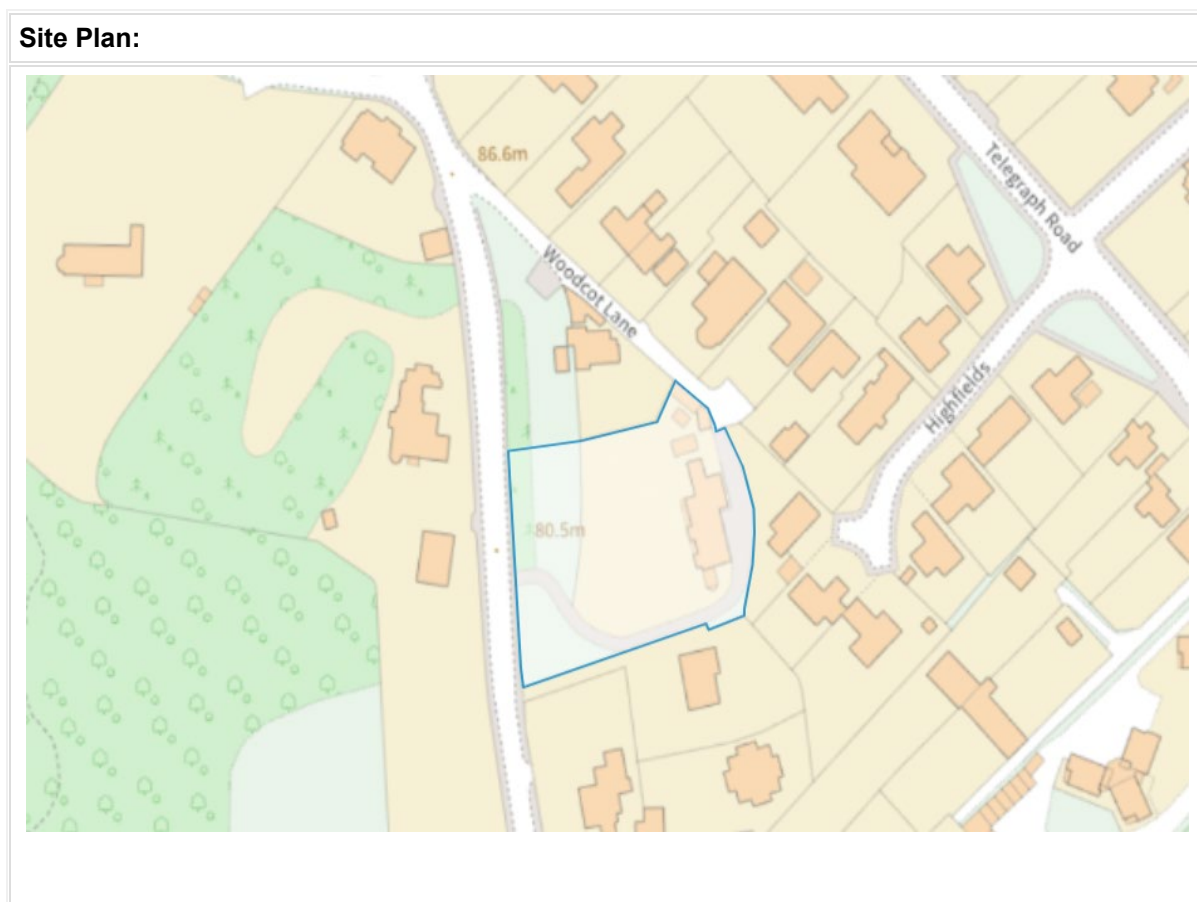


Planning Committee		March 16th 2023	
Reference: APP/22/00215	Area Team: DM	Case Officer: Gavin Roberts	Ward: Heswall

Location:	Ashlea, 37 Thurstaston Road, Heswall CH60 6SB
Proposal:	Double Storey Side Extension. Existing conservatory to be demolished.
Applicant:	Mr & Mrs Curtis
Agent:	Huis Design Ltd

Qualifying Petition: Yes	No. of petitions: 1
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Name of Petitioner: Mrs S Rutherford	No. of Signatures: 36 signatures
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Development Plan designation:	<ol style="list-style-type: none"> 1. Primarily Residential Area; 2. Tree Preservation Area; 3. Welsh Water / Dwr Cymru Catchment Area.
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Planning History:	
	<p>Location: Ashlea, 37 THURSTASTON ROAD, HESWALL, CH60 6SB</p> <p>Application Type: Full Planning Permission</p> <p>Proposal: Demolition of existing structures and erection of a building comprising residential apartments with associated parking, landscaping, and access.</p> <p>Application No: APP/20/00746</p> <p>Decision Date: 15/03/2021</p> <p>Decision Type: Withdrawn</p>
	<p>Location: 12 HIGHFIELDS, HESWALL, CH60 7TF</p> <p>Application Type: Full Planning Permission</p> <p>Proposal: Demolition of existing garage. Construction of new garage with first floor. Construction of two storey extension linking the garage to the existing house.</p> <p>Application No: APP/21/00112</p> <p>Decision Date: 23/03/2021</p> <p>Decision Type: Approved</p>
	<p>Location: Ashlea, 37 THURSTASTON ROAD, HESWALL, CH60 6SB</p> <p>Application Type: Lawful Development Certificate (Proposed)</p> <p>Proposal: Existing kitchen to be extended to the front.</p> <p>Application No: LDP/22/00699</p> <p>Decision Date: 17/08/2022</p> <p>Decision Type: Lawful Use</p>
	<p>Location: Ashlea, 37 THURSTASTON ROAD, HESWALL, CH60 6SB</p> <p>Application Type: Full Planning Permission</p> <p>Proposal: Development of detached garage and associated hard and soft landscaping.</p> <p>Application No: APPH/22/02203</p> <p>Decision Date:</p> <p>Decision Type: Decision pending</p>

Summary Of Representations and Consultations Received:

1. Ward Member Comments	Councillor Hodson corresponded with the Case Officer on behalf of residents who had been seeking a site meeting but has not objected to the proposal.
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications 7 notifications were sent to adjoining properties. In total, 26 objections were received. A petition signed by 36 residents was also received.</p>

	<p>A re-notification was undertaken on 20 October 2022 following scheme amendments. In total, 9 objections were received on this occasion. Only one was from a new objector taking the total number of objections up to 27. Overall, 15 statements of support were received.</p> <p>The planning issues raised in the objections were as follows:</p> <ol style="list-style-type: none"> 1. Loss of outlook; 2. Scale and dominance; 3. Loss of daylight/sunlight or overshadowing; 4. Overlooking/Loss of privacy; 5. Appearance and design of development and materials proposed; 6. Layout and density of buildings; 7. Impact on the character and appearance of the surrounding area; and 8. Previous planning decisions (APP/20/00746 and APP/21/00112).
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	<p><u>CONSULTATIONS</u></p> <ol style="list-style-type: none"> 1. Trees and Landscaping – No objection received 2. Dwr Cymru / Welsh Water – No objection, subject to 1no. condition. 3no. informative provided.
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3.1 Site and Surroundings	
3.1.1	<p>No.37 Thurstaston Road (otherwise known as 'Ashlea') in Heswall is a large, detached property sited within a generous sized plot. The plot is bounded by No.41 Thurstaston Road ('Trevenna') to the south (right side), No.12 Highfields and Woodcot Lane to the east (rear), No.4 Woodcot Lane ('Heatherbrae') to the north (left side) and Thurstaston Road to the west (front) of the plot, from which the application takes its main access. A secondary access is also taken from Woodcot Lane at the rear. The property is set well back within the plot, elevated above a large front garden with views of the Dee Estuary. There are protected trees on adjacent plots to the northeast and southeast of the application site.</p>

3.2 Proposed Development	
3.2.1	<p>The proposal is for the demolition of a single storey side conservatory, and the erection of a replacement two storey side extension with a first-floor balcony on its front elevation.</p>
3.2.2	<p>The proposed two storey side extension was amended as follows on 15 and 22 September 2022 following comments from the case officer:</p> <ol style="list-style-type: none"> 1. Fenestration on the front elevation reduced; 2. 1.1m set back introduced to the front elevation at first floor level;

	<ol style="list-style-type: none"> 3. Timber balcony handrail replaced glass balustrade at ground floor level; 4. Width of extension reduced to 5.84m from 6.18m and 7.18m at ground and first floor levels; 5. Single step-down roof ridge replaced previous double step-down roof ridge; 6. 2.1m set-back introduced to the rear elevation at ground and first floor levels; 7. Conventional ground floor form/massing replaced blank curved side/rear ground floor wall; 8. Opaque ground and first floor windows introduced to proposed extension's gable end.
3.2.3	<p>A final suite of plans and elevations were submitted on 07 February 2023, these included the following final amendments:</p> <ol style="list-style-type: none"> 1. 1m return added to the 1.7m high privacy screen at the front of the balcony; and 2. Number of full length windows on front elevation at first floor level reduced from 4 to 3.

3.3 Development Plan	<p>Under the provisions of section 70(2) Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 and the provisions of the NPPF (paragraph 2) applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise</p>
3.3.1	<p>At the current time the statutory development plan for the area comprises saved policies of the The Wirral Unitary Development Plan (2000) (UDP) and the Merseyside and Halton Joint Waste Plan (2013) The UDP designates the site as a Primarily Residential Area. The following policy in the UDP is relevant to this planning application</p> <ol style="list-style-type: none"> 1. Policy HS11: House Extensions;
3.3.2	<p>Policy HS11 states that proposals for house extensions will be permitted subject to (inter alia):</p> <ul style="list-style-type: none"> • the scale of the extension being appropriate to the size of the plot, not dominating the existing building and not so extensive as to be unneighbourly, particular regard being had to the effect on light to and the outlook from neighbours' habitable rooms and not so arranged as to result in significant overlooking of neighbouring residential property; • the materials matching or complementing those of the existing building; and • design features such as lintels, sills, eaves and roof form and line matching or complementing those of the existing building.

3.4 Other Material Planning Considerations	
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<p>3.4.1</p>	<p>Section 12 – Achieving well-designed places of the revised National Planning Policy Framework is a material planning consideration in the determination of this planning application.</p>
<p>3.4.2</p>	<p>Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.</p>
<p>3.4.3</p>	<p>Paragraph 130 requires developments:</p> <ul style="list-style-type: none"> • To function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; • To be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; • To be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); and • To establish or maintain a strong sense of place.
<p>3.4.4</p>	<p>Supplementary Planning Guidance 11- House Extensions (SPG11) is a material planning consideration for this planning application:</p> <p>SPG11 states the following in respect to the scale and design of extensions:</p> <ul style="list-style-type: none"> • It is always important to consider the specific character of the building to be extended and to take account of the context of the property; • Extensions should reflect the existing dwelling and should retain the character, scale, design and materials of the original property, with existing details such as window shape and design repeated where possible, and where appropriate similar materials used; • The size and scale of the resulting extension should not over-dominate the existing dwelling; • To be in keeping, the roof of a proposed extension should reflect that of the existing dwelling in terms of pitch, angles and materials used; • A lower ridge line will often allow the extension to remain in scale with the existing; <p>In respect to two storey extensions, it states:</p> <ul style="list-style-type: none"> • Where the property stands in a line of detached dwellings and the extension would fill in the gap between the original side wall of the house and the boundary, there is a risk that the extension will appear out of scale with the original dwelling. This is not in the interests of maintaining the

	<p>character of the street, and, in the interests of visual amenity should be avoided. In order to maintain a visual break and to ensure the extension respects the character and scale of the original house, the following criteria should be met: -</p> <ul style="list-style-type: none"> ○ the extension should be set back from the front of the dwelling by 1m and should have a lower ridge height; ○ to allow for maintenance and access it is recommended that a distance of 1m be left between the extension and side boundary.
<p>3.4.5</p>	<p>SPG11 states the following in respect to amenity:</p> <ul style="list-style-type: none"> • 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 a significant amount of visual intrusion, or significantly affect existing levels of daylight and sunlight; • The use of side windows in extensions adjacent to boundaries should be avoided where these would result in significant overlooking; • Overlooking can often be reduced through the use of screen walls or fences at ground floor level, obscure glazing to windows which are not to main habitable rooms and doors, or the installation of high-level windows (minimum height 1.7m); • Balconies will not be acceptable where they would increase overlooking into neighbours' properties to an unacceptable degree and create a feeling of being overlooked from a higher level; and <p>Where a sole window to a main habitable room faces a blank wall, they must be a minimum of 14 metres apart. This is a minimum distance and greater distances will be required where there are differences in land levels or where development adjoins that of different ridge and/or eaves height, for example two storey development adjacent to single storey development or three storey development adjacent to two storey development. In these cases, an increased separation distance will be required so that for every metre difference in ridge height (or part thereof) the distances in the standard shall be increased by 2 metres.</p>
<p>3.4.6</p>	<p><u>The Emerging Wirral Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 (Local Plan) for examination.</p> <p>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 Local Plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The Local Plan</p>

	<p>and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the 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:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <p>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).”</p> <p>The following Emerging Local Plan Policies are relevant to the determination of this planning application:</p> <ul style="list-style-type: none"> • WD 5 Residential Extensions; • WS 7.1 Design Principles; and • WS 7.2 Privacy and Amenity.
<p>3.4.7</p>	<p>Emerging Policy WD 5 states that Development proposals for residential extensions should demonstrate that (inter alia):</p> <ul style="list-style-type: none"> • the scale and design of the proposed extension is appropriate having regard to the size of the plot, the relationship with existing buildings on the site and within the street scene, and the impact on amenity of neighbouring properties; • the materials match and/or complement those of the existing building; • design features such as lintels, sills, eaves and roof form and line match or complement those of the existing building; • an adequate area of amenity space, and unobscured vehicular access will be retained; and • the extension(s) would otherwise be subordinate to and complement the character of the original dwelling.
<p>3.4.8</p>	<p>Emerging Policy WS 7.1 states that Development proposals will be required to demonstrate that the development has been planned so that its function and appearance will enhance the character of the area and provide a high standard of amenity for existing and future occupiers. Development proposals should in particular demonstrate how they have, where appropriate, addressed the following design principles and requirements (inter alia):</p> <ul style="list-style-type: none"> • be visually attractive and positively enhance the character, appearance and setting of the surrounding area;

	<ul style="list-style-type: none"> • ensure that the density, height, scale, massing and siting is appropriate in context; • incorporate high quality materials which complement and enhance surrounding areas and adjacent development; • provide for the protection and enhancement of existing healthy trees and hedgerows of visual and wildlife value; and • ensure that extensions to existing buildings will match or complement the design and materials of the existing buildings.
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3.4.9	<p>Emerging Policy WS 7.2 states that Development proposals must take account of the privacy and amenity of the development's users and neighbours. Proposals will be required to (inter alia):</p> <ul style="list-style-type: none"> • demonstrate that the proposed uses will be harmonious with neighbouring uses, avoiding unacceptable nuisance and disturbance; • provide adequate sunlight, daylight and open aspects to all parts of the development and adjacent buildings and land (including any private amenity space); • avoid direct overlooking and loss of privacy detrimental to the living conditions of neighbouring residents and the residents of the proposed development; and • not result in an over-bearing or overly enclosed form of development which materially harms the outlook of occupiers of neighbouring properties or the users of the proposed development.
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3.5 Assessment	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • Principle of development (appropriateness of residential extensions in a Primarily Residential Area); • Scale and design; and • Amenity.
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3.6 Principle of Development	
3.6.1	The principle of development (appropriateness of residential extensions in a Primarily Residential Area) is acceptable subject to compliance with relevant policies and guidance outlined above.

3.7 Scale and design	
3.7.1	The proposed two storey side extension as initially submitted did not fully consider the specific character of the building to be extended or take account of the context of the property as required by Policy HS11, SPG11 and Emerging Policies WD 5 and WS 7.1. The extension, the siting of which, for reasons discussed in the amenity section below, was deemed to be acceptable in principle, but did not reflect the existing dwelling, failing to fully respect its character,

	<p>scale, design and materials, failing to repeat existing details such as window shape and design, proposing an over-elaborate roof design and too much fenestration to the front elevation. As these issues were matters of detailed design, it was decided by the case officer to work positively with the applicant to address them given the otherwise acceptable siting of the extension.</p>
<p>3.7.2</p>	<p>The following amendments were undertaken as outlined in section 3.2.2 and 3.2.3:</p> <ol style="list-style-type: none"> 1. Fenestration on the front elevation reduced; 2. 1.1m set back introduced to the front elevation at first floor level; 3. Timber balcony handrail replacing glass balustrade at ground floor level; 4. Width of extension reduced to 5.84m from 6.18m and 7.18m at ground and first floor levels; 5. Single step-down roof ridge replacing previous double step-down roof ridge; 6. 2.1m set-back introduced to the rear elevation at ground and first floor levels; 7. Conventional ground floor form/massing replacing blank curved side/rear ground floor wall; 8. Opaque ground and first floor windows introduced to proposed extension's gable end; 9. 1m return added to the 1.7m high privacy screen at the front of the balcony; and 10. Number of full length windows on front elevation at first floor level reduced from 4 to 3.
<p>3.7.3</p>	<p>These addressed the case officer's initial concerns as follows:</p> <ol style="list-style-type: none"> 1. The fenestration on the front elevation of the proposed extension now better matches the fenestration on the front elevation of the original dwelling; 2. The 1.1m set back to the front elevation at first floor level, together with the ridge set down, ensures that the extension appears subordinate to the main dwelling, thereby safeguarding the legibility of the form and character of the original dwelling; 3. The balcony handrails on the front elevation at ground and first floor levels are now consistent with timber handrails provided on both levels; 4. The reduction in width of the extension from 6.18m at ground floor level and 7.18m at first floor levels to 5.84m over both levels reduces the scale and footprint of the extension; 5. The replacement of the double step-down roof ridge with a single step-down roof ridge further reduces the overall scale of the extension by lowering the majority (4.22m) of the ridge by 0.52m, albeit the remaining part (1.67m) of the ridge has to increase by 0.34m to remove the step; 6. The 2.1m set-back from the rear elevation of the original dwelling which has been applied to the whole rear elevation of the extension at ground and first floor levels increases the separation distance between the first-floor side window of No.12 Highfields and most of the rear elevation of the extension at ground floor level by up to 1.8m, and, in the main, 0.2m at first floor level compared to the scheme as submitted. There is a circa 1.63m wide section of rear

	<p>elevation at first floor level closest to the gable end, which by virtue of it having been proposed to be set back 4.35m initially, is now 2.25m closer to the first-floor side window of No.12 Highfields at first floor level than it was in the scheme as submitted;</p> <ol style="list-style-type: none"> 7. The design and footprint of the blank curved side/rear ground floor wall upon which the first floor was previously perched was incongruous with the character and appearance of the host dwelling and surrounding properties. The conventional ground floor footprint which replaces it is now in keeping with its context; 8. The opaque ground and first floor windows introduced to the gable end add interest to this elevation ensuring that it does not appear blank and oppressive from the side; 9. The 1m return added to the 1.7m high privacy screen at the front of the balcony will limit oblique angle views in the direction of neighbouring Trevenna's side elevation and front garden from the Application property's full length first floor windows and increase the oblique angle separation distance between the closest visible point on the balcony and Trevenna's first floor side dormer; and 10. The reduction in the number of full length windows on the front elevation at first floor level from 4 to 3 will bring the proportions of these windows in line with the proportions of other prominent first floor fenestration on the front elevation of the original dwelling.
<p>3.7.4</p>	<p>The scale of the proposed extension as amended will not be adversely prominent in the street scene. The first reason for this is that the main dwelling itself is set well back within the plot. The second reason is that the extension has a sufficient set back of 1.1m from the highway elevation of the original dwelling at first floor level. The third reason is that it has a lower ridge height than that of the existing dwelling. The two latter interventions combine to ensure that the proposal is subordinate to the main dwelling rather than being dominant to it. The character and form of the original dwelling remains legible, whilst a domestic extension of these proportions, within a plot of this size, is appropriate, subject to the amenity impacts being acceptable.</p>
<p>3.7.5</p>	<p>The amended design features, including the form of the roof, the additional front gable, the 3no. full length windows at first floor, the timber balcony handrails, the matching timber screen and the conventional ground floor form and massing now compliment the design features of the existing house. This was not the case where the scheme as submitted was concerned which would not have been in keeping with the character and appearance of the main dwelling or surrounding dwellings. Furthermore, the proposed materials, including facing brick, painted pebble dash, tiles and timber balcony handrails will match the existing finishes on the original dwelling.</p>
<p>3.7.6</p>	<p>Overall, the scale and design of the proposed development is not detrimental to the character and appearance of the host dwelling, street scene or the surrounding area. The proposal complies with Policy HS11, SPG11, Emerging Local Plan Policies WD 5 and WS</p>

	7.1 and the provisions of paragraphs 126 and 130 of the revised NPPF.
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3.81 Highways	
3.8.1	There are no Highway Implications relating to this proposal.

3.9 Environmental/Sustainability	
3.9.1	In terms of Ecology, a bat survey was not deemed necessary as no works are proposed to the main roof or eaves of the original dwelling. The extension will instead be 'bolted on' to the gable end. The Applicant's agent confirmed that the roof cavity of the main dwelling will not be affected. The provision of an informative on the decision notice reminding the Applicant of their legal obligations where the discovery of bats is concerned is deemed sufficient in this instance.
3.9.2	No trees are proposed to be felled as part of the proposed scheme. Whilst there are protected trees on adjacent plots, the proposal is not in the vicinity of any protected tree canopies. Furthermore, it occupies much of the same footprint as the existing conservatory and it is on elevated ground perched above the intervening driveway running adjacent to the common boundary. The Council's Tree Officer was consulted following the submission of a Arboricultural Impact Assessment and Method Statement pertaining to withdrawn application APP/20/00746 for 12no. flats which was provided as background confirms that there are no trees in the vicinity of the proposed siting. No objection was received from the Tree Officer.
3.9.3	Dwr Cymru / Welsh Water were consulted as the proposed scheme is within their catchment area. They provided 1no. compliance condition pertaining to the requirement for no surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage to be allowed to drain directly or indirectly to the public sewerage system. This is to prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment. This condition has been attached to this decision notice to ensure the acceptability of the scheme, along with 3no. informatives also provided.
3.9.4	Overall, there are not likely to be any Environmental/Sustainability issues relating to these proposals subject to compliance with Dwr Cymru / Welsh Water's compliance condition.

3.10 Amenity	
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<p>3.10.1</p>	<p>Prior to assessing amenity impact, it is first important to establish the premise that the potential impacts of a proposed development on private views is not a material planning consideration in the planning balance. In the planning process consideration of visual impacts of proposed development is restricted to potential impacts on visual amenity which will include consideration of neighbouring outlook as well as adequate privacy and light</p>
<p>3.10.2</p>	<p><u>Outlook</u> Loss of outlook through overbearingness or too close proximity, unlike loss of views, is a material planning consideration upon which a planning application may be refused. Policy HS11 states “the scale of the extension...(should) not be so extensive as to be unneighbourly, particular regard being had to the effect on...the outlook from neighbours’ habitable rooms”. Concerning outlook, SPG11 sets out that “where a sole window to a main habitable room faces a blank wall, they must be a minimum of 14 metres apart. This is a minimum distance and greater distances will be required where there are differences in land levels”. It should be noted that the Council’s guidance states that where a <u>sole</u> window to a habitable room faces a <u>blank</u> wall they must be a minimum of 14 metres apart. In this instance, the window in question (No.12 Highfields’ first floor side window) is not a sole window and the rear elevation of the proposed extension is not blank as it has an opaque glazed first-floor window, so the 14m rule does not strictly apply. The rule is however a useful measure for assessing potential harm to outlook and so it is applied, nonetheless.</p>
<p>3.10.3</p>	<p>Drawings have been submitted by the Applicant’s agent (refs: 019 P2 and 020 P2) which clearly demonstrate that No.12 Highfields’ only existing habitable room window on its south-west facing side elevation (the first-floor side window) does not face a blank wall as stipulated by SPG11. The straight-line view from this window is uninterrupted by the siting of the proposed extension i.e. anyone standing centrally in this window and looking straight forward will continue to have an uninterrupted view. Therefore, on this basis alone, the extension’s siting is considered to pass this outlook test. Even at an oblique angle, the separation distance to the rear wall of the proposed extension (which it should also be noted is at a lower level) is between 15.21m and, the more oblique the angle, 13.97m. Furthermore, the site cross-section drawing submitted by the Applicant’s agent (ref: dwg 018 P4) shows that anyone standing in No.12’s first floor side window would, because of the difference in levels, be looking towards the rear roof plane of the extension, which would be sloping away from No.12’s side window, thereby adding to the oblique angle separation distances. Therefore, the extension’s siting clearly meets SPG11’s 14 metre separation distance guidance. Cumulatively, these factors offer adequate comfort that the impact on outlook is not significant.</p>
<p>3.10.4</p>	<p>Where Trevenna is concerned, its rear habitable room windows face away from the side elevation for the extension so there is no impact on the outlook of these windows. Trevenna’s side dormer similarly does not directly face any wall of the proposed extension. However, oblique angle views of the side elevation of the extension will be possible from approximately 16m away. Notwithstanding this fact, even considering the significant difference in ridge heights, these</p>

	<p>views are too oblique to be of real concern given that Trevenna's dormer window is not even close to facing the gable and retains uninterrupted straight-line views across the front of No.37's front garden.</p>
<p>3.10.5</p>	<p>Overall, in line with Policy HS11 and SPG11, it is deemed that the subordinate extension will not be so extensive as to be unneighbourly due to overbearingness or too close a proximity. Furthermore, the outlook from neighbours' habitable rooms has been demonstrated not to be materially harmed. The amended scheme provides adequate open aspects and does not result in an overly enclosed form of development in line with emerging Policy WS 7.2.</p>
<p>3.10.6</p>	<p><u>Privacy</u> Policy HS11 states that house extensions should not be so arranged as to result in significant overlooking of neighbouring residential property. SPG11 states that the use of side windows in extensions adjacent to boundaries should be avoided where these would result in significant overlooking. Obscure glazing to windows which are not to main habitable rooms is encouraged to prevent overlooking. Emerging Local Plan Policy WS 7.2 states that proposals will be required to avoid direct overlooking and loss of privacy detrimental to the living conditions of neighbouring residents and the residents of the proposed development.</p>
<p>3.10.7</p>	<p>No.12 Highfields will be unaffected by the proposed extension which only has a single obscured first floor window on its rear elevation (secured by condition). Similarly, neither No.11 Highfields and Trevenna will be affected by the ground and first floor windows on the gable end as these will also be obscurely glazed (secured by the same condition). This leaves the proposed first floor balcony on the front of the extension as the only element with the potential to result in a loss of privacy where Trevenna is concerned. Trevenna is a dormer bungalow which is located to the right side (south) of the Application property at a lower level (the ground floor level is circa 2.5m below that of the Application property's) and its front elevation is circa 11.6m further forward. Trevenna has a first-floor dormer to a bedroom on its left side. The proposed balcony floor level will be circa 3.25m above the floor level of that room. SPG11 states that balconies will not be acceptable where they would increase overlooking into neighbours' properties to an unacceptable degree and create a feeling of being overlooked from a higher level.</p>
<p>3.10.8</p>	<p>The scheme as submitted comprised a 1.7m high privacy screen to the south facing edge of the proposed balcony. To not have a privacy screen here would have allowed direct unimpeded overlooking of Trevenna's sensitive rear private garden/amenity area, which would have been wholly unacceptable. The presence of the privacy screen left only oblique angle views possible from the balcony over Trevenna's front garden (front gardens are not afforded the same protection as rear gardens) and to a lesser extent, due to the increasingly oblique angle, over Trevenna's roof which includes the first-floor side dormer window.</p>

<p>3.10.9</p>	<p>The separation distance to Trevenna’s first floor dormer window from the closest point on the balcony was an acceptable 14.86m (21m separation distances only apply to habitable room windows on principle elevations which face one another. They do not apply to a habitable room window/balcony on a principal elevation and a habitable room window on a side elevation which are orientated perpendicular to each other). Nevertheless, SPG11 required that balconies will not increase overlooking into neighbours’ properties to an unacceptable degree and create a feeling of being overlooked from a higher level. So, in response to neighbour concern surrounding loss of privacy to Trevenna’s first-floor side dormer window, the applicant’s agent has agreed to add a 1m return at the front of the balcony to increase the separation distance to 15.8m. Trevenna’s side dormer would not be visible from the Application property’s first floor full length windows.</p>
<p>3.10.10</p>	<p>Overall, given that the direct focus of the balcony will be out and over towards the Dee Estuary, it is deemed that any overlooking impact where Trevenna’s side dormer is concerned will only amount to occasional/fleeting glimpses due to the indirect angle, with no overlooking possible from the first-floor full length windows. Furthermore, the occasional/fleeting views will be from a reasonable distance of at least 15.8m, and due to the differences in levels, would result in more downward looking views as opposed to views directly into the window. On this basis the level of overlooking is not deemed to be significant to the extent that it would result in a loss of privacy detrimental to the living conditions of neighbouring residents. The privacy screen will be required to remain in situ in perpetuity unless otherwise agreed in writing by the Local Planning Authority. This requirement is secured by condition.</p>
<p>3.10.11</p>	<p><u>Daylight/Sunlight</u> Aside from a limited amount of late afternoon/early evening shadowing in the direction of No.12 Highfields’ side garden, there will be no overshadowing impact posed by the proposed development to any other properties. Policy HS11 states “the scale of the extension...(should) not so extensive as to be unneighbourly, particular regard being had to the effect on light to...neighbours’ habitable rooms”. Where No.12 is concerned, the shadowing will not impact the light to any existing habitable room windows on principal elevations or No.12’s south-west facing side elevation. It would also be unlikely to impact additional habitable room windows approved on No.12 south-west facing elevation under APP/21/00122. Overall, a limited amount of late afternoon/early evening overshadowing to a side garden is not deemed to “significantly affect existing levels of daylight or sunlight” as set out in SPG11, to the extent that this limited impact carries sufficient weight in the planning balance to merit refusal of the planning application. In line also with emerging Policy WS 7.2, it is deemed that adequate sunlight and daylight will still be provided to all parts of adjacent buildings and land (including private amenity space) overall.</p>
<p>3.10.12</p>	<p>In addition to the Council receiving a petition signed by 36 residents opposing the proposed scheme, 27 objections and 15 statements of support were also received.</p>

The planning issues raised in the objections were as follows:

1. Loss of outlook – the level of outlook is deemed to be sufficient with uninterrupted straight-line views from No.11 Highfields and 14m met elsewhere – this matter is addressed in full in sections 3.10.1 to 3.10.5;
2. Scale and dominance – the scale of the extension as amended with its setbacks and ridge set down to ensure subordination to the main dwelling is deemed to be acceptable – this matter is addressed in full in section 3.7.4;
3. Loss of daylight/sunlight or overshadowing – the level of overshadowing is limited to No.11 Highfields' side garden for a limited period of the day (late afternoon/early evening) and so is not deemed to have a significant impact – this matter is addressed in full in section 3.10.11;
4. Overlooking/Loss of privacy – the level of overlooking from the proposed 3no. first floor full length windows and balcony where Trevenna's left side first floor dormer is concerned is deemed negligible due to a number of factors including the presence of a privacy screen and return, the oblique angle involved and reasonable separation distance - this matter is addressed in full in sections 3.10.6 to 3.10.10;
5. Appearance and design of development and materials proposed – the scheme as amended will complement the existing dwelling in terms of its design features and it will utilise matching materials - this matter is addressed in full in section 3.7.5;
6. Layout and density of buildings – the siting of the extension is acceptable with reasonable separation distances observed. Furthermore, given the very generous size of the plot, a modest extension such as this with its reduced footprint, does not, even when taking account of the kitchen extension approved under LDP/22/00699 and the detached garage currently being considered under APPH/22/02203 constitute overdevelopment of the plot;
7. Impact on the character and appearance of the surrounding area – the appearance of the scheme as submitted was incongruous with the character and appearance of the surrounding area. The amended scheme is deemed to be in keeping with the character and appearance of the main dwelling and with neighbouring dwellings – this matter is addressed in full in section 3.7; and
8. Previous planning decisions (APP/20/00746 and APP/21/00112) - APP/20/00746 relates to a proposal for residential apartments on the Application site. This application was withdrawn, so there is no Officer report to consult. Notwithstanding this fact, a householder application for a domestic extension is not directly comparable to a scheme for 12no. residential apartments, and in lieu of a formal decision being issued by the Council, any view provided by an Officer to residents during that application process is without prejudice to the Council.

APP/21/00112 relates to an approval for domestic extensions to No.12 Highfields which is yet to be implemented. It has already been demonstrated that the outlook from the existing first-floor habitable room window will not be unacceptably harmed. No.12's approved extension (and habitable room windows contained therein)

	would be further over from the existing first-floor habitable room window, roughly where the detached garage is currently sited. These windows too would therefore not face the rear wall of the proposed extension enjoying even more comfortable straight-line views, whilst the rear elevation of the proposed extension would be visible from an increasingly oblique angle.
3.10.13	In terms of amenity, the proposed side extension as amended would be located a sufficient distance from neighbouring properties Trevenna and No.12 Highfields to not have a significant adverse impact on the levels of outlook, daylight/sunlight or privacy enjoyed by those (or other) properties. On this basis the amended scheme is compliant with Policy HS11, SPG11, Emerging Local Plan Policies WD5 and WS 7.2 and provisions of paragraphs 126 and 130 of the revised NPPF.

Summary of decision	Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.
	Having regard to the individual merits of the application it is considered that the extension as amended is acceptable in planning terms having regard to principle of development, scale, design, amenity and Wirral's Unitary Development Plan Policy HS11, SPG11, Emerging Local Plan Policies WD 5, WS 7.1 and WS 7.2 and the revised National Planning Policy Framework.

Recommended Decision:	Approve subject to the following conditions.
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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 07 February 2023 and listed as follows: Drawing no: 010 P3 (Proposed Basement Plan), dated: 07 February 2023; Drawing no: 011 P4 (Proposed Ground Floor Plan), dated: 07 February 2023; Drawing no: 012 P6 (Proposed First Floor Plan), dated: 07 February 2023; Drawing no: 013 P5 (Proposed Loft Floor Plan), dated: 07 February 2023; Drawing no: 014 P5 (Proposed Roof Plan), dated: 07 February 2023; Drawing no: 015 P7 (Proposed Elevations), dated: 07 February 2023; and Drawing no: 016 P5 (Proposed Elevations), dated: 07 February 2023.

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

3. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

4. Prior to the balcony hereby approved being brought into use, a 1.7m high x 2.38m long timber privacy screen shall be installed along the south facing side of the balcony with a 1.7m high x 1m long return installed on the west facing balcony frontage all of which shall be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and in accordance with Policy HS11 of the Wirral Unitary Development Plan.

5. The ground floor and first floor side windows and first floor rear window shall not be glazed otherwise than with obscured glass (windows to be fixed shut or non-opening up to a height of 1.7m and top hung, opening inwards or outwards) and thereafter be 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.

INFORMATIVES

1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).
2. The design of the sewers and lateral drains must conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.
3. The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru / Welsh Water maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru / Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru / Welsh Water has rights of access to its apparatus at all times.
4. Bats may be present in your building. Bats are protected species. If you discover bats, you must cease work immediately. Contact Batline on 01704 385735 for advice. You are reminded that unauthorised interference could result in prosecution. Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), as well as under Schedule 2 of the Conservation of Species and Habitats Regulations 2010 and it is therefore an offence to cause damage to a bat roost.

Last Comments By:

11-11-2022

Expiry Date:

17-03-2023

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