

Planning Committee	9 th October 2024
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Reference:	PS Development Code	Case Officer:	Ward:
APPH/24/01120	Q21 - Householder Developments	Ms H Mellor	Heswall

Location:	Glenfield, 10 The Lydiate, Heswall, Wirral, CH60 8PR
Proposal:	Demolition of an existing attached garage side extension (north elevation), erection of a single storey side extension (north elevation), part single part two storey rear extension, two storey side extension and attached covered pergola with raised deck (south elevation), new front porch extension including front two storey extension to the southern side of the existing forward projection, reconfiguration of windows, the application of external render and all other associated works
Applicant:	Emily Morton
Agent :	Rebecca Hilton Eden Planning & Development

Reason for referral to Planning Committee	Qualifying petition.
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1. Development Plan designation:	Primarily Residential Area Conservation Area
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2. Planning History:	<p>APPH/23/01492 Demolition of garage to front and side; Construction of two storey extension to side with balcony to rear and solar panel to side, one and a half storey extension to front with solar panels to roof to form double garage with accommodation over, one and half storey extension to front form internal staircase, porch to front, single storey extension to side and rear; two storey extension to rear; alterations; installation of render to walls; landscaping Withdrawn</p> <p>APP/22/00464 Construction of single storey extension to side and rear and dormer to rear of house; demolition of garage to side; alterations Conditional Approval</p> <p>APP/92/06423 Erection of a double garage. Approve</p>
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3. Summary Of Representations and Consultations Received:

3.1 Ward Member Comments	No comments received.
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3.2 Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications and the Statement of Community Involvement, 7 notification letters were sent to neighbouring properties on August 19 2024. In response, 1 petition was received on September 24th 2024 objecting to the development, signed by 34 individuals.</p> <p>The reasons for objection stated on the petition are summarised below:</p> <ul style="list-style-type: none"> • Adverse impacts on neighbour amenity • Out of character and inappropriate scale • Impacts on the Conservation Area <p>5 representations objecting to the application were also received. Comments made within submitted representations are summarised below:</p> <ul style="list-style-type: none"> • Inappropriate size – intrusive, disproportionate, dominant, out of character • Inappropriate design which does not preserve the character of the conservation area • Construction noise, dust and pollution resulting in impact to neighbour amenity • Impacts to plants and shrubs in neighbouring garden • Impacts to wildlife • The planning statement is not accurate • Inadequate separation distances below SPG11 guidelines
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	<ul style="list-style-type: none"> • Loss of privacy and loss of light • Proposed fence will impact existing hedge • Exceeds limits set out in the pre-application response • Construction plan is necessary due to narrow lane and lack of pavements • <p>1 representation supporting the application was received. Comments made within the representations are summarised below:</p> <ul style="list-style-type: none"> • A family home sympathetically and significantly improved • Increase value of surrounding properties
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	<p><u>CONSULTATIONS</u></p> <p>Conservation – no objection</p> <p>Trees – no objection</p>
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4. Site and Surroundings	
4.1	Glenfield, 10 The Lydiate is a mid-1900s two-storey detached property located within a primarily residential area in the Heswall Lower Village Conservation Area. Materials of red brick/sandstone and light coloured render are commonly observed in this locality.
4.2	The application property is set back from the road whilst the front of the site is fairly open, notwithstanding the few large trees, and so public views are afforded of the dwelling. The exterior is finished in a band of brick from the ground level and further white render. The roof is of a hipped design with a large front gable projecting slightly forward. Within the Heswall Lower Village Area Appraisal and Management Plan the property is designated as having neutral contribution to the character of the area.

5. Proposed Development	
5.1	<p>This application seeks full planning permission to erect of a single storey side extension (north), part single part two-storey rear extension, two-storey side extension and attached covered pergola with raised deck (south), front porch extension and two-storey front extension. Along with the reconfiguration of windows, external render and other associated works.</p> <p>The existing attached side garage shall be demolished to make way for the proposed scheme.</p>

6. Development Plan	
6.1	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

	<p>planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.</p> <p>The statutory development plan at present consists of the Wirral Unitary Development Plan (UDP adopted February 2000 and saved by Direction of the Secretary State on 18 September 2007) and the Joint Waste Local Plan for Merseyside and Halton (adopted 18 July 2013).</p>
6.2	<p>The following Wirral Unitary Development Plan 2000 Policies are relevant to the determination of this planning application;</p> <ul style="list-style-type: none"> • HS11 House Extensions • CH2 Development Affecting Conservation Areas • CH3 Demolition Control within Conservation Areas • CH14 Heswall Lower Village Conservation Area • GR7 Trees and New Development • TR9 Requirements for Off-Street Parking
6.3	<p>The Joint Waste Local Plan for Merseyside and Halton (adopted 18th July 2013) is also applicable. Relevant policies are:</p> <ul style="list-style-type: none"> • WM8 Waste Prevention and Resource Management • WM9 Sustainable Waste Management Design and Layout for New Development

7. Other Material Planning Considerations	
7.1	<p><u>The National Planning Policy Framework</u></p> <p>The NPPF is influential on the Local Authority's development plan and states that proposals should be well designed and sympathetic to the original houses and local area's character. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, considering any local design guidance and supplementary planning documents.</p> <p>Within Section 16 of the NPPF it also states that proposals within Conservation Areas should make a positive contribution to the setting and enhance the heritage assets.</p>
7.2	<p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 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 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 and</p>

supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam

On 4th March 2024 the Council received the post-hearing note prepared by the Planning Inspectors appointed to carry out the examination into the Wirral Local Plan. The note sets out the Inspectors view on certain matters and what should now be done. It should be read as the Inspectors' initial thinking and is without prejudice to any findings they may ultimately come to. The Inspectors' view is that the Plan, as submitted, is unsound. Their view is also that the Plan may be capable of being made sound via main modifications. The modifications required to make the Plan sound were published by the Council for public comment on 25 September 2024. For the purposes of decision making, the post-hearing note and the publication of the modifications do not change the status of the emerging Local Plan. The Plan is however at an advanced stage and weight may be given to relevant policies in the emerging Plan in accordance with the requirements of paragraph 48 of the National Planning Policy Framework, as set out in the officer report.

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:

1. the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
2. 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
3. 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)."

The following emerging plan policies are relevant to the determination of this planning application:

- WD 5 Residential Extensions
- WS 7 Principles of Design (including Design Principles; Privacy and Amenity; and Parking)
- WD 2 Heritage Assets
- WP 7 Heswall Lower Village (CON-SA7.2)
- WD 1 Trees

7.3

Wirral Supplementary Documents/Guidance

- SPD4 Parking Standards (2007)

This document outlines the minimum amount of vehicle parking spaces required. 2 parking spaces are required per 3 (or more) bedroom dwelling.

- SPG11 House Extensions (2004)

The SPG11 states that it is important to consider the specific character of the building being extended and to take account its

	context. Extensions built close to the boundary with a neighbouring property may have an adverse impact on the enjoyment of that property. Extensions should be of an appropriate scale and size to not result in an effect of over-dominance or cause significant visual intrusion or impact on existing light levels.
7.4	<p><u>Tree, Hedgerow and Woodland Strategy 2020-2030</u></p> <p>The strategy sets out better ways of managing and increasing trees and hedgerows, in line with the recommendations of the UK Committee on Climate Change, which in January 2020 set a target of increasing UK tree cover.</p>
7.5	<p><u>Conservation Area Appraisal and Management Plan</u></p> <p>The Heswall Lower Village Conservation Area Appraisal and Management Plan (2009) provides further guidance and justification of the designation which then informs reasoning for the policy regarding conservation and preservation.</p>

8. Assessment	
8.1.1	<p>The main issues pertinent in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of development; • Design, including impact on The Heswall Lower Village Conservation Area; • Amenity; • Ecology; and • Highways

8.2 Principle of Development	
8.2.1	The development is acceptable in principle, contingent on its design, impacts on neighbour amenity and implications on the wider Conservation Area.

8.3 Design, including impact on the Lower Heswall Conservation Area	
8.3.1	The existing attached garage to the north side is proposed to be demolished. This garage does not hold any special architectural or historic interest. Therefore, the careful demolition of the garage is acceptable. In its place, a single storey side extension is proposed. This side extension shall have a hipped roof towards the front half with an eaves height of approximately 2.75m and maximum roof height of 3.40m whilst the latter half shall have a flat roof with a height of approx. 3.15m. The flat roof design is acceptable as it would have limited views from public vantage

	points and therefore would not have a detrimental impact on the character of the conservation area.
8.3.2	Proposed is a two-storey front extension. SPG11 states that front extensions will clearly impact on the street scene and will rarely be acceptable on detached properties in a row which are of similar design and appearance, properties that are prominent within the street scene or where there is a definite building line. In this instance, the proposed extension can be considered a small infill extension as it would adjoin the existing front gable extending the width by around 1.35m. The eaves of the extension would be lower to achieve an asymmetrical front gable which is a nice design feature yet does not alter the appearance of the dwelling completely and is therefore acceptable.
8.3.3	SPG11 states that in order for front porches to be an appropriate scale and appearance, proposals should not project forward more than one fifth of the front garden depth or 1.50m whichever is lesser; the design and materials should match the character of the original house; have a pitched roof where appropriate; and not exceed the sill height of the first-floor windows. The proposal meets these SPG11 requirements and therefore would appear subordinate to the main dwelling. The finishing materials of oak and brick would compliment the main house. Furthermore, the design can be described as a traditional open storm porch which is in keeping with the character of the area.
8.3.4	The proposed two-storey side extension would adjoin the south side of the dwelling. In order for proposals to remain subordinate to the original dwelling and maintain the character of the street, SPG11 states that extensions should be set back from the front of the dwelling by at least 1m and should have a lower ridge height. In this instance, the proposal would be set back by around 3.7m and have a noticeably lower ridge height achieving an appropriate appearance against the main dwelling. Furthermore, the proposal shall have a hipped roof to echo the design of the main dwelling.
8.3.5	An attached pergola is proposed to the south side of the main dwelling. This would be a timber structure with a hipped tiled roof much of which would be located behind the existing detached garage. This element would not harm the character of the conservation area and therefore is acceptable.
8.3.6	The proposed part two-storey rear extension shall extend approx. 3.35m from the original rear elevation and have a hipped-valley roof. The single storey part shall have a flat roof design and extend a further 2.50m from the original rear elevation. The site is a relatively spacious curtilage and therefore these extensions fit the context of the plot whilst also remaining subordinate to the main dwelling. The proposed rear windows in the ground floor extension shall incorporate large glazing with black aluminium frames which would give a relatively modern appearance. However, limited views from public vantage points shall be afforded and as such the proposal would not cause any visual amenity issues nor would it impact the character of the conservation area.
8.3.7	The final scheme would all be finished in off-white render and grey interlocking roof tiles which is deemed appropriate as these finishing materials are commonly observed along The Lydiate. Furthermore, the proposed front windows incorporate a light grey frame with glazing bar and also includes a stone sill which is an appropriate traditional design. Rooflights are proposed towards the rear which would therefore not be readily seen and the character of the conservation area would be preserved.

8.3.8	<p>Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that 'with respect to any buildings or land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. This test is echoed within Policy CH2 of the UDP. The named policies refer to the protection and enhancement of distinctive characteristics of the area, the general design and layout of the area, including the relationship between its buildings, structures and the character and setting of elements which make a positive contribution to the appearance and special character of the area.</p> <p>The application property is considered a category C building in the Heswall Lower Village Conservation Area Appraisal and Management Plan, making a neutral contribution to the character of the area. The property is located on the edge of the conservation area and does not fall within one of the distinctive character areas described in the Conservation Area Appraisal. As such, altering the design and appearance of this dwelling is acceptable.</p> <p>The proposal's scale and design is not considered to be detrimental to the character and appearance of the host dwelling or the wider Conservation Area. The extension would not cause any adverse visual impacts and is compliant with HS11/WD 5, CH2/WD 2.2, CH14/WP 7.1, SPG11 and the provisions of the NPPF.</p>
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8.4 Amenity	
8.4.1	<p><u>Single storey side extension</u></p> <p>The proposed single storey side extension would be finished with a hipped roof towards the front and flat roof towards the rear. The maximum roof height would be approx. 3.40m and the proposal would be positioned set off the middle boundary shared with no.8 by around 1m and extending along the boundary approx. 11.20m. This proposed extension replaces an existing extension which is positioned on the shared boundary and extending approx. 9.50m with a maximum roof height of approx. 4.25m.</p> <p>It is believed that the proposed scenario would not significantly alter from the existing nor cause an increase in overshadowing or overbearing. It is noted that no.8 has existing kitchen/diner windows facing towards this boundary with an interface distance of 5.50m however, given the proposed single storey side extension does not alter significantly from the existing, then light and outlook afforded would remain the same.</p> <p>A ground floor side window is proposed to serve the utility. This would be positioned around 1m off the middle boundary with no.8 and therefore a condition for this to be obscurely glazed shall be attached to any approval to ensure no significant overlooking would occur.</p>
8.4.2	<p><u>Front extensions</u></p>

	<p>The proposed front porch extension is situated around 6m from the north side boundary and around 16.60m from the south boundary so would not cause any issues of overbearing. The proposed two-storey front extension is considered a small infill extension which would be located approximately 15.25m from the south boundary so again would not cause issues of overbearing of the neighbouring site.</p> <p>Proposed is the installation of new windows to the front elevation. These windows would be adjacent to the end of 1 The Lydiate's rear garden and adequate separation distances of between approx. 16.80m-18.70m would be observed. As such, the proposed front windows would not cause significant overlooking of the neighbouring property.</p>
8.4.3	<p><u>Two storey side extension</u></p> <p>The two-storey side extension would also not cause issues of overshadowing or overbearing as it is again set at an adequate distance from the south boundary at approx. 8.60m. Furthermore, a separation distance of around 26.75m would be maintained between the application property's side wall and the front windows of no.16 ensuring that a significant loss of outlook would not occur.</p> <p>The proposed front first floor window serving the master bedroom en-suite is again an adequate distance away from 1, The Lydiate's boundary at approximately 19.80m so would not cause a loss in privacy. The proposed first floor rear window serves a walk-in wardrobe. It is reasonable to attach a condition for this window to be obscurely glazed as then 12, The Lydiate's front elevation windows would not be overlooked. The proposal then complies with SPG11 as a 20m separation distance would be achieved between the blank/obscurely glazed first floor elevation and no.12's front windows.</p>
8.4.4	<p><u>Pergola</u></p> <p>The proposed pergola would be set off the site's boundaries and so would not cause issues of overshadowing or overbearing.</p> <p>Sloping land levels are observed along The Lydiate and towards Station Road. The pergola incorporates a raised deck in order to sit flush with the site levels at the rear. This would sit approximately 13.50m from the rear boundary and approximately 5m from the south side boundary which is heavily screened by substantial hedges. Furthermore, a separation distances of around 20m from the front elevation of no.12 and approx. 23m from the front elevation of no.16 would be observed. As such, the raised deck would not cause significant overlooking.</p>
8.4.5	<p><u>Two storey rear extension</u></p> <p>SPG11 states that two storey rear extensions, in the case of detached properties, should not be closer than 1m to boundaries in order to not significantly impact neighbour amenity. In this instance, the extension would be set off the north boundary by approximately 3.35m; the south boundary by 11.65m; and the rear boundary by approx. 11.90m.</p> <p>This proposed extension would extend approximately 3.30m from the original rear wall and fill the width of the existing two storey property. The proposal includes three first floor bedroom windows which would be approximately 11.80m from the rear boundary line. A separation distance of approximately 20.30m would be observed between the proposed window and no.7 Raby Close's side windows whilst a distance of</p>

	<p>approximately 19.60m would be observed between the proposed window and no.12 The Lydiate's front window. As the proposed windows and neighbour's windows are offset and not directly facing each other, these separation distances are deemed adequate and no unacceptable overlooking would occur.</p> <p>No.8 The Lydiate has a kitchen window that would face towards the proposed rear extension, with approximately 9.30m interface distance. However, this room is not considered to be a main habitable room and therefore the outlook would not be adversely impacted.</p>
8.4.6	<p><u>Single storey rear extension</u></p> <p>The proposed single storey rear extension would extend an additional 2.50m beyond the proposed two storey rear extension and adjoin the proposed single storey side extension, resulting in a wrap-around extension. The extension is set off the boundaries by adequate distances so as to not cause any overshadowing or overbearing.</p> <p>The proposed single storey rear extension includes a side window in the southern elevation. This window would be approximately 31m from the front elevations of no.14 & no.16 The Lydiate and so would not cause a loss of privacy. Whilst the rear windows are on a ground floor level and face out towards the site's own back garden which is screened by hedges, therefore deemed to not cause significant overlooking of the neighbouring sites.</p>

8.5 Ecology	
8.5.1	<p>To support the application, a number of ecology surveys have been submitted. Within the initial assessment (Inspection & Assessment in relation to Bats & Breeding Birds document), the Ecologist concluded that the property had moderate bat roost potential and therefore additional dusk and dawn surveys were required. In relation to breeding birds, no nesting platforms were identified on the house however, the surrounding hedgerow has been considered suitable for nesting.</p> <p>Within the further bat emergence surveys (Dusk Survey Results document), the Ecologist observed no bats emerging from the property and therefore it is unlikely that bats would be impacted by the proposed scheme. However, it should be noted that bats are a protected species and therefore habitat and species regulations outside of planning are in place for their protection.</p>
8.5.2	<p>The neighbouring address, 8 The Lydiate, has a pond and therefore a survey relating to great crested newts and water vole has also been submitted. The Ecologist conducted environmental DNA testing and habitat searching where the results confirm that no evidence of newts or water vole were found. Therefore, these species do not form an ecological constraint against the proposals.</p>
8.5.3	<p>Mature trees are located along the front boundary line and therefore a tree survey has been submitted in which, it details that no tree works are proposed. The accompanying arboricultural method statement specifies the protections measures that would be taken to ensure no damage to the trees. This includes tree protection barriers which will keep works largely out the root protection area of the trees. The existing driveway provides additional protection to the roots as it is a hardstanding surface. A condition for the method statement and tree protection plan to be adhered to in full will be attached to any approval.</p>

8.5.4	Objection was raised to the proposed south boundary fence due to its impacts on the established hedge. The fence is labelled as being 1.80m in height and therefore these works would fall under permitted development and would not require planning permission. The proposed plans and sections show that the hedge will remain. Furthermore, the hedge removal is not stated within the submitted tree survey or protection plans. Therefore, this does not form a constraint against the proposed works.
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8.6 Highways	
8.6.1	The proposal would see the removal of the attached side garage and the net increase of two bedrooms, from three to five. The Council's adopted parking standards (2007) states that a maximum of two parking spaces should be provided for houses with three or more bedrooms. The proposed property would still provide off-street parking for a few vehicles on the driveway and would still have a detached garage that provides two spaces. With this in mind, the proposal is not considered to pose sufficient harm to highways as to warrant the refusal of this application.
8.6.2	Objection was raised to construction vehicles having to navigate The Lydiate and it was requested that any approval should have a condition relating to a construction management plan. In this instance this is not considered to be a reasonable condition as it is householder development.

8.7 Other	
8.7.1	Objection was raised to the noise, dust and disturbance arising during the construction phase. These matters are covered by other non-planning legislation and therefore are not a material planning consideration which would need to be assessed.

9. Summary of Decision (planning Balance)	
9.1	<p>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.</p> <p>Having regards to the individual merits of this application this recommendation has been made having regards to the relevant Policies and Proposals in the Wirral Unitary Development Plan (Adopted February 2000), Joint Waste Local Plan for Merseyside and Halton and all relevant material considerations including national policy advice. In reaching this decision the Local Planning Authority has considered the following: -</p>
9.2	The proposed works are not considered to have a harmful visual impact on its surroundings or an adverse impact to the amenities that the occupiers of neighbouring properties expect to enjoy. The proposal complies with Wirral Unitary Development Plan policies HS11, CH2, CH3, CH14, GR7; emerging Local Plan policies WD 5, WD 2, WP 7, WS; the SPG11 and the provisions of the NPPF.

10. Recommended Decision:	Conditional Approval
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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 August 13 & 19 2024 and listed as follows:

Existing Site Location Plan A100, Proposed Site Plan A102, Proposed Ground and First Floor Plans A103, Proposed Elevations A104, Proposed Elevations 02 A105

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

3. The side facing ground floor utility room windows and rear facing first floor walk-in wardrobe window shall not be glazed otherwise than with obscured glass and fixed shut (with the exception of an opening light above 1.7 metres should this be required) on installation 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.

4. The Arboricultural Method Statement and the Tree Protection Plan (dated August 2024) submitted in support of the application shall be adhered to in full.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policy GR7 of the adopted Wirral Unitary Development Plan.

Biodiversity Net Gain – Biodiversity Gain Plan Not Required

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Wirral Metropolitan Borough Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are set out in paragraph 17 of Schedule 7A of the Town and

Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because the following statutory exemption or transitional arrangement is considered to apply:

Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

INFORMATIVE:

Bats may be present in your building. Bats are protected species. If any bat species are found, then as a legal requirement, work must cease, and advice must be sought from a licensed specialist. You are reminded that unauthorised interference could result in prosecution.

Last Comments By:	18-September-2024
Expiry Date:	08-October-2024

