

**Planning Committee**

**15 August 2019**

**Reference:**  
**APP/19/00875**

**Area Team:**  
**Development  
Management Team**

**Case Officer:**  
**Mrs S Lacey**

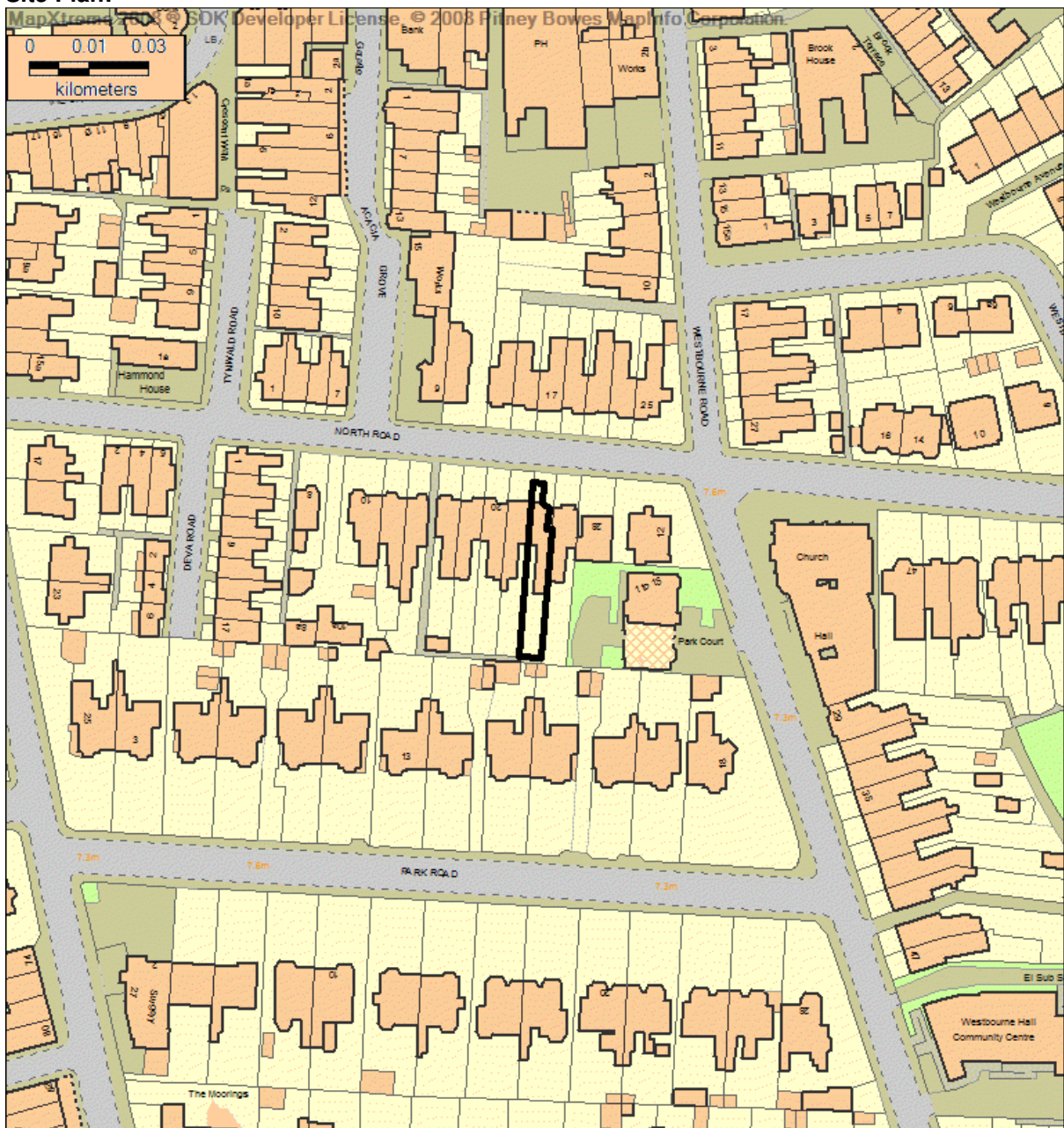
**Ward:**  
**Hoylake and Meols**

**Location:** 24A NORTH ROAD, WEST KIRBY, CH48 4DF  
**Proposal:** Retention of outbuilding for hobby crafts (amended description)

**Applicant:** Mr Stephen Saunders  
**Agent :** Mr Neil Braithwaite

**Qualifying Petition:** Yes, Number of Signatures: 79

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

- Location: 24 North Road, West Kirby, Wirral, CH48 4DF  
Application Type: Lawful Development Certificate Existing  
Proposal: Application for a certificate of lawfulness of existing use as three self-contained flats  
Application No: LDC/04/05728  
Decision Date: 16/09/2004  
Decision Type: Approve
- Location: 24 North Road, West Kirby, Wirral, CH48 4DF  
Application Type: Full Planning Permission  
Proposal: Second floor extension to rear and repositioning of existing rear dormer.  
Application No: APP/03/07844  
Decision Date: 02/04/2004  
Decision Type: Approve
- Location: 24 North Road, West Kirby  
Application Type: Full Planning Permission  
Proposal: Conversion into 3 self-contained flats  
Application No: APP/75/02166  
Decision Date: 28/05/1975  
Decision Type: Refuse
- Location: 24 North Road ,West Kirby ,L48 4DF  
Application Type: Full Planning Permission  
Proposal: Conversion of dwelling to ground floor flat and first floor maisonette  
Application No: APP/75/03417  
Decision Date: 16/10/1975  
Decision Type: Conditional Approval

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

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS****REPRESENTATIONS**

Having regard to the Council Guidance on Publicity for Applications, 10 letters of notification were sent to neighbouring properties. A qualifying petition of 79 signatures and 6 individual letters of objection have been received from neighbouring properties citing the following concerns:

1. The workshop building was constructed without planning permission and without consultation to neighbours;
2. The workshop is being used for commercial business activity including Needle and Sparkles Dressmaking company, a furniture renovation and wood turning operation and commercial bee keeping;
3. The workshop and bee hives represent an overdevelopment of a small residential garden site, covering over 60% of the garden. The workshop is large and visually overpowering and is out of proportion to the small size of the site;
4. Nuisance to neighbours and users of the public passageway access at the rear of the North Road/Park Road residential properties. There is noise from the machinery in the workshop especially the wood turning machinery but also an industrial sewing machine. There is also disturbance from clients visiting the workshop and from clients parking illegally on the pavement when visiting the workshop.

5. Health and safety concerns regarding the beekeeping;
6. The site is for residential use and not for commercial workshop use;
7. The removal of a tree and hedges;
8. The design of the workshop is out of character with the residential area;
9. The proposal will set a precedent;
10. Light pollution from electric lights and sunlight glare from the plastic panels on the roof.

## CONSULTATIONS

### **Environmental Health** - no objection

#### **3.1 Site and Surroundings**

3.1.1 The site comprises a mid-terrace property which is occupied as a flat at ground floor (no.24A). To the rear of the property is 108 square metres of garden space that is used solely by the occupier of the ground floor flat.

3.1.2 The occupant has erected an outbuilding measuring 13 square metres floorspace and 2.37m in height adjacent to the boundary of no.26. There are 1.8m high fences to the rear garden boundaries. The outbuilding is constructed of timber cladding painted a dark brown/black colour, timber door painted white and timber windows. The roof is clear plastic.

#### **3.2 Proposed Development**

3.2.1 The application is retrospective and proposes the retention of an outbuilding. The building is used for the occupant's hobbies, including sewing and carpentry.

3.2.2 The proposal requires planning permission as the outbuilding relates to a flat, which does not benefit from permitted development rights for outbuildings.

3.2.3 The description of development originally included bee keeping as part of the application. Following a site inspection it was noted the bee hives were separate to the outbuilding, and their scale was such that they do not require planning permission. As such bee-keeping has been removed from the description of development and will not be considered as part of this application.

3.2.4 Neighbours' have raised concerns the description of development refers to "hobby crafts" when they are aware the applicant runs a business. The owner confirmed they own a dressmaking business called "Needles and Sparkles". The applicant rents a separate unit for the purpose of this business. The proposed outbuilding is for the purpose of hobbies and working from home. Notwithstanding this, it is not always necessary to apply for planning permission to work from home. The key test is whether the overall character of the dwelling will change as a result of the business. The applicant confirmed she does not hold teaching classes in the outbuilding and a maximum of 2no. clients would visit a week. There are no large or regular deliveries required in excess of what would be expected at a dwelling. The noise emitted from a sewing machine or carpentry tools do not significantly exceed what you would expect from a residential property.

3.2.5 On the basis of the information provided by the applicant and in the absence of any evidence to the contrary from neighbouring properties, it is considered the activities conducted by the applicant are incidental to the enjoyment of the dwelling house. The site inspection concluded the use of the dwelling is still a home rather than a business premises. If the activities were to change and become more intrusive this would be a matter for the Enforcement team and Environmental Health.

3.2.6 As such, the assessment of the proposal is to consider the scale of the outbuilding structure and its impact on the amenities of neighbouring properties.

#### **3.3 Development Plan**

3.3.1 The application is assessed against planning policy HS11 House Extensions and SPG11 House Extensions. Whilst this policy does not specifically refer to flats, it considers scale, design and impact onto neighbour's amenity, which are relevant considerations.

### **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 makes a positive contribution to an area.
- 3.4.2 Objections were received concerning the retrospective nature of the application which neighbours considered could set a precedent for permitting the abuse of planning law by allowing applicants to ignore the requirement to seek planning permission in advance of constructing a new building.
- 3.4.3 Section 73A of the Town and Country Planning Act 1990 permits retrospective planning applications to regularise breaches of planning control. Such an application must be considered in the normal way against the relevant local and national planning policies and material considerations.

### **3.5 Assessment**

- 3.5.1 The main issues pertinent in the assessment of the proposal are the scale, design, and position of the proposed outbuilding and the impact on the amenities of neighbouring properties.

#### 3.6 Principle of Development:

- 3.6.1 The proposal for an outbuilding to a residential property is acceptable in principle subject to policy HS11 of the adopted Unitary Development Plan and SPG11.

#### 3.7 Design:

- 3.7.1 The proposal is considered acceptable in scale and design and will not form an overbearing structure which viewed from neighbouring properties or the street scene. The bulk of the building is screened from neighbouring properties by the existing boundary fences. The roof has been designed with a low pitch that slopes away from neighbouring properties, and does not appear overbearing. The plastic material of the roof is deemed acceptable on a single-storey shed. The proposed outbuilding is timber clad, painted a dark colour and does not appear obtrusive. There remains sufficient garden space for the enjoyment of the occupier.
- 3.7.2 The proposal is considered acceptable under policy HS11 House Extension of the adopted Wirral Unitary Development Plan, and SPG11 House Extensions. No conditions are deemed necessary in this instance.

#### 3.8 Highways:

- 3.8.1 There are no highway implications relating to this proposal.

#### 3.9 Ecology:

- 3.9.1 Neighbours have objected a tree and vegetation has been cleared from the site prior to the erection of the outbuilding. There are no tree preservation orders on the site. There are no environmental/sustainability issues relating to these proposals.

#### 3.10 Amenity:

- 3.10.1 It is not considered the proposed ground floor windows will result in direct overlooking or increase any loss of privacy to neighbouring properties. The proposal is not considered to be of a scale that would affect the outlook from neighbouring properties, including first floor flats. The proposal is not considered to result in significant light pollution to neighbouring properties. As discussed above, the activities are deemed incidental to the enjoyment of the dwelling house. Environmental Health did not raise any concerns or request any conditions.

#### 3.11 Other:

- 3.11.1 There are no other relevant planning considerations.

**Summary of Decision:**

The proposal is considered acceptable in scale and design and is not considered to be detrimental to the general character of the street scene or would be detrimental to the amenities neighbouring residential properties should expect to enjoy. The Local Planning Authority considers the proposal is acceptable under policies HS11 House Extension of the adopted Wirral Unitary Development Plan, SPG11 House Extensions and the National Planning Policy Framework.

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

**Recommended Conditions and Reasons:**

None

**Further Notes for Committee:**

**Last Comments By:** 23/07/2019

**Expiry Date:** 07/08/2019