 and CH10 and the National Planning Policy Framework.

3.3.3 This was subsequently dismissed at appeal (Ref: 3180111), although the Inspector dismissed the appeal on conservation grounds only. The Inspectors report is a material consideration and has resulted in this revised application being submitted. This is dealt with in more detail below.

3.4 Development Plan

3.4.1 The application is subject to Wirral Unitary Development Plan (UDP) Policy GB2: Guidelines for

Development in the Green Belt, Policy HS4: Criteria for New Housing Development, Policy CH1: Development Affecting Listed Buildings and Structures, Policy CH2: Development Affecting Conservation Areas and Policy CH10: Eastham Village Conservation Area.

- 3.4.2 UDP Policy HS4 states that proposals for new housing development on allocated sites and within the Primarily Residential Areas shown on the Proposals Map will be permitted subject to the proposal fulfilling all the following criteria: (i) the proposal being of a scale which relates well to surrounding property, in particular with regard to existing densities and form of development; (ii) the proposal not resulting in a detrimental change in the character of the area; (iii) access and services being capable of satisfactory provision, particularly for off-street car parking areas and garages, and adequate vehicular access; (iv) the provision of appropriate landscaping and boundary treatment which relates the proposed development to its surroundings, paying particular attention to the maintenance of existing natural features and vegetation in accordance with Policy GR5; (v) the appropriate provision of design features which contribute to a secure environment and reduce the likelihood of crime; (vi) incorporating provision for accessible public open space and children's play areas in accordance with Policy GR6; and (vii) the provision of adequate individual private or communal garden space to each dwelling. For all proposals whose main elevations are parallel, or nearly so, an adequate distance should be kept between habitable rooms in separate dwellings. In addition, where the gable end of one property fronts onto the rear elevation of another, then an adequate separation should be achieved.
- 3.4.3 UDP Policy GB2 states that there is a general presumption against inappropriate development within the Green Belt and such development will not be approved except in very special circumstances. It states that planning permission will not be granted for development in the Green Belt unless it is for the purposes of: (i) agriculture and forestry; (ii) essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; (iii) the limited extension, alteration or replacement of existing dwellings, subject to Policy GB4 and Policy GB5; (iv) the limited infilling in existing villages, subject to Policy GB6, including limited affordable housing subject to local community needs; (v) the limited infilling or redevelopment of major existing developed sites identified under Proposal GB9; Such appropriate development shall not damage the visual amenities of the Green Belt by virtue of its siting, materials or design.
- 3.4.4 The proposed site is within the Eastham Village Conservation Area, and therefore outside of the Eastham Infill Village (as defined in Policy GB6). The proposal does not fall under any of the types of development considered suitable and is therefore classed as inappropriate development, and a departure from the UDP.
- 3.4.5 UDP Policy CH2 states that development located within, 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: (i) the distinctive characteristics of the Area, including important views into and out of the designated Area; (ii) the general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces; and (iii) the character and setting of period buildings and other elements which make a positive contribution to the appearance and special character of the Area.
- 3.4.6 UDP Policy CH10: Eastham Village Conservation Area is also directly relevant. This states that the principal planning objectives for the area will be to: (i) maintain a sense of separation from the surrounding built-up area through the retention of open spaces around the village core; (ii) preserve the setting and sense of enclosure afforded by boundary walls, hedges and mature landscaping; and (iii) preserve the visual setting of the village cross and war memorial and the Church of St. Mary, with its yard and lych-gate. In considering new proposals within the Area, special attention will be given to preserving the group value of period buildings, the irregular development pattern, and the relationship between the design, scale and setting of property and the use of building materials.

3.5 Other Material Planning Considerations

- 3.5.1 The National Planning Policy Framework (NPPF, Revised July 2018) is also relevant. Paragraph 145 states that the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling in villages.
- 3.5.2 Paragraph 184 states that the historic environment and its heritage assets should be conserved in a manner appropriate to their significance so they can be enjoyed for their contribution to the quality of life of existing and future generations.

3.6 Assessment

- 3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development;
- Heritage;
- Design;
- Highways; and
- Amenity

3.7 Principle of Development:

- 3.7.1 Wirral UDP Policy GB7 explicitly excludes the conservation area (and therefore the application site) from being part of the 'infill village' and on this basis the previous application was considered to be inappropriate development as it would not constitute limited infilling within a village. However, within the appeal to this refusal the Inspector found that as these UDP policies pre-date the NPPF, then the appeal should be determined in accordance with national policy, which was the original National Planning Policy Framework (2012).
- 3.7.2 The Inspector subsequently concluded that *"by reason of its setting and context, the location of the proposal is quite clearly within a village, bounded on either side by dwellings, with dwellings opposite, and a church and public house in close proximity. The site has all the characteristics of an infill plot, being on a built up road frontage between properties. The curtilage proposed is not dissimilar to that of No 36 and the proposal would fill a clear gap between dwellings. It would also be for one dwelling, which I consider to be limited. Thus, the proposal would fall within the exceptions set out in Paragraph 88 of the Framework, and would not be inappropriate development. Since there is no Green Belt harm, there is no need to identify very special circumstances or assess the effect of the development upon openness."*
- 3.7.3 On this basis, it is considered that the requirement to demonstrate very special circumstances through UDP Policy GB2 is overtaken by NPPF paragraph 145 (e) which makes an exception for limited infilling within a village.

3.8 Heritage:

- 3.8.1 As noted, the previous appeal was dismissed on the grounds that it would harm the significance of the Eastham Village Conservation Area.
- 3.8.2 This part of the Conservation Area is distinctive, with a haphazard relationship between groups of buildings, interspersed with open spaces and woodland. There is little distinct grain, with both small terraces and larger detached houses on almost all roads within the village. UDP Policy CH10 identifies this irregular development pattern within the village as a feature worth preserving.
- 3.8.3 The Inspector found that the previous proposal would *"ultimately develop the majority of the site's width and consequently remove the open space. Furthermore, the building's footprint is substantial when compared to the modest scale buildings in the immediate*

area. As a result, it would appear out of keeping in this location. The development of the open space with the scale of dwelling proposed would harmfully affect a distinctive characteristic of the EVCA, and thus its significance. In this setting, it would introduce an incongruously modern and large built form that would fail to preserve or enhance the character and the appearance of the Eastham Village Conservation Area."

- 3.8.4 To overcome this, the revised proposal reduces the footprint of the dwelling significantly. The width of the dwelling has been reduced from 13.4 metres to 11.9 metres and the shape of the building has also changed, from an 'L' shape building with a depth of 12.4 metres to a more traditional linear form with a depth of 6.6 metres.
- 3.8.5 The proposed dwelling is also set much further back on the site, being 13 metres back from the front boundary of the site, compared to the previous proposal of approximately 8 metres. In addition, the proposed area of hardstanding to the front has been significantly reduced. Whereas the previous proposal would have effectively taken up the whole of this area with hardstanding, the current proposal will result in hardstanding taking up less than half the width of the site, allowing for the retention of a significant area of green landscaping. The reduction in the width of the dwelling also allows for a greater area of landscaping to be retained to the side of the building.
- 3.8.6 These amendments result in reducing the visual bulk of the proposed building and the impact it will have on the conservation area, whilst also allowing for a greater area of the existing green space to be retained. The reduction in footprint also results in it being much more in keeping with other properties within the area, and it is considered that the design and scale harmonises with this part of Stanley Lane, with the linear form, small casement timber windows, chimney and gable link dormers. Given the changes to the scheme, it is considered that the previous concerns have been overcome and the proposed development will preserve the character and integrity of the Eastham Village Conservation Area.
- 3.8.7 Although the site is opposite listed buildings, the Inspector was satisfied that the original proposal would have no significant effect upon their setting. The same conclusion is considered to apply to this revised application.

3.9 Design:

- 3.9.1 The design of the proposed dwelling will be of a 'cottage' appearance, with the upper-floor within the roof and two front-facing gables. The incorporation of a chimney and window cills will give some interest, whilst the brickwork finish will match other properties within the immediate area. Overall, the low-scale of the proposed dwelling and the simple design is considered to be suitable for this sensitive location and sufficiently in-keeping with existing properties.

3.10 Highways:

- 3.10.1 Off-street parking will be provided within the site, via an existing access onto Stanley Road. Given that there have been no reported collisions along Stanley Lane in the last 5 years which have resulted in injuries, it is considered that there are no traffic or transport issues which would warrant refusal of the application.

3.11 Amenity:

- 3.11.1 The blank side elevation of the proposed dwelling would be a distance of approximately 21 metres from the main rear elevation of 56 - 60 Stanley Lane. There will be a distance of approximately 10 metres from 52 Stanley Lane, which is considered acceptable given that the proposed dwelling will not be directly opposite this property and given the small scale of the new dwelling. The proposed dwelling will be over 25 metres from properties opposite the site on Stanley Lane, whilst the substantial distance between the proposed dwelling and 36 Stanley Lane will ensure that the difference in building lines does not harm residential amenity. Overall, it is considered that the proposal will not have an unacceptable adverse impact upon the amenities of neighbouring properties.

- 3.11.2 The future occupiers of the proposed dwelling will benefit from sufficient amenity space and outlook and the living standards provided are therefore considered to be acceptable.

4.0 RECOMMENDATION

4.1 Approve - subject to the following conditions:

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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12th November 2018 and listed as follows: EVA650-0316-R Revision 2

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

3. Prior to the commencement of any building works above ground level, samples of the materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy HS4 of the Wirral Unitary Development Plan

4. Prior to the commencement of any building works above ground level, full details of the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the proposal and shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of amenity having regard to Wirral Unitary Development Plan Policy CH2

5. Prior to the commencement of any building works above ground level, full details of all proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. Any boundary treatment shall subsequently be in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of amenity having regard to Wirral Unitary Development Plan Policy CH2

6. 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 the dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area and to accord with Policy CH2 of the Wirral Unitary Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) no new walls, fences or other means of enclosure shall be erected on any part of the land lying between any main wall of the building fronting a highway and the highway boundary.

Reason: To preserve the visual amenities of the area and to accord with Policy CH2 of the Wirral Unitary Development Plan.

8. Prior to the commencement of any building works above ground level, details of the timber windows and doors (including elevation drawings at a scale of 1:20 and vertical and horizontal cross sections at a scale 1:5 or 1:2 to indicate their profile) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be used in the construction of the development

Reason: To ensure a satisfactory appearance having regard to Wirral Unitary Development Plan Policy CH2

9. All rooflights within the development hereby permitted shall be conservation rooflights unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure a satisfactory appearance having regard to Wirral Unitary Development Plan Policy CH2

Further Notes for Applicant:

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via www.wirral.gov.uk prior to the commencement of the works for the approval of the proposed details

5.0 PLANNING HISTORY

Location: Land south west of (adjacent) 52, and 54, Stanley Lane, Eastham. L62 0AG
Application Type: Outline Planning Permission
Proposal: Erection of 3 terraced houses with rear parking, (outline).
Application No: OUT/91/06095
Decision Date: 11/07/1991
Decision Type: Withdrawn

Location: Land south west of (adjacent) 52 and 54, Stanley Lane, Eastham. L62 0AG
Application Type: Outline Planning Permission
Proposal: Erection of one pair semi-detached houses with parking and access plus parking for existing house, (outline).
Application No: OUT/91/06398
Decision Date: 15/11/1991
Decision Type: Refuse - APPEAL DISMISSED 19/03/1992

Location: Gardens south west of (adjacent) 52/54, Stanley Lane, Eastham. L62 0AG
Application Type: Outline Planning Permission
Proposal: Erection of one pair of semi-detached houses, (outline).
Application No: OUT/92/06317
Decision Date: 10/09/1992
Decision Type: Withdrawn

Location: Land south west of (adjacent) 52-54, Stanley Lane, Eastham. L62 0AG
Application Type: Full Planning Permission
Proposal: Erection of a detached house.
Application No: APP/94/06083
Decision Date: 14/10/1994
Decision Type: Refuse

Location: Land south west of (adj) 52-54, Stanley Lane, Eastham. L62 0AG (amended location)
Application Type: Full Planning Permission
Proposal: Erection of a detached house.
Application No: APP/95/06408
Decision Date: 24/11/1995
Decision Type: Refuse

Location: land between , 34-54 Stanley Lane, Eastham, Wirral, CH62 0AG
Application Type: Full Planning Permission
Proposal: Erection of detached dormer dwelling with parking and provision of gardens to Numbers 52 & 54 Stanley Lane.
Application No: APP/05/06514
Decision Date: 25/07/2005
Decision Type: Withdrawn

Location: Land between , 36 and 54 Stanley Lane, Eastham, Wirral, CH62 0AG
Application Type: Full Planning Permission
Proposal: Erection of detached dormer dwelling with parking and provision of gardens to 52 & 54 Stanley Lane.
Application No: APP/05/07264
Decision Date: 30/11/2005
Decision Type: Withdrawn

Location: Land between 36 and 52/54 STANLEY LANE, EASTHAM, CH62 0AG
Application Type: Full Planning Permission
Proposal: Detached new dwelling
Application No: APP/16/01237
Decision Date: 17/01/2017
Decision Type: Refuse - APPEAL DISMISSED 13/12/2017

6.0 WARD MEMBER COMMENTS

No comments received.

7.0 SUMMARY OF REPRESENTATIONS

REPRESENTATIONS

Having regard to the Council's Guidance for Publicity on Planning Applications, 15 notifications were sent to adjoining properties and a site notice was displayed near the site. At the time of writing, there had been 2 objections received, which can be summarised as:

1. Highways concerns;
2. Drainage Issues;
3. Land ownership issues (subsequently resolved through a slight change to the location and site plans)

One letter in support of the application was also received.

CONSULTATIONS

Highways - No objection

Environmental Health - No objection

8.0 CASE OFFICER: Mr N Williams

Principal Planning Officer

9.0 DATE PREPARED: November 27, 2018