

Planning Committee	
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Reference:	Area Team:	Case Officer:	Ward:
APP/22/00576	DM	Mr B Pratley	West Kirby and Thurstaston

<b>Location:</b>	1 BRACKEN DRIVE, NEWTON, CH48 9UR
<b>Proposal:</b>	FIRST FLOOR EXTENSION TO BUNGALOW AND NEW FRONT GARDEN WALL.
<b>Applicant:</b>	Mr MORAN
<b>Agent:</b>	Mr Pickard Neville Pickard Architectural Design Consultants Limited

<b>Qualifying Petition</b>	Yes - with 26 names
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**Site Plan:**



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<b>Development Plan designation:</b>	Primarily Residential Area
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<b>Planning History:</b>	None.
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<b>Summary Of Representations and Consultations Received:</b>
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<b>1.1 Ward Member Comments</b>	No comments received.
<b>2.1 Summary of Representations</b>	<p>Having regard to the Council Guidance on Publicity for Applications 12 notifications were sent to adjoining properties. 7 objections were received to the first round of consultation, listing the following grounds:</p> <ul style="list-style-type: none"> <li>• Loss of light.</li> <li>• Overlooking.</li> <li>• Proposal out of keeping with the character of the area.</li> <li>• When the application property was built in the 1980s there was a 'gentleman's agreement' that it would only be a bungalow.</li> </ul> <p>8 objections were received following public consultation on the amended plans. The issues raised were the same as previously, with the exception of an additional issue:</p> <ul style="list-style-type: none"> <li>• There will be no space for builders to park their vehicles.</li> </ul>

<b>2.2 Summary of Consultations</b>	<b>Highways</b> - No objection.
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<b>3.1 Site and Surroundings</b>	The site comprises a detached bungalow located within a Primarily Residential Area. The boundaries of the site consist of a mixture of fencing and relatively tall hedges.
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<b>3.2 Proposed Development</b>	The application is for the creation of a first floor to the eastern part of the bungalow and the erection of a front and side boundary wall/fence.
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<b>3.3 Development Plan</b>	<p><u>Policy HS11 of the Wirral Unitary Development Plan 2000- House Extensions</u></p> <p>This policy permits domestic extensions subject to proposals being of an appropriate scale in relation to the size of the plot and not unduly dominant; with regard had to the effect on light to and the outlook from neighbours' habitable rooms and to not result in significant overlooking. Policy HS11 also seeks proposals to replicate the design features of the existing dwelling and to be finished in matching materials.</p>
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<b>3.4 Other Material Planning Considerations</b>	<u>National Planning Policy Framework 12. Achieving well-designed places</u>
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Decisions should ensure that developments are visually attractive and have a high standard of amenity for existing and future users

#### Wirral Supplementary Planning Guidance 11: House Extensions

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).

#### Emerging Wirral Local Plan and its status

Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.

On the 21 March 2022 full council approved publication of the Draft Local Plan Under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 before submission to the Secretary of State. The plan was published in May 2022 and representations were available to be submitted until 25<sup>th</sup> July 2022. The Local Plan was submitted to the Secretary of State on the 26<sup>th</sup> October 2022. The local plan and supporting evidence base can be viewed online at [www.wirral.gov.uk/lpexam](http://www.wirral.gov.uk/lpexam)

As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

Policy WD 5 (Residential Extensions) is of relevance to this application. This policy requires that house extensions are of a scale and design that is appropriate to their context and that they do not have a detrimental impact on residential amenity.

**3.6 Principle of Development**

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

**3.7 Design**

The existing dwelling is a brick built single storey bungalow with a feature gable window serving the living room. The western portion of the dwelling has a ridge that is lower than the main ridge of the dwelling. The application seeks permission to add a first floor to the eastern portion of the dwelling. The western portion will remain single storey. The existing living room bay feature will be retained, with a chimney that is built into this structure being increased in height. The proposed first floor will be rendered, with the two areas separated by a feature brick band.

A large proportion of the surrounding dwellings, including the neighbouring property, 3 Bracken Drive, are two storey. A range of different materials are utilised on surrounding properties, including brick and render. The increase in height of the dwelling to two storeys is not considered to result in it becoming out of keeping with the character of the area, and the detailed design and proposed materials are appropriate to the context.

The proposed new boundary treatment will comprise a wall with a height of approximately 1 metre, with piers rising a further metre in height. Space between the piers will be occupied by fencing.

The proposed first floor extension and new boundary treatment will be appropriate to the site's residential context and the character of the area in accordance with the requirements of policy HS11.

**3.8 Highways**

There are minor changes to the access arrangements to this unclassified residential road and highways have no objections subject to a condition to reinstate the redundant crossings as level footways.

**3.9 Ecology**

Following a request by officers, photographs of the existing roofspace of the property were submitted by the applicant. These do not indicate any evidence of the presence of bats. The ecology implications of the proposal are considered to be acceptable subject to an informative re the procedures if bats are discovered during construction.

**3.10 Amenity**

The plans as originally submitted proposed first floor rear facing landing and bedroom windows that would directly overlook the rear garden of 109 Newton Cross Lane at a distance of 4 and 8 metres. The case officer expressed concern that this would result in unacceptable overlooking of the rear garden of 109 Newton Cross Lane and the two bedroom windows were subsequently omitted. The landing window will now be obscure glazed and conditioned as such.

The westernmost proposed first floor bedroom will now take most of its outlook from front facing windows onto Bracken Drive. The rear of this

room will be served by rooflights that will be significantly above head height.

The proposed rear bedroom at the easternmost extent of the dwelling will be served by a window in the side/west elevation. As such, views will not be directly towards the boundary of 109 Newton Cross Lane, but will instead be parallel to the boundary, directed and angled to the bottom end of this 65m long garden.

There are substantial areas of private space within this long garden particularly close to the dwelling. The garden of 109 Newton Cross Lane is already overlooked by neighbouring dwellings. The privacy and outlook impacts in respect of 109 Newton Cross Lane are considered to be acceptable.

Concern has been expressed in the objections that the proposal will have an overbearing impact on the garden of 109 Newton Cross Lane. However, this property benefits from a long rear garden. This factor, the orientation of the garden in relation to the application site, and the distance of 19m to 109 Newton Cross Lane itself, are considered sufficient to ensure that the extensions will not have an overbearing impact.

The proposed west facing bedroom window will be 16 metres from the boundary with 3 Bracken Drive, and the views of this property will be obscured by the western 'wing' of the host property. The proposal will not have a detrimental impact on this dwelling as a result of loss of privacy.

The proposed front facing windows will be over 10 metres from the rear boundaries of properties on Hawthorn Drive. The distances to the rear elevations of these dwellings will be at least 40 metres. These separation distances will be sufficient to ensure no undue loss of privacy at these dwellings.

The proposed front facing windows will also be 10 metres from the side boundary of 117 Newton Cross Lane. Number 117 is positioned at a right angle to 1 Bracken Drive, which will prevent any window to window overlooking.

SPG11 states that, "where a sole window to a main habitable room faces a blank wall they must be minimum of 14 metres apart". There is presently a pergola at 113 Newton Cross Lane which is approximately 13.5 metres from the flank wall of the host property. All habitable rooms

	<p>in this and the neighbouring dwellings of 111 and 115 Newton Cross Lane are greater than 14 metres from the flank wall of 1 Bracken Drive.</p> <p>The proposed development complies with the requirements of policy HS11 and SPG11 in respect of visual and residential amenity.</p>
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<b>Summary of Decision</b>	<p>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:-</p>
	<p>The proposal is not considered to have an adverse impact on the amenities which the occupiers of the neighbouring properties can reasonably expect to enjoy in terms of loss of light, privacy, outlook or being overdominant. The proposed development is not considered detrimental to the character of the host dwelling and the wider street scene. The proposal is acceptable in terms of scale and design, complies with the provisions of Policy HS11 of the adopted Wirral Unitary Development Plan, Policy WD5 of the Emerging Wirral Local Plan, SPG11 and the provisions of the National Planning Policy Framework.</p>

<b>Recommended Decision:</b>	Conditional Approval
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<b>Recommended Conditions and Reasons:</b>	
	<p>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).</p>
	<p>2 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 1 April 2022 and listed as follows: 2021-45 02, in accordance with the approved plans received by the local planning authority on 20 September 2022 and listed as follows: 2021-45 05 Rev B, 2021-45 03 Rev B and in accordance with the approved plans received by the local planning authority on 20 December 2022 and listed as follows: 2021-45 06 Rev B. Reason: For the avoidance of doubt and to define the permission.</p>
	<p>3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no further first floor windows or dormer windows shall be added to the property unless expressly authorised. Reason: In order to protect the residential amenities of nearby occupants and to accord with Policy HS11 of the Wirral UDP.</p>
	<p>4 The rear facing first floor landing window shall not be glazed otherwise than with obscured glass to Pilkington level 3 and fixed shut and permanently retained as such. Reason: To safeguard the amenities of occupiers of adjoining properties and to comply with Policy HS11 of the Wirral Unitary Development Plan.</p>
	<p>5 Prior to the first use/occupation of the development/first floor accommodation, a full scheme of works for the reinstatement to standard footway levels of any existing vehicle accesses from the highway that are rendered obsolete by the development shall be submitted and approved in writing by the LPA. The development/first floor accommodation shall not be brought into use/occupied until the</p>

approved works have been completed in accordance with the approved scheme. Reason: in the interests of highway safety and to comply with Policy TR9 of the Wirral UDP.

**Informative**

Bats may be present in your building. Bats are protected species. If you discover bats, you must cease work immediately, contact the National bat hotline on 0345 1300 228 or [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk) for advice. You are reminded that unauthorised interference could result in prosecution.

<b>Last Comments By:</b>	11-10-2022
<b>Expiry Date:</b>	16-February-2023

