

**Planning Committee**

**26 May 2020**

**Reference:**  
**APP/19/01669**

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

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

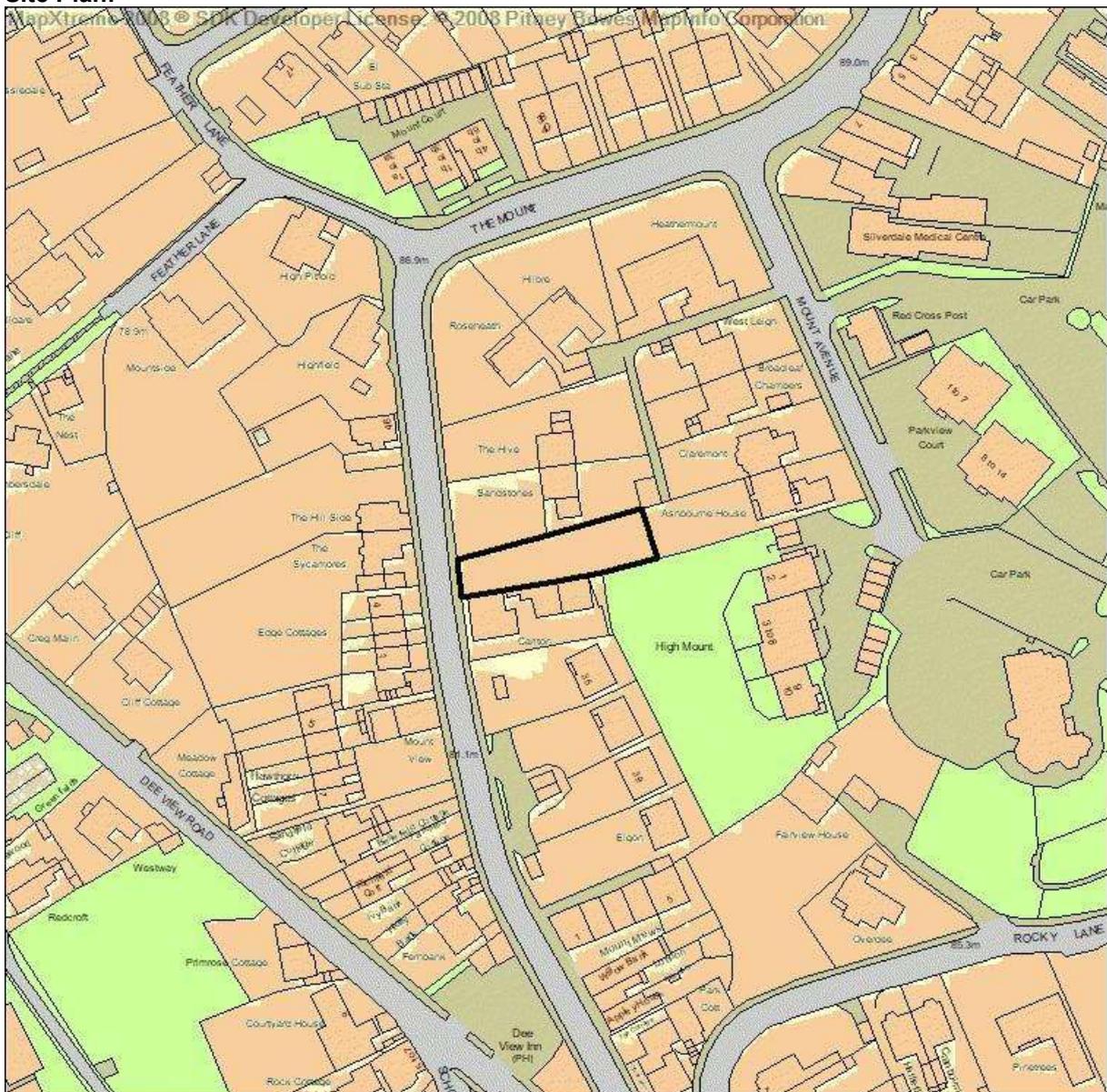
**Ward:**  
**Heswall**

**Location:** Land adjoining Ashbourne House, MOUNT AVENUE, HESWALL, CH60 4RH  
**Proposal:** New build single storey 3-bedroom dwelling accessed from the Mount (amended access arrangements)

**Applicant:** Mount Invest Ltd  
**Agent:** SHACK Architecture Ltd

**Qualifying Petition:** Yes, Number of Signatures: 34

**Site Plan:**



© Crown copyright and database rights 2019 Ordnance Survey 100019803 You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

**Development Plan designation:**

Primarily Residential Area

**Planning History:**

Location: Ashbourne House, MOUNT AVENUE, HESWALL, CH60 4RH  
Application Type: Full Planning Permission  
Proposal: Demolish rear building and erect new extension  
Application No: APP/17/01129  
Decision Date: 23/10/2017  
Decision Type: Approve

Location: Ashbourne House, MOUNT AVENUE, HESWALL, CH60 4RH  
Application Type: Full Planning Permission  
Proposal: Division of an existing plot of land into 2 plots and the creation of a new dwelling accessed from the Mount. - Additional plans received  
Application No: APP/16/00301  
Decision Date: 23/06/2016  
Decision Type: Approve

Location: Ashbourne House, Mount Avenue, Heswall. L60 4RH  
Application Type: Full Planning Permission  
Proposal: Erection of conservatory at rear.  
Application No: APP/88/07151  
Decision Date: 10/01/1989  
Decision Type: Approve

Location: Ashbourne House, The Mount, Heswall, CH60 4RG  
Application Type: Full Planning Permission  
Proposal: Erection of a double garage.  
Application No: APP/78/11016  
Decision Date: 24/11/1978  
Decision Type: Approve

**Summary of Representations and Consultations Received:****1.0 WARD MEMBER COMMENTS**

1.1 No comments received.

**2.0 SUMMARY OF REPRESENTATIONS****2.1 REPRESENTATIONS**

In line with the Councils policy for publicity of planning applications, letters were sent to 21 neighbouring properties and a notice posted on site. Three comments have been received in support of the application, two objections to the proposal and a qualifying petition of 27 signatures. The objections can be summarised as follows:

1. The proposed access onto The Mount will breach laws that regulate the provision of vehicular access
2. The proposed access could not achieve the required sight lines
3. The plans do not include details of the gradient of the access.
4. The access will result in danger to pedestrians and traffic.
5. The Mount is a busy road accessed by a large number of vehicles and buses visibility is already poor and has resulted in accidents and damage to boundary walls.
6. The loss of the boundary wall would be detrimental to the area.

**2.2 CONSULTATIONS**

**Highways** - No objection subject to adequate visibility splays and a low boundary wall.

**Heswall Society** - Object to the proposal due to concerns relating to the boundary wall and access. Lack of information relating to turning areas and visibility splays are inadequate. Sandstone wall is a unifying feature of the Conservation Area and loss of boundary wall could harm the character.

**Dwr Cymru** - Development should use a sustainable drainage system in reference to connecting to the sewer. Consent required from Dwr Cymru.

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

3.1.1 A qualifying petition of objection has been received which means that under the scheme of delegation adopted by the Council, the proposals must be determined by the Planning Committee.

### **3.2 Site and Surroundings**

3.2.1 Ashbourne House is a semi-detached two storey dwelling fronting Mount Avenue. The property has a long rear garden which is terraced down towards The Mount to the rear of the site and has been subdivided to create a plot fronting The Mount. The Mount is significantly lower than Mount Avenue. The boundary to The Mount is a sandstone wall which had a pedestrian gate onto The Mount. Parts of the wall are currently in a state of disrepair.

3.2.2 The boundary to the Lower Heswall Conservation area runs along the western side of the Mount, opposite to the site. The application site is not within the Conservation Area.

3.2.3 The property to the north of the site is a dwelling whilst the property to the south has been extended along the boundary with the application site and is a day nursery.

### **3.3 Proposed Development**

3.3.1 The proposal is for a split-level dwelling which would take access from The Mount. The design is contemporary with a flat roofed rendered structure. The accommodation takes advantage of the steep drop in levels on site and is set over one level with the garage and access below. The garden is terraced to form patios to the rear and front of the dwelling. A single car garage is proposed with a parking and turning area in front accessed from Mount Road. Amended plans have been submitted which remove the front boundary wall to allow for adequate visibility splays and sight lines.

### **3.4 Development Plan**

#### **3.4.1 Policy HS4 - Criteria for New Housing Development**

This policy requires that the proposal in general terms must relate well to adjacent properties and not result in a detrimental change in the area or to the amenity of neighbouring properties.

#### **3.4.2 Policy CH2 - Development affecting Conservation Areas**

This policy states that development within, adjacent or otherwise affecting a Conservation Area should preserve or enhance that Conservation Area.

#### **3.4.3 Policy TR9 - Requirement for off street parking**

This policy sets out the requirement for off street parking and access for new development

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

3.5.1 The NPPF supports well designed sustainable development which promotes the choice of high-quality homes and takes the opportunities to improve the quality and character of the area.

### **3.6 Assessment**

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

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

3.7 Principle of Development:

3.7.1 The application site is within a primarily residential area and as such new dwellings are acceptable in principle subject to the relevant policies. Although the site is not within the adjacent Conservation area, new development should not detract from the character and setting of the Conservation Area.

3.8 Design:

3.8.1 The proposed house is a contemporary flat roofed dwelling which is set into the site and will have its access onto The Mount. The site will be excavated and given the profile of the building it will be lower than the properties on either side, particularly to the north. The new dwelling will appear of a similar scale to the property Carlton, to the south, although the new house will be set back behind Carlton, alongside its outbuildings and will have a lower roof level. Although the lack of a private view is not a planning consideration, nonetheless, the low profile of the proposed dwelling will ensure that views from the east and north of the site are relatively unchanged.

3.8.2 Although the design of the dwelling does not replicate the more traditional properties in the vicinity, the scale of the building and the use of appropriate materials such as render will help it harmonise with the surrounding properties and make a positive contribution to the adjacent conservation area.

3.8.3 The application site is just outside the Lower Heswall Conservation area. The site is currently overgrown with parts of the front sandstone wall fallen down. The proposed dwelling would be set back from the road frontage and would be seen against a backdrop of larger dwellings. As such it will not have an over-dominant effect on the character of the surrounding area. The proposal involves removal of almost all of the front boundary wall leaving a gap of just over 8m. As the wall is not in the Conservation area, its removal in isolation, would not require planning permission. Furthermore, there are other similar gaps in the boundary walls along the Mount, notably at 46 opposite and the driveway serving three properties further south on The Mount. On balance it is considered that the visual impact of the new dwelling will make a positive impact on the character of the Conservation Area.

3.9 Highways:

3.9.1 A significant aspect of the objections to the proposal relate to the safety of a new access onto The Mount. Whilst it should be noted that the previous approval did set a precedent for this, nonetheless, since the first submission, the plans have been amended to improve the proposed access.

3.9.2 The front boundary wall will be removed to allow visibility for both pedestrians and vehicles. As with the previous approval (APP/16/00301) adequate sight lines and visibility splays are to be provided.

3.11 Amenity:

3.11.1 The front elevation of the proposed house will be over 30m from the houses on the western side of The Mount which exceeds the usual interface distance and retains privacy. The front patio above the garage will be over 25m from the opposite side of The Mount which also meets the required interface distances.

3.11.2 The dwelling has some side windows which serve habitable rooms. To the south they adjoin an outbuilding at Carlton House which is at a lower level. A 1.8m fence is proposed along

this boundary which will adequately screen the side windows and provide privacy to both the application dwelling and Carlton House. The other side of the new dwelling is at a lower level than the adjacent property and is screened by a substantial hedge thus retaining privacy to this side of the plot.

#### **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 dwelling would make a positive contribution to the character of the area which accords with UDP policies HS4, CH2 and TR9 and the National Planning Policy Framework.

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

#### **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 3/12/2019 and listed as follows: B100, B102 and B10, with the approved plans received by the local planning authority on 24/1/2020 and listed as follows: B103 Rev A and with the approved plans received by the local planning authority on 6/2/2020 and listed as follows: B101 Rev C and B104 Rev B.

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

3. Prior to the construction of any building above ground level, samples of the 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 HS4 of the Wirral Unitary Development Plan.

4. Prior to the occupation of the dwelling hereby approved, the boundary fencing detailed in drawing B101 Revision C shall be erected and retained as such thereafter.

**Reason:** In the interests of residential amenity in accordance with Policy HS4 of the Wirral Unitary Development Plan.

#### **Further Notes for Committee:**

1. Consent under the Highways Act is required for the construction of a new or the amendment/removal of an existing vehicular access. Such works are undertaken at the developer's expense, including the relocation/replacement and/or removal of street furniture and vegetation, as necessary. Submission of a S50 Highway Opening Notice is required prior to commencement of any works on the adopted highway. Please contact the Council Highway Management team area manager via [www.wirral.gov.uk](http://www.wirral.gov.uk) prior to the commencement of the works for the approval of the proposed details."

2. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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). The design of the sewers and lateral drains must also 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](http://www.dwrcymru.com)

**Last Comments By: 27/02/2020**  
**Expiry Date: 28/01/2020**