

Planning Committee

15 August 2019

Reference:
OUT/19/00114

Area Team:
**Development
Management Team**

Case Officer:
Mr N Williams

Ward:
New Brighton

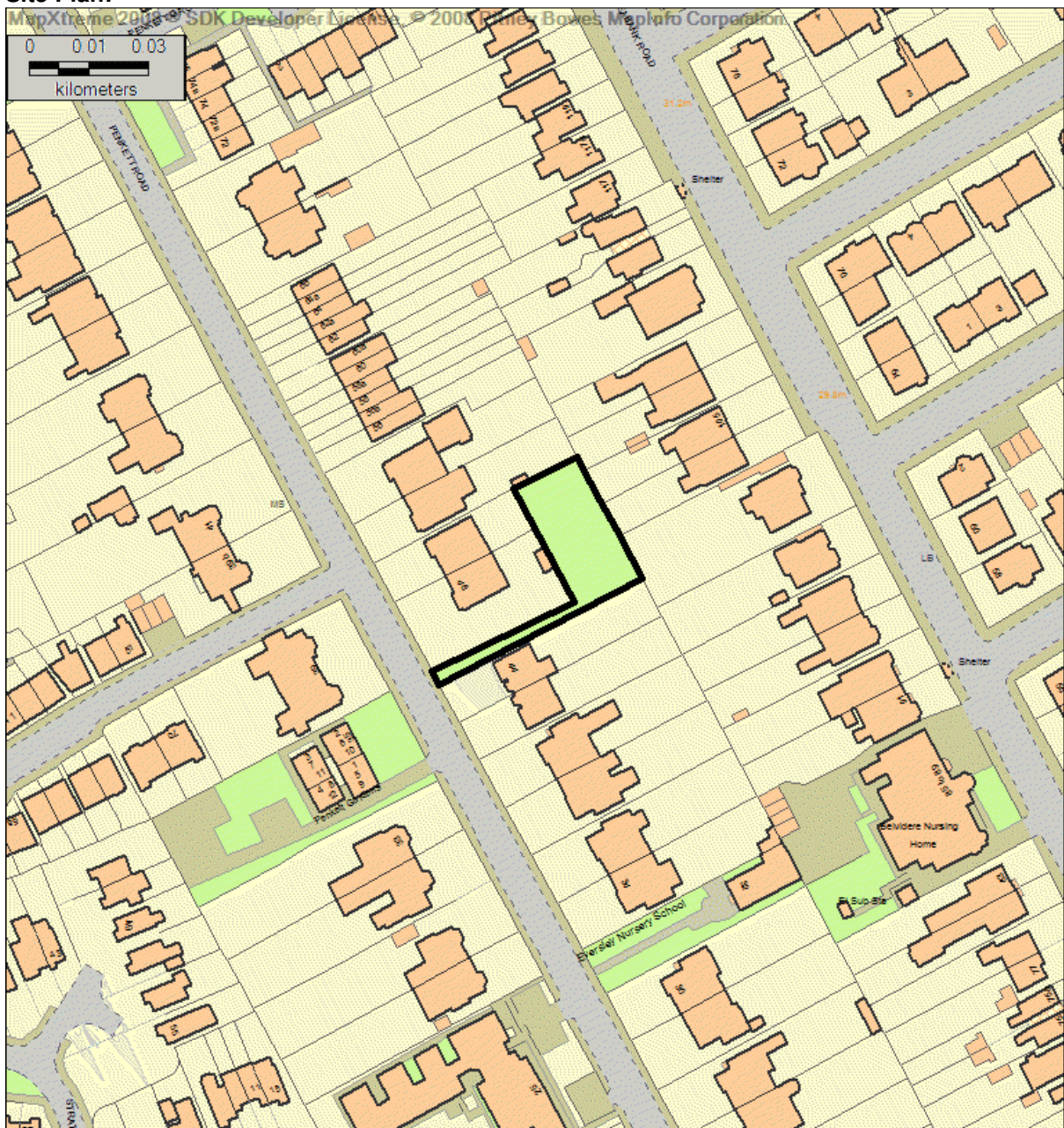
Location: Land rear of 103/105 SEABANK ROAD AND 48/50 PENKETT ROAD,
LISCARD, CH45 7QN

Proposal: Erection of a pair of semi-detached houses (Outline)

Applicant: Mr Glover
Agent : Mr Forrest

Qualifying Petition: Yes, Number of Signatures: 31

Site Plan:



© Crown copyright and database rights 2018 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:

There is no relevant planning history for this site

Summary Of Representations and Consultations Received:**1.0 WARD MEMBER COMMENTS**

1.1 Councillor Pat Hackett requested that the application be taken out of delegation on the grounds of overbearance and dominance of the development, with the resulting overlooking and loss of privacy.

2.0 SUMMARY OF REPRESENTATIONS**REPRESENTATIONS**

Having regard to the Council's Guidance for Publicity on Planning Applications, 10 notifications were sent to adjoining properties and a site notice was displayed near to the site. At the time of writing, there had been a petition of objection containing 31 signatures together with 14 individual objections received. The objections can be summarised as:

1. Scale, overbearance and dominance;
2. Overlooking and loss of privacy;
3. Noise and disturbance;
4. Unacceptable loss of garden;
5. Overdevelopment;
6. Inadequate access for emergency vehicles;
7. Loss of light;
8. Loss of trees;
9. Land ownership issues (including comments that there is a covenant on the land to prevent development);
10. Highway safety concerns (and concern about the width of the access);
11. Insufficient garden space.

1 comment in support of the application was also received.

CONSULTATIONS

Highways - No objection subject to condition

Environmental Health - No objection

3.1 Reason for referral to Planning Committee

3.1.1 Councillor Pat Hackett requested the application be taken out of delegation on the grounds of the overbearance and dominance of the development, with the resulting overlooking and loss of privacy. In addition, a qualifying petition of objection was received.

3.2 Site and Surroundings

3.2.1 The application relates to a vacant site located between 48 and 50 Penkett Road to the west and 103 and 105 Seabank Road to the east. The site is overgrown and has been vacant and unused for a number of years. It is stated that it had been historically used as a tennis court. There is a narrow vehicular access to the site between 44 and 48 Penkett Road, although this doesn't appear to have been used for some time. The topography of the area results in the land falling away slightly from Penkett Road towards Seabank Road, although this is not a significant drop in land levels. The site is designated within the Wirral Unitary Development Plan as being a Primarily Residential Area. There is some vegetation on the site, together with some trees but these are not protected by a Tree Preservation Order.

3.3 Proposed Development

3.3.1 This is an outline application for the erection of a pair of semi-detached dwellings. Although

the application is outline, it is only landscaping which has been reserved for future approval, with all other aspects to be determined at this stage, including the scale, design and layout of the proposed dwellings together with access.

3.4 Development Plan

3.4.1 The proposal is primarily subject to Wirral Unitary Development Plan Policy HS4: Criteria for New Housing Development and Policy HS10: Backland Development.

3.5 Other Material Planning Considerations

3.5.1 The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development, and stipulates the approach to housing supply that must be taken by Local Planning Authorities. The NPPF supports sustainable housing development which encompass 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 and achieve well-designed places. The NPPF also supports making effective use of land.

3.6 Assessment

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

- Principle of development;
- Scale & Design;
- Highways; and
- Amenity

3.7 Principle of Development:

3.7.1 The application site is an unused area of land located within a Primarily Residential Area, and the principle of developing this site for residential purposes is therefore considered to be acceptable, subject to relevant policy guidelines.

3.7.2 The site has been vacant for a number of years and although it has never been used for residential purposes, it is a clearly separate plot from surrounding properties. Therefore, whilst the site is backland development it is not a traditional backland development in the sense that it is not directly linked to any adjacent properties. Given this, it is considered that the principle of developing the site for residential purposes will make effective use of a site which does not currently contribute to the area.

3.8 Scale & Design:

3.8.1 The street scenes of Penkett Road and Seabank Road contain both two-storey and three-storey properties, with many properties utilising dormer windows for accommodation within the roofspace, including both 48 and 50 Penkett Road. The proposed dwellings will be in keeping with this, with dormer accommodation within the second floor. Whilst it is accepted that these dormers are perhaps larger than normal dormers, the scale of the properties themselves will be generally consistent with many within the immediate area. The visual impact of the properties will also be lessened due to their location to the rear of the main frontage dwellings along both Penkett Road and Seabank Road.

3.8.2 The scale of the proposed dwellings will also be minimised in relation to the Penkett Road properties due to a difference in land levels. The properties on Penkett Road will be set approximately 1.5 metres above the ground level of this site and this will result in the proposed dwellings having a lower ridge line than adjacent properties on Penkett Road. A condition requiring levels details have been attached to ensure that the existing site levels are not built up.

3.8.3 The change in land levels does, however, result in properties on Seabank Road being set lower than the application site. This results in the proposed dwellings being slightly taller than Seabank Road properties. However, given that they will be a distance of over 50 metres from Seabank Road itself, and set behind existing dwellings, it is unlikely that this would have a discernible impact upon the character of Seabank Road.

3.8.4 As noted, property styles in the area are varied, with properties of different periods and designs surrounding the site. This application proposes a pair of semi-detached dwellings, with rounded bays, narrow arched windows and a mansard-style roof with dormers in. The dwellings will be finished in render. Given the variety of properties in the surrounding area, together with the location of these properties to the rear of frontage properties, the proposed design is considered to be acceptable.

3.9 Highways:

3.9.1 Each property will have two off-street parking spaces within the site. Vehicular access is provided via an existing route between 44 and 48 Penkett Road. This access is extremely narrow, being 3.2 metres wide for the majority of it, and narrowing slightly in part to 3.1 metres. This is considered to be the minimum acceptable width to allow vehicles to access the parking area. There is no passing place provided along the extent of the access road but given that the scheme only proposes two dwellings, vehicle movements are likely to be low and this is therefore considered to be acceptable.

3.9.2 There is a pinch point at the entrance into the site off Penkett Road, where the brick pillars serving properties either side reduce this width to approximately 2.75 metres. This width is considered to be unacceptable. A condition has therefore been attached requiring these brick pillars to be modified to allow a 3.2 metre width. In order to ensure this occurs and to prevent any associated highway safety implications, this condition requires the works to be carried out prior to commencement of development. It is acknowledged that there are conflicting land ownership issues, and it is unclear whether the modification of these pillars can be guaranteed. If they cannot, then it is likely that the application would have been refused on highway safety grounds. It is felt that a pre-commencement condition is the most suitable way to overcome this concern and will ensure that the development cannot proceed unless this is secured. The applicant has agreed to this approach and is aware of the potential risks to the development should these brick pillars not be able to be altered.

3.9.3 Merseyside Fire and Rescue Service advise that the approved plans appear to indicate that fire service access cannot be achieved in line with the requirements of Approved Document B5 of the Building Regulations. They confirm that the installation of a domestic fire suppression systems would be acceptable as a compensatory measure, and in this instance this requirement has been attached as a condition, with the agreement of the applicant.

3.10 Amenity:

3.10.1 The proposed site layout has been amended so that the blank side (western) elevation of the proposed dwellings will be a distance of 14 metres from the rear elevation of 48 and 50 Penkett Road, thus complying with required separation distance. The application site is set lower than neighbouring properties on Penkett Road and this will lessen the impact of the proposal on these properties, ensuring that the proposal does not create a sense of enclosure to these properties.

3.10.2 The other blank side elevation (to the east) will be a distance of approximately 20 metres from the rear of properties fronting Seabank Road. Even accepting the fact that the application site is set higher than these properties, this distance is considered sufficient to ensure the proposal does not impact upon levels of outlook or light for these properties.

3.10.3 The rear elevation of the proposed dwellings have been set a distance of 10 metres from the rear (northern) boundary with 52 Penkett Road, and approximately 12 metres from the front (southern) boundary with 44 Penkett Road. This will ensure there will be no unacceptable levels of overlooking to these properties. Views to properties either side will be limited. Future occupiers of the proposed dwellings will be prevented from sitting out (on top of the projecting bays) by Juliet balconies across these windows, and this will further ensure there is no unacceptable levels of overlooking caused by the development.

3.10.4 The proposed dwellings both have private rear gardens, with all habitable windows having sufficient outlook. Overall, the proposal will provide good living conditions for future occupiers.

Summary of Decision:

The proposed development, as amended, will not have an unacceptable adverse impact upon the amenities of neighbouring properties or the character of the area and the proposal therefore complies with relevant policies within the Wirral Unitary Development Plan Policy and the National Planning Policy Framework.

Recommended Decision: **Approve**

Recommended Conditions and Reasons:

1. The development hereby permitted shall be commenced either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. NO DEVELOPMENT SHALL COMMENCE ON SITE UNTIL details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority within three years from the date of this permission.

(a) The **landscaping** of the site;

The development shall be carried out in accordance with the approved details.

Reason: To enable the Local Planning Authority to control the detail of the development and to comply with Section 92 of the Town and Country Planning Act (as amended).

3. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 26th June 2019 and listed as follows: Proposed Sectional Elevation; Proposed Details

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

4. Before any construction above ground level commences, 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.

5. Detailed drawings shall be submitted to and approved by the Local Planning Authority before any work is commenced to indicate the finished site and ground floor levels intended at the completion of the development in relation to the existing site levels and the levels of the adjoining land and the development shall be carried out and completed in accordance with the details so approved.

Reason: To ensure that the development is satisfactorily sited and designed in relation to adjacent development having regard to Wirral Unitary Development Plan Policy HS4

6. No development should take place until the brick pillars either side of the entrance to the site off Penkett Road shall be altered to allow a minimum width of 3.2m into the application site. This minimum width shall be retained as such at all times thereafter.

Reason: To ensure adequate vehicular access into the site having regard to highway safety and Wirral Unitary Development Plan Policy HS4

7. Prior to first occupation of the dwellings hereby permitted, the dwellings shall be fitted with domestic fire suppression systems, and these should be retained for use at all times

Reason: To overcome restricted access to the site by fire appliances having regards to Wirral Unitary Development Plan Policy HS4 and the National Planning Policy Framework

8. 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 extensions to a dwelling shall be erected unless expressly authorised.

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

Further Notes for Committee:

Last Comments By: 08/03/2019
Expiry Date: 29/03/2019