

Planning Committee

15 August 2019

Reference:
APP/19/00676

Area Team:
**Development
Management Team**

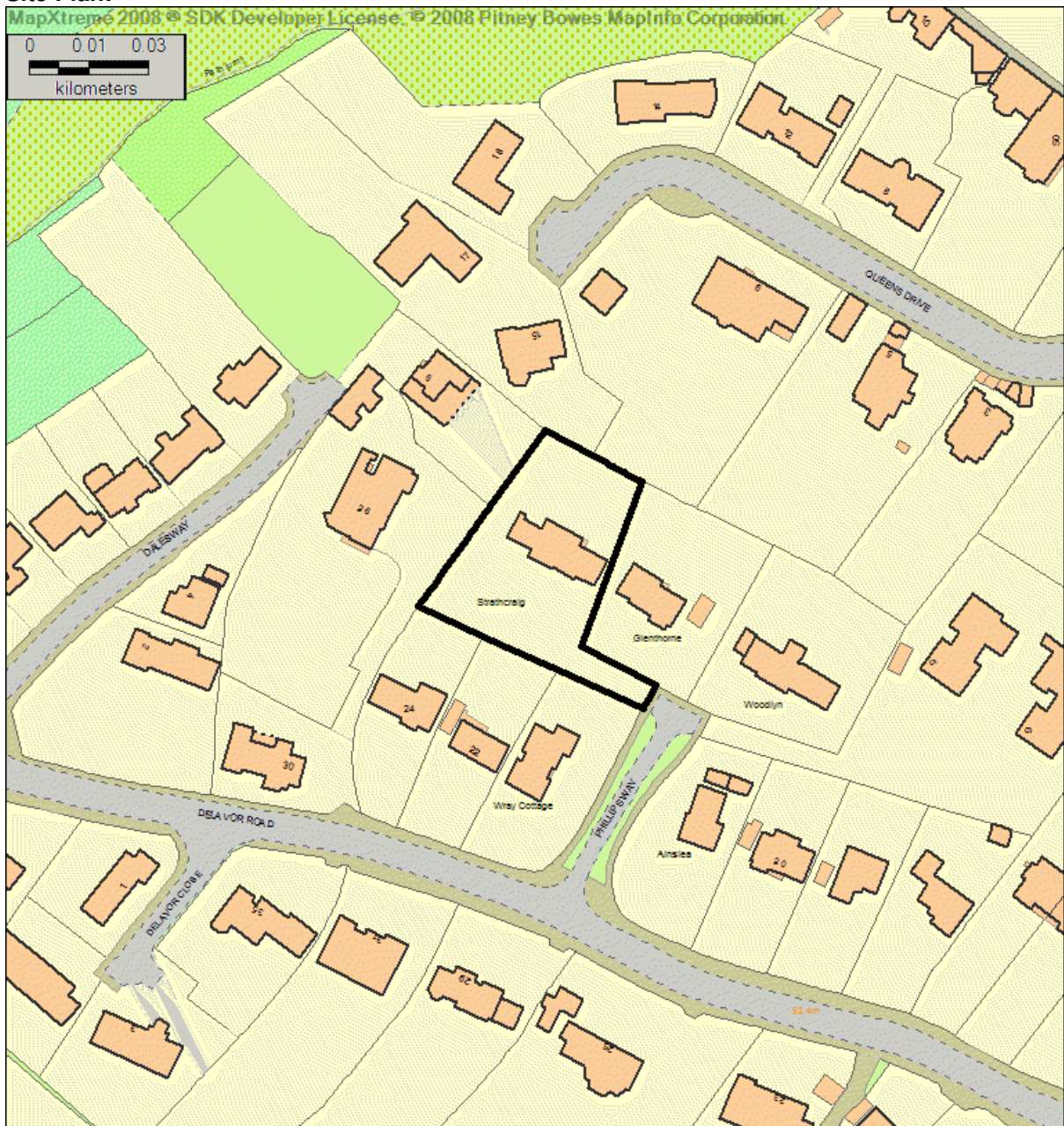
Case Officer:
Mrs S Lacey

Ward:
Heswall

Location: Strathcraig, PHILLIPS WAY, HESWALL, CH60 4RT
Proposal: Erection of two detached two-storey dwellings
Applicant: Limewalk Properties
Agent : Collins Architecture

Qualifying Petition: No

Site Plan:



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Development Plan designation:

Primarily Residential Area

Planning History:

None

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

1.1 Councillor Rowlands requested the application be removed from delegated powers on the grounds the proposal represents an overdevelopment of the site and forms an overbearing development to neighbouring properties, and results in an increase in loss of privacy, contrary to policy HS4. In addition concerns were raised regarding the access, which may result in highway safety issues.

2.0 SUMMARY OF REPRESENTATIONSREPRESENTATIONS

Having regard to the Council Guidance on Publicity for Applications, 8 letters of notification were sent to neighbouring properties. 5 letters of objection have been received from neighbouring properties citing the following concerns:

1. Increase traffic;
2. Cars reversing back onto the road with potential for collision;
3. Access for emergency vehicles;
4. Disturbance on the highway during construction;
5. The plot is too small to fit two houses;
6. Loss of privacy and overlooking into surrounding houses and gardens;
7. Approval would set a precedent that would lead to a change in the character of the immediate area;
8. Extra demand on waste water services;
9. The orientation of the proposal is not in keeping;
10. The design of the proposed dwellings is not in character with the surrounding bungalows;
11. The scale of development is not appropriate;
12. Loss of light to surrounding trees.

CONSULTATIONS

Engineers - no objection

Environmental Health - no objection

Wirral Wildlife - no objection, recommended conditions.

Heswall Society - Concerns regarding the density of development, overlooking, traffic use of the shared drive, disruption during construction. A construction method condition should be considered if Committee are minded to approve the application.

United Utilities - commented on drainage.

3.1 Site and Surroundings

3.1.1 The site comprises of a detached, rendered bungalow with dormer window in roofspace, centrally positioned on a secluded large plot. The plot is set in the corner of a small cul-de-sac of bungalows and dormer bungalows, and access will be gained via the existing driveway that runs in front of the adjacent property 'Glenthorne'.

3.1.2 Phillips Way is characterised by brick/rendered bungalows, although there is some variation in their design, such as front dormers. 'Glenthorne' has been substantially remodelled and incorporates a raised roof with 'eyebrow' front dormer, prominently positioned at the head of the cul-de-sac in an elevated position. The wider area including Delavor Road and adjacent streets display a variety of design styles, with a mix of two-storey properties and dormer

bungalows.

3.1.3 A similar planning application for two bungalows has been approved at 'Apple Acre' in the opposite corner of the cul-de-sac (APP/15/01253) in January 2016.

3.1.4 The site slopes down to the front of the site and the bungalows positioned forward of the property on Delavor Road are sited at a lower level.

3.2 Proposed Development

3.2.1 The application proposes the demolition of the existing bungalow and the erection of two detached two-storey dwellings with shared access.

3.3 Development Plan

3.3.1 The proposal is assessed primarily against the following policies:

Wirral Unitary Development Plan

Policy HS4 - Criteria for new housing development. This requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

Policy HS10 - Permits one to three new dwellings subject to the original dwelling retaining sufficient garden space, not harming the character of the area, providing adequate access and garden space.

Policy TR9 - Sets out the requirement for off street parking provision within new development and road safety and traffic management considerations.

Policy GR5 - This policy establishes the requirement for new developments to make a positive visual statement through new landscaping and the protection of existing landscape features.

SPG10 - Sets out the access proposed should be 3 metres wide with amenity strips and adequate passing places.

3.4 Other Material Planning Considerations

3.4.1 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should and make a positive contribution to an area and use opportunities to improve the character and quality of an area. Local Planning Authorities are expected to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community and identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand. Planning policies and decisions should optimise the potential of sites to accommodate development.

Development Management Policies in the Joint Waste Local Plan for Merseyside and Halton are also applicable. Policy WM8 requires development to incorporate measures for achieving efficient use of resources, Policy WM9 also requires development to provide measures for waste collection and recycling, including home composting.

3.5 Assessment

3.5.1 The main issues pertinent in the assessment of the proposal are the scale, density and design of the proposed development, any potential impact to the amenities of neighbouring properties (including overlooking and loss of privacy) and impacts of the access on highway safety.

3.6 Principle of Development:

3.6.1 The proposal for residential dwellings in a Primarily Residential Area is acceptable in principle subject to the provisions of policy HS4 Criteria for New Housing Development and

HS10 Backland Development of the adopted Wirral Unitary Development Plan (UDP) and the National Planning Policy Framework (NPPF).

3.7 Design:

3.7.1 The site area of each proposed dwelling (including access) is approximately 895 square metres, which is similar to the surrounding plot sizes which range between 850 square metres and 1328 square metres. The density of development is considered in keeping with the surrounding plot sizes and the proposal is not considered to have a cramped or overdeveloped appearance. Both properties achieve an 18m long rear garden and large open front garden, adding to the spacious feeling of the proposal.

3.7.2 The surrounding area is not considered to be uniform in design, with surrounding properties varying in scale and design, which adds to the quality and character of the area. As such a well-designed proposal is considered acceptable in this location. The submitted design is contemporary, but there are other examples of modern design including the adjacent property 'Glenthorne' which incorporates a unique eyebrow dormer, and is in a more prominent position within the cul-de-sac.

3.7.3 The proposal is situated in an area of mixed design, and is considered to be of a scale that relates to surrounding properties, in particular with regard to existing densities and form of development. The proposal does not occupy a prominent position and its design is not considered to result in a detrimental change to the character of the area. As such the proposal complies with policy HS4 of the adopted Wirral UDP.

3.8 Highways:

3.8.1 Objections were raised concerning highway safety concerns, including cars reversing out of the access onto Phillips Way, which is a narrow highway, and emergency vehicles not being able to access the site.

3.8.2 The applicant has demonstrated there is ample room for vehicles to manoeuvre within the site and access and egress the site in a forward gear. They have also confirmed refuse will be collected from Phillips Way.

3.8.3 The proposed access serves both properties and measures 4m in width, with landscape buffers on either side. The proposal complies with SPG10 which sets out the access should be 3 metres wide with amenity strips and adequate passing places. Highways were consulted and had no objection to the proposal. No conditions were requested. The development is capable of satisfactory provision for off-street car parking areas and adequate vehicular access and there are no highway implications relating to this proposal.

3.9 Ecology:

3.9.1 A bat roost survey was submitted with the application and concluded the building to have negligible bat roost potential and there was no potential for bat roosts in the surrounding trees. Therefore no further bat surveys are required. A condition can be used to protect the trees that are to be retained. There are no Environmental/Sustainability issues relating to these proposals.

3.10 Amenity:

3.10.1 Objections were raised by neighbouring residents concerning loss of privacy and overlooking. 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. If there are differences in land levels a greater separation should be provided, increasing the separation distance by 2m for every 1m difference in ridge levels.

3.10.2 The proposed dwellings are 35m away from the bungalows to the south, no.22 and no.24 Delavor Road. It has been taken into consideration the difference in ridge levels and the difference in land levels, resulting in the standard separation distance of 21m being increased to 33m. As such the proposal is considered to comply with the separation distances and is not considered to result in significant overlooking or loss of privacy to no.22 or no.24. It is not considered the proposed floor to ceiling height windows have any more overlooking

impact than a standard sized first floor window (there was a first floor dormer window to the front elevation of the original property). In addition, it is considered the outlook from the first floor windows are in such an elevated position that the proposed outlook is over the roof of the adjacent bungalow.

- 3.10.3 The proposed rear facing windows are approximately 60m away from the property to the north, and are not considered to result in direct overlooking.
- 3.10.4 The proposed ground floor windows are not considered to result in overlooking to neighbouring properties. The proposed first floor window in the side elevation of plot 1 serves a bathroom and can be obscurely glazed. The proposed first floor windows are not considered to result in direct overlooking into neighbouring gardens.
- 3.10.5 It is not considered necessary in this instance to remove permitted development rights for future extensions, as the required separation distances would not be compromised. Drawing reference 1826 04 shows a cross section of the proposal sited on the existing dwelling site, on the relatively level section of land. No further details of land levels are deemed necessary in this instance.
- 3.10.6
- 3.10.7 SPG10 sets out the access proposed should be 6 metres from habitable windows to protect neighbours' amenity with regards to noise and disturbance. The proposed access achieves this separation distance.

The proposed development achieves the required separation distances set out in policies HS4, HS10 and SPG10, and the proposal is not considered to harm the amenity of surrounding neighbouring properties.

- 3.11 Other:
- 3.11.1 Objections received that cannot form a reason for refusal under planning remit include disturbance on the highway during construction and any extra demand on waste water services. Approval of this proposal would not set a precedent as all planning applications are assessed on their own merits.

Summary of Decision:

The proposal is considered to be of a scale, design, density and layout which would not result in a detrimental change in the character of the residential area or harm the amenities of neighbours on every side. The proposal is not considered to result in loss of outlook, privacy, daylight or sunlight to neighbouring properties. As such the proposal complies with Policy HS4, HS10, TR9 and GR5 of the adopted Wirral Unitary Development Plan, SPG10, and the National Planning Policy Framework.

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. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 14 June 2019 and listed as follows: drawing numbers 1826 01, 1826 02, 1826 03 and 1826 04.

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

3. Before any construction commences, samples of the facing and roofing 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. The first floor windows in the side elevations facing south-east and north-west shall not be glazed otherwise than with obscured glass and fixed shut or top hung, opening 1.7m above finished floor level, and thereafter be permanently retained as such.

Reason: To safeguard the amenities of occupiers of adjoining properties and to comply with Policy HS4 of the Wirral Unitary Development Plan.

5. Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan. Such fencing shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees/ hedges in the interests of visual amenity and to comply with Policy GR7 of the Wirral Unitary Development Plan.

6. Construction work only allowed between 8am and 6pm.

Reason: For the protection of the badgers.

7. Any holes or trenches left open overnight to have a means of escape provided.

Reason: For the protection of badgers.

8. All materials, especially those containing lime, to be stored so that badgers cannot access them.

Reason: For the protection of badgers.

9. When fencing to the garden is installed, access should be left for the badgers to move round between gardens. Badger gates can be installed if necessary. Residents to be reminded that this access cannot be blocked.

Reason: For the protection of badgers.

Further Notes for Committee:

1. The applicant should note that existing trees and shrubs must be cleared outside the bird nesting season (March - August) unless inspected immediately beforehand by a competent ecologist and found to be free of active nests.
Lighting should be designed and used to minimise impacts on bats and their insect food. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is at <http://www.bats.org.uk/>

Last Comments By: 09/07/2019

Expiry Date: 09/08/2019