

**Planning Committee**

**30 May 2019**

**Reference:**  
**APP/19/00431**

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

**Case Officer:**  
**Mrs S Day**

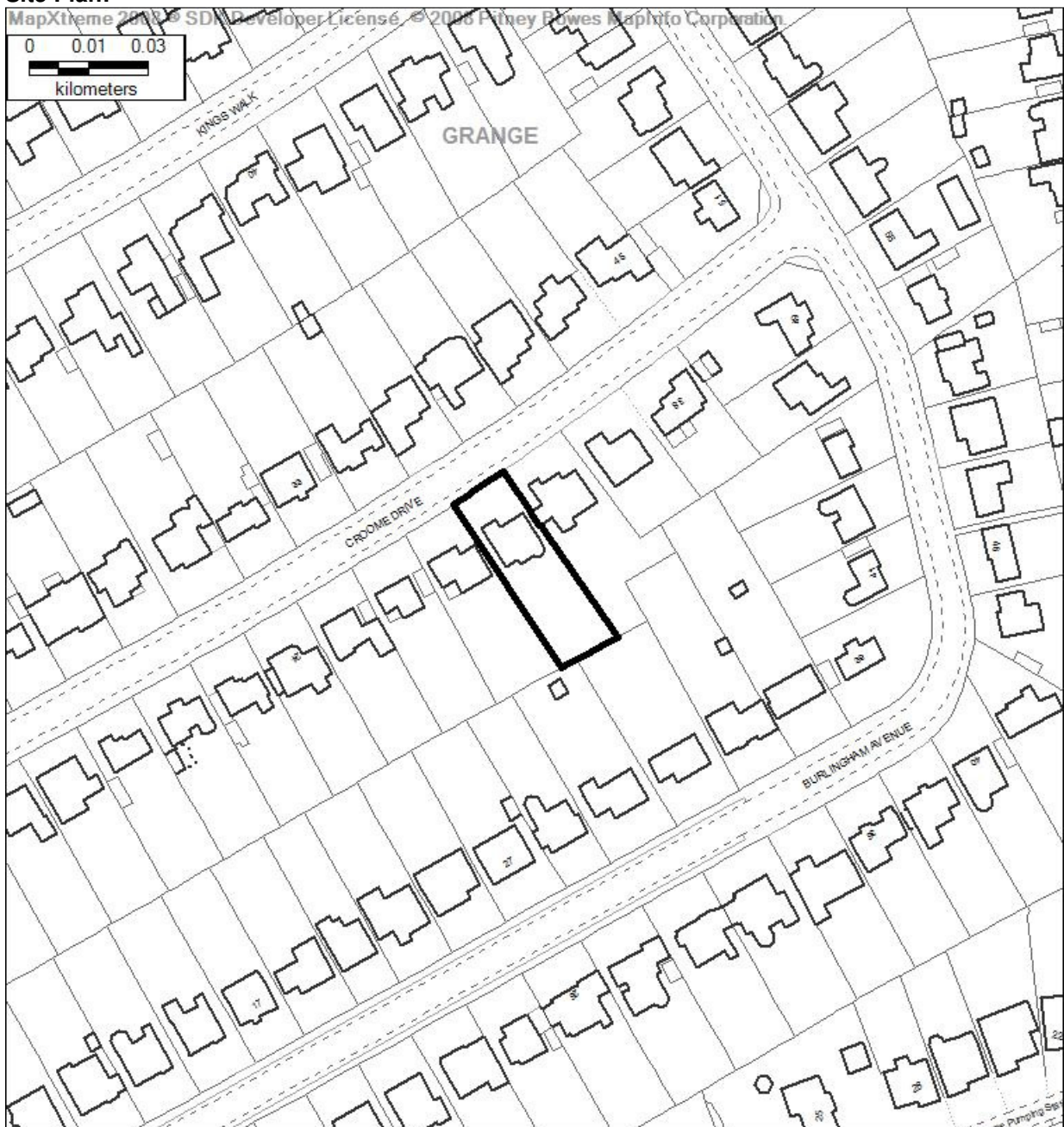
**Ward:**  
**Hoylake and Meols**

**Location:** Westways, 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ  
**Proposal:** For the erection of a new rear two storey extension to house one further single dwelling ( amendment to APP/18/00124)

**Applicant:** Mr Cowley  
**Agent :** Architectural Emporium Ltd.

**Qualifying Petition:** No

**Site Plan:**



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**Development Plan designation:**

Primarily Residential Area

**Planning History:**

- Location: Westways, 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ  
Application Type: Full Planning Permission  
Proposal: Variation of condition to amend approved drawings  
Application No: APP/15/00036  
Decision Date: 07/04/2015  
Decision Type: Approve
- Location: Westways, 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ  
Application Type: Full Planning Permission  
Proposal: The subdivision of the existing dwelling to create 5 No. apartments and off street parking. ( Amended description)  
Application No: APP/16/00967  
Decision Date: 19/01/2017  
Decision Type: Approve
- Location: Land adjacent to 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ  
Application Type: Planning Pre-Application Enquiry  
Proposal: To sever the curtilage and erect 1 no. detached family home on vacant gap site  
Application No: PRE/13/00033/ENQ  
Decision Date: 21/05/2013  
Decision Type: Approve
- Location: Garden west of (adjacent) 16, Lingdale Road, West Kirby. L48 5DQ  
Application Type: Outline Planning Permission  
Proposal: Erection of detached dwelling, (outline).  
Application No: OUT/92/05574  
Decision Date: 22/05/1992  
Decision Type: Approve
- Location: Westways, 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ  
Application Type: Full Planning Permission  
Proposal: Retrospective application of the construction of a raised observational deck  
Application No: APP/15/00030  
Decision Date: 09/04/2015  
Decision Type: Refuse
- Location: 16 Lingdale Road, West Kirby, L48 5DQ  
Application Type: Full Planning Permission  
Proposal: Change of use to office  
Application No: APP/84/24841  
Decision Date: 07/06/1984  
Decision Type: Refuse
- Location: Land Adjacent to 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ  
Application Type: Full Planning Permission  
Proposal: To sever the curtilage and erect 1no. detached dwelling together with associated works.  
Application No: APP/13/00677  
Decision Date: 13/09/2013  
Decision Type: Refuse
- Location: Westways, 16 LINGDALE ROAD, WEST KIRBY, CH48 5DQ  
Application Type: Full Planning Permission  
Proposal: Sub division and extension of existing dwelling to create 5No apartments and off street parking (alternative to previously approved application ref

APP/16/00967)  
Application No: APP/17/00195  
Decision Date: 11/04/2017  
Decision Type: Refuse

Location: Westways, 16 Lingdale Road, West Kirby, Wirral, CH48 5DQ  
Application Type: Full Planning Permission  
Proposal: Demolition of existing dwelling and erection of a three storey block of 12 flats with basement parking.  
Application No: APP/02/06879  
Decision Date: 15/04/2003  
Decision Type: Withdrawn

#### **Appeal Details**

Application No APP/84/24841  
Appeal Decision Dismissed  
Appeal Decision Date 13/02/1985

Application No OUT/03/06594  
Appeal Decision Dismissed  
Appeal Decision Date 23/08/2004

Application No APP/13/00677  
Appeal Decision Allowed  
Appeal Decision Date 28/04/2014

Application No APP/17/00195  
Appeal Decision Dismissed  
Appeal Decision Date 18/08/2017

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

##### **1.0 WARD MEMBER COMMENTS**

1.1 Councillor Tony Cox has requested that the application be removed from delegation for the following reasons; that the developer has increased the size of the development, with no consideration for the adjacent properties right to light making it excessively overbearing on the neighbours. The proposal will therefore, have a negative impact on amenity, due to further loss of light, and also neighbours being further overlooked

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

###### **2.1 REPRESENTATIONS**

2.1.1 In line with Council Policy for publicity of planning applications, letters were sent to 10 neighbouring properties and a notice displayed on site. At time of writing, two individual objections have been received. The grounds of objection relate to the following matters:-

1. The Scale and design of the extension is inappropriate in the conservation area and overbearing to neighbours.
2. The extension will result in loss of privacy and overlooking to neighbours
3. Proposed garden structures would be unacceptable and contrary to a covenant on the land

###### **2.2 CONSULTATIONS**

2.2.1 **Wirral Wildlife** - No objections

**Engineers** - No objection

##### **3.1 Reason for referral to Planning Committee**

3.1.1 The application has been removed from delegation by Councillor Tony Cox.

### **3.2 Site and Surroundings**

3.2.1 16 Lingdale Road is located on the southern edge of the Meols Drive Conservation Area. It is a late Victorian detached property with a steep terracotta roof, small pane casement timber windows and projecting hexagon turrets/towers to the front and the side. All these features are significant to the character of building and the immediate area. The property is predominantly two storey but does have a front dormer window.

3.2.2 The previous consent (APP/18/00124) included a two storey contemporary flat roofed rear extension which is the subject of the current application. This is currently under construction. The extension replaces a previous single storey element to the rear of the main dwelling and a large flat roofed garage which was located on the northern boundary of the site.

3.2.3 The existing front garden is almost entirely hard surfaced with two access/egress points onto Lingdale Road. The boundary to Lingdale Road is a brick wall. The garden area is fragmented with a small area of garden immediately to the rear of the property and a larger area to the rear of the adjacent flat development to the west.

### **3.3 Proposed Development**

3.3.1 The current proposal relates solely to the rear flat roofed extension and seeks to regularize changes to this structure which differ from the previous approval. The changes can be summarised as follows:-

- Increase in the size of the extension both in footprint and height
- change from a flat roof to a pitched roof for the glazed link between the buildings.

In addition to these changes have been made to the conversion of the main dwelling which differ from the previous approval. These consist of alterations to the windows and balcony screen and are not material changes. As such they are to be considered under an application for non material amendments and do not form part of this application.

A current application has also been submitted for the increase in height to the front garden wall. This is not part of this application and will be considered separately.

### **3.4 Development Plan**

3.4.1 16 Lingdale Road is situated within the Meols Drive Conservation area and must be considered against the following policies;

#### **Policy CH2 – Development Affecting Conservation Areas**

Development located within, adjacent to or otherwise affecting the setting or special character of a Conservation Area, will be permitted where the visual and operational impact of the proposals can be demonstrated to preserve or enhance:

- (i) The distinctive characteristics of the Area, including important views into and out of the designated Area;
- (ii) The general design and layout of the Area, including the relationship between its buildings, structures, trees and characteristic open spaces; and
- (iii) The character and setting of period buildings and other elements and other elements which make a positive contribution to the appearance and special character of the area.

When granting consent, special regard will be given to matters of detailed design, especially within main frontages and prominent elevations, and to the nature, quality and type of materials proposed to be used.

#### **Policy HS13 - Self-Contained Flat Conversions**

Proposals for the conversion of existing buildings into self-contained flats will be permitted subject to:

- (i) the conversion ensuring the privacy of neighbours and occupants including the layout of

car parking areas to prevent overlooking of habitable room windows;

- (ii) access normally being provided to individual flats within the main structure of the building. If external staircases have to be provided they must not result in significant overlooking of neighbours' windows or private amenity space;
- (iii) any extensions required complying with Policy HS11;
- (iv) any new windows required to serve habitable rooms, such as living rooms, kitchens or bedrooms, not overlooking adjoining properties to an unacceptable degree;
- (v) any interior vertical partitions not cutting across windows and ceiling height reductions not being visible externally;
- (vi) adequate sound proofing between flats;
- (vii) any basement flat having windows with two-thirds of their height above the existing outside ground level giving sufficient daylight penetration, a reasonable outlook and not immediately adjacent to parking bays and vehicle access ways;
- (viii) main living rooms having a reasonable outlook and not lit solely by roof lights, nor in close proximity to high boundary or gable walls;
- (ix) access to rear yards/gardens being provided from each flat;
- (x) adequate visibility at entrance and exit points and turning space for vehicles; and
- (xi) the proposal otherwise complying with Policy HS4 and Policy HS5.

Supplementary Planning Document 2 - Self Contained Flat Development.  
These guidelines expand on the criteria and detail contained in HS13

### **3.5 Other Material Planning Considerations**

3.5.1 The National Planning Policy Framework supports well-designed sustainable development which makes a positive contribution to the character of the Conservation area.

### **3.6 Assessment**

3.6.1 The main issues pertinent in the assessment of the proposal are;

- Principle of development
- Design;
- Highways and PROW;
- Amenity

#### 3.7 Principle of Development:

3.7.1 The principle of an extension of the contemporary design under construction has previously been approved. As such the principle of the design and its impact on the character of the Conservation Area has already been established and considered acceptable.

#### 3.8 Design:

3.8.1 As with the previous approval, the design approach is a building which seeks to contrast with rather than copy the host building. This results in a contemporary flat roofed building with a glazed area which gives a small visual break from the main building. The height is low enough to maintain the dominance of the existing host building. A number of properties along this side of Lingdale Road have substantial flat roofed rear extensions and balconies.

3.8.2 The changes from the previous approval relate to the height and footprint of the building and

the roof to the glazed link. The footprint of the building has increased from 74.9m<sup>2</sup> to 79.5m<sup>2</sup>. This has occurred because the width of the extension (across the back of the dwelling) has increased by 0.4m and its depth (projection into the rear garden) has increased by 0.53m. In addition the height has increased by 0.2m. It is not considered that these increases in size are significant enough to change the character of the extension or its impact on neighbouring properties.

3.8.3 The glazed link is set between the main building and the extension. The changes to the roof simply change from a flat roof to a pitched roof and will be contained within the limited space between these buildings. The changes to the roof at this point will not alter the impact of the development on neighbouring properties and gardens.

3.8.4 The rear extension is not visible from the front of the property in Lingdale Road, as such its impact on other period and non-listed heritage assets is neutral. A number of other properties in Lingdale Road, including the properties on either side of 16, have large flat roofed extensions and features which similarly do not detract from the character of the conservation area as they are at the rear of the properties.

3.9 Highways:

3.9.1 There are no Highway objections to this proposal.

3.10 Amenity:

3.10.1 The previous approval for this extension included first floor side windows and a balcony to the rear of the extension. The current proposal still includes side windows and a balcony, although due to the difference in size from the previous approval the relationship with neighbouring properties is different.

3.10.2 The number of first floor side windows remain as approved and will be conditioned to be obscurely glazed to retain the privacy of neighbouring properties.

3.10.3 The first floor rear balcony now serves a living room instead of a bedroom and is 0.5m closer to the side boundary with 16a Lingdale Road. It is considered that a screen to the side of the balcony is necessary and will be conditioned. The other side of the balcony is from the adjacent garden of 14 Lingdale Road which is sufficient to retain an acceptable level of privacy without a screen. The rear elevation of the extension is m from the rear boundary of the site and the garden of 14 Lingdale Road which wraps around the garden of 16.

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

The proposed development would have no significant detrimental impact to the host dwelling, the street scene or wider Conservation Area, surrounding residential amenity or highway and pedestrian safety, and accords with the criteria of Unitary Development Plan Policies; CH2, HS13 and Supplementary Planning Document 2 and the National Planning Policy Framework.

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

**Recommended Conditions and Reasons:**

1. The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on (insert date) and listed as follows: (insert

plan/drawing numbers & date)

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

2. Prior to the occupation of the accommodation hereby approved, the first floor and stairwell windows on the eastern and western elevation shall be glazed with obscure glass, details of which, shall be approved in writing by the Local Planning Authority before installation. The windows shall also be non opening up to a height of 1.7m from the floor of the room they serve. The windows shall be retained as such thereafter.

**Reason :** To ensure the privacy and amenity of neighbouring properties in accordance with Policy HS13 of the Wirral Unitary Development Plan.

3. Prior to the occupation of the accommodation hereby approved, details of a screen to be installed on the western side of the rear first floor balcony shall be submitted to and agreed in writing with the Local Planning authority. The screen shall be installed in accordance with the approved details before the accommodation hereby approved is occupied and retained as such thereafter.

**Reason :** To ensure the privacy and amenity of neighbouring properties in accordance with Policy HS13 of the Wirral Unitary Development Plan.

4. Prior to the occupation of the accommodation hereby approved, the eastern elevation of the glazed link structure facing 14 Lingdale Road shall be glazed with obscure glass in accordance with the details in drawing 3.201\_Rev A revised on 30/4/19, details of which, shall be approved in writing by the Local Planning Authority before installation. The windows shall be retained as such thereafter.

**Reason :** To ensure the privacy and amenity of neighbouring properties in accordance with Policy HS13 of the Wirral Unitary Development Plan.

**Further Notes for Committee:**

**Last Comments By:** 07/05/2019

**Expiry Date:** 31/05/2019