

## Planning Committee

21 October 2010

**Reference:**  
**APP/10/01016**

**Area Team:**  
**South Team**

**Case Officer:**  
**Mr K Spilsbury**

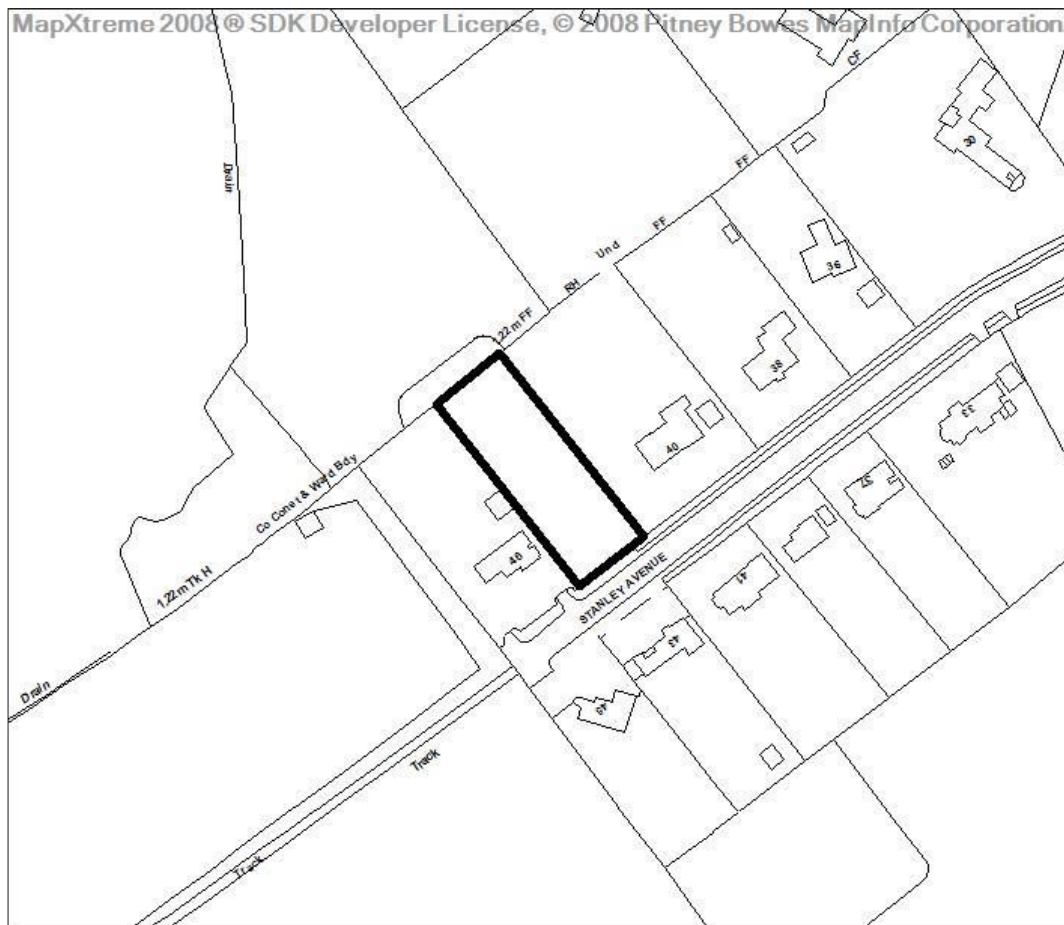
**Ward:**  
**Bebington**

**Location:** Hawkstone, 40 STANLEY AVENUE, HIGHER BEBINGTON, CH63 5QF

**Proposal:** Retrospective planning application for the erection of a dwelling house and garage (amendment to APP/2007/5215)

**Applicant:** Ms P Tickle  
**Agent :** Survey & Design Associates

### Site Plan:



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### Development Plan allocation and policies:

Density and Design Guidelines Area  
Primarily Residential Area  
Green Belt

### Planning History:

14001-Erection of detached dwelling - Approved  
APP/2006/6444 – Erection of a two storey house – Approved 21/09/2006  
APP/2007/5215 - Erection of a two storey detached house and garage - Approved 29/03/2007  
DLS/2007/7035 - Erection of a dwelling house and garage (amendment to APP/2007/5215) -  
Approved 22/11/2007

### **Summary Of Representations and Consultations Received: Representations**

A site notice was displayed at the entrance to the site. A total of 13 letters of notification have been sent to properties in the area. At the time of writing this report representations have been one objection has been received from the occupiers of 43 and 46 Stanley Avenue. The objections can be summarised as follows:

1. The proposed development is completely out of character for the area.
2. The house under construction remains too near number 46 causing a terracing effect and out of character with the rest of Stanley Avenue.
3. The garage on the other side of the house is built almost to the access road and this again is not in keeping with the area. This, compounded by the new development of a further 3 houses under application APP/2007/6795 will make the area look too overcrowded and not in keeping with the rest of the surrounding buildings within the conservation area.
4. The property is unsympathetic and alien to the design of surrounding properties.
5. The height of the property is too great and the ground floor wings do not lend themselves to a property of this type, and look completely out of place in the contextual design. The proposal is for a five bedroom house which includes two bedrooms, one each:
  6. above garage in the loft space. Bedrooms of these types are not found in similar properties in the surrounding area and so cannot be said to be in keeping with surrounding properties in the Mountwood Conservation Area.
7. The building works under 07/05215 have not been built to the approved plans. Those plans require the south west wall of the development to be 5 metres distant from the boundary with number 46 Stanley Avenue. The development has been built 2.1m from the boundary, which has clearly been deliberately done to compensate for a strip of land that has been surrendered to ensure the access road required under APP/2007/6795 could be built. The application again now effectively requests retrospective approval for works that have been built without consent. Approval of the present application should be denied. The Council cannot have a situation where approval for development in a conservation area is given, with all the constraints that that entails, only for that to be disregarded with the applicants coming back to the authority at a later date seeking retrospective approval for their deliberate unlawful action.
8. During the initial consultations on the formation of the conservation area a review of the buildings was carried out to determine the character of them and how they contribute to or detract from the area. Numbers 40, 46 and 43 Stanley Avenue were all buildings which contributed positively to the area. Any development of such a size on such a small plot of land will detract from the setting of the other buildings within the immediate area. This would be a totally negative concept and not one that should be encouraged in a conservation area.
9. This application would seriously affect the character of the Mountwood Conservation Area and falls foul of the Wirral Unitary Development Plan Policy CH2 (development affecting Conservation Areas).
10. The development is out of character with the area
11. The building is too big for the plot
12. The house is too near 46 Stanley Avenue
13. Introduction of terracing effect
14. The development will cause an overcrowded appearance
15. The house has been built in the wrong location as a result of the new access road
16. The development detracts from the setting of the surrounding properties and area in general
17. The building has been incorrectly sited
18. The roof pitch of the building constructed is higher than that approved under the 2007 application.
19. The development breaches the privacy of nearby residents
20. The side apex roofs are out of character with Stanley Avenue
21. The development has resulted in a reduction in natural light due to its proximity to 46 Stanley Avenue

**Consultations:**

Director of Law, Human Resources & Asset Management (Public Protection) - No objection

Director of Technical Services (Traffic Management Division) - No Objection

**Director's Comments:****REASON FOR REFERRAL**

Councillor Sheila Clarke has objected to the planning application and requested it be taken out of delegated powers. Her objections are as follows:

1. Loss of daylight
2. Overshadowing
3. Overlooking/loss of privacy
4. Overbearance/dominance
5. Loss of trees
6. Effect on the Conservation area
7. Layout of the building
8. Design & visual appearance

**INTRODUCTION**

The proposal is an amendment to the previously approved application for reserved matters DLS/2007/5215. The application is a retrospective planning application for the erection of a dwelling house and garage and follows the recent refusal of APP/2010/00328.

**PRINCIPLE OF DEVELOPMENT**

The principle of the development has been established by the original outline planning application. The dwelling has also been partially constructed.

**SITE AND SURROUNDINGS**

Stanley Road is a large cul-de-sac comprising of large detached houses. There is no set building line on the road and all the properties vary in style and appearance. The site lies within the Mount Wood Conservation Area.

**POLICY CONTEXT**

The site is located within the Mount Wood Conservation Area and within a Design Guidelines Area. A Character Appraisal has been approved for the conservation area. The scheme is assessed against policy HS4 and CH2 of Wirral's Unitary Development Plan.

**APPEARANCE AND AMENITY ISSUES**

In order to assess the appearance of the development it is essential to first assess the characteristics of Mount Wood Conservation Area.

The houses are often detached, sited in large plots, set back from the road and dominated by greenery. Many of the houses are visually striking; they have been designed to nestle within their landscape. There are a variety of boundary treatments including timber fences, hedges, and stone and brick walls. The houses of Mount Wood Conservation Area, whilst distinctive and individual in design, draw from a limited palette of materials. Many are predominantly of brown brick, but with half-timber detailing at first floor. Equally many are exclusively rendered (textured render, such as pebbledash) and some have been painted. The late Victorian properties are mostly roofed in slate, whilst the later Edwardian houses employ clay plain tiles.

The Character Appraisal categorises the properties either side (No. 40 & 46 Stanley Avenue) as contributing positively to the character of the conservation area.

The proposed design of the house displays similarities with the eclectic mix of styles in the Mount

Wood Conservation Area. It is a detached house with detached twin garages set back from the road and is dominated by greenery/vegetation.

The design of the house will be similar to those that have been recently approved to the north of Hawkstone (DLS/2007/6795) located on land to the rear of the property, with only minor differences to floor layouts and different elevation divisions (minus rear balconies) so that the development has its own distinctive character however since the original approval, it has become apparent that plot size is smaller than was originally envisaged. The original plans approved under planning reference DLS/2007/7035 show a plot width of 24.8m. The new scheme indicates a plot width of only 21.8m. This has resulted in the scheme being built 2.2m from the neighbouring boundary, 46 Stanley Avenue and not 5m in accordance with the approved scheme.

One of the main contributing factors to the previous approval on the site was the spacious plot size and the distance between properties, which is a distinct character of the area.

It has now become apparent following meetings with the agent of the developer that the previously approved application (APP/2007/6795) was misleading. The former agent had measured their original site plan off an OS Map which illustrated that the width of the plot was 24.8 metres, when it was actually only 21.8m. The Local Authority at the time trusted that the information supplied was a true representation and the house approved in the 24 metres plot was considered acceptable.

Construction commenced on the basis of the approved plans on a smaller plot. An application was submitted to regularise the situation ( 10/00328) which was subsequently refused. It was considered that the house which is partially built on site is now disproportionate to the size of plot and appears out of character. The distance between the adjoining neighbour No. 46 has been reduced from 5 to 2.2 metres which is deemed insufficient to satisfy the characteristics of the Mount wood conservation area.

Following the refusal the Local Planning Authority entered into negotiation with the developer and their agent to discuss amendments to the scheme to ensure the character of the conservation area was preserved and to maintain the residential amenity of the neighbouring dwelling 46 Stanley Avenue. It was agreed to set the first floor of the development in by 2.8m from the ground floor to ensure there is a visual gap between properties in order to preserve separation distances and to ensure there is no loss of amenity in terms of overshadowing.

The agent has also agreed to plant a hedge of mixed shrubs and bushes at a height of 2m with a 2m high close board fence to provide screening and preserve privacy.

It is considered that the design of the dwelling is now acceptable in terms of the advice as outlined in PPS 5 with regard to the requirement to preserve or enhance the character of the conservation area as well as to more specific advice as outlined in the Mount wood Character Appraisal. The properties either side of the development site are categorised as buildings that make a positive contributions to the character of the conservation area and the amendments negotiated will ensure this attribute is preserved.

#### **HIGHWAY/TRAFFIC IMPLICATIONS**

The Director of Technical Services – Traffic Management Division has no objection to the proposed development.

#### **ENVIRONMENTAL/SUSTAINABILITY ISSUES**

There are no Environmental/Sustainability issues relating to these proposals.

#### **HEALTH ISSUES**

There are no health implications relating to this application.

#### **CONCLUSION**

The proposed amendments to the previously refused scheme are considered to be acceptable in terms of proportion and scale and therefore with the character of Mountwood conservation area. It is considered that the issues relating to loss of amenity of the adjacent property 46 Stanley Avenue have now been overcome and the proposal is therefore acceptable in terms of policies CH2 and HS4

of the adopted Wirral UDP and the adopted Mountwood - Conservation Area Appraisal (2005).

**Summary of Decision:**

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 and regional policy advice. In reaching this decision the Local Planning Authority has considered the following:-

The proposed development is considered to be acceptable in terms of proportion and scale and therefore with the character of Mountwood conservation area. It is considered that the issues relating to loss of amenity of the adjacent property 46 Stanley Avenue have now been overcome and the proposal is therefore acceptable in terms of policies CH2 and HS4 of the adopted Wirral UDP and the adopted Mountwood - Conservation Area Appraisal (2005).

**Recommended Decision: Approve**

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 (as amended) of the Town and Country Planning Act 1990.

2. Before any construction commences, samples of the facing and roofing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

**Reason:** To ensure a satisfactory appearance to the development in the interests of visual amenity and to comply with Policy CH4 of the Wirral Unitary Development Plan.

3. Prior to the first occupation of development details of all boundary treatment shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in full and retained as such thereafter unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interest of amenity

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

**Reason:** In order to protect the character of the area/residential amenities of nearby occupants and to accord with Policy HS4 of the Wirral Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window 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 HS4 and CH2 of the Wirral Unitary Development Plan.

**Further Notes for Commitee:**

**Last Comments By:** 15/10/2010 10:13:06  
**Expiry Date:** 28/10/2010