

**Planning Committee**

**21 April 2022**

**Reference:**  
**APP/21/01733**

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

**Case Officer:**  
**Mr B Pratley**

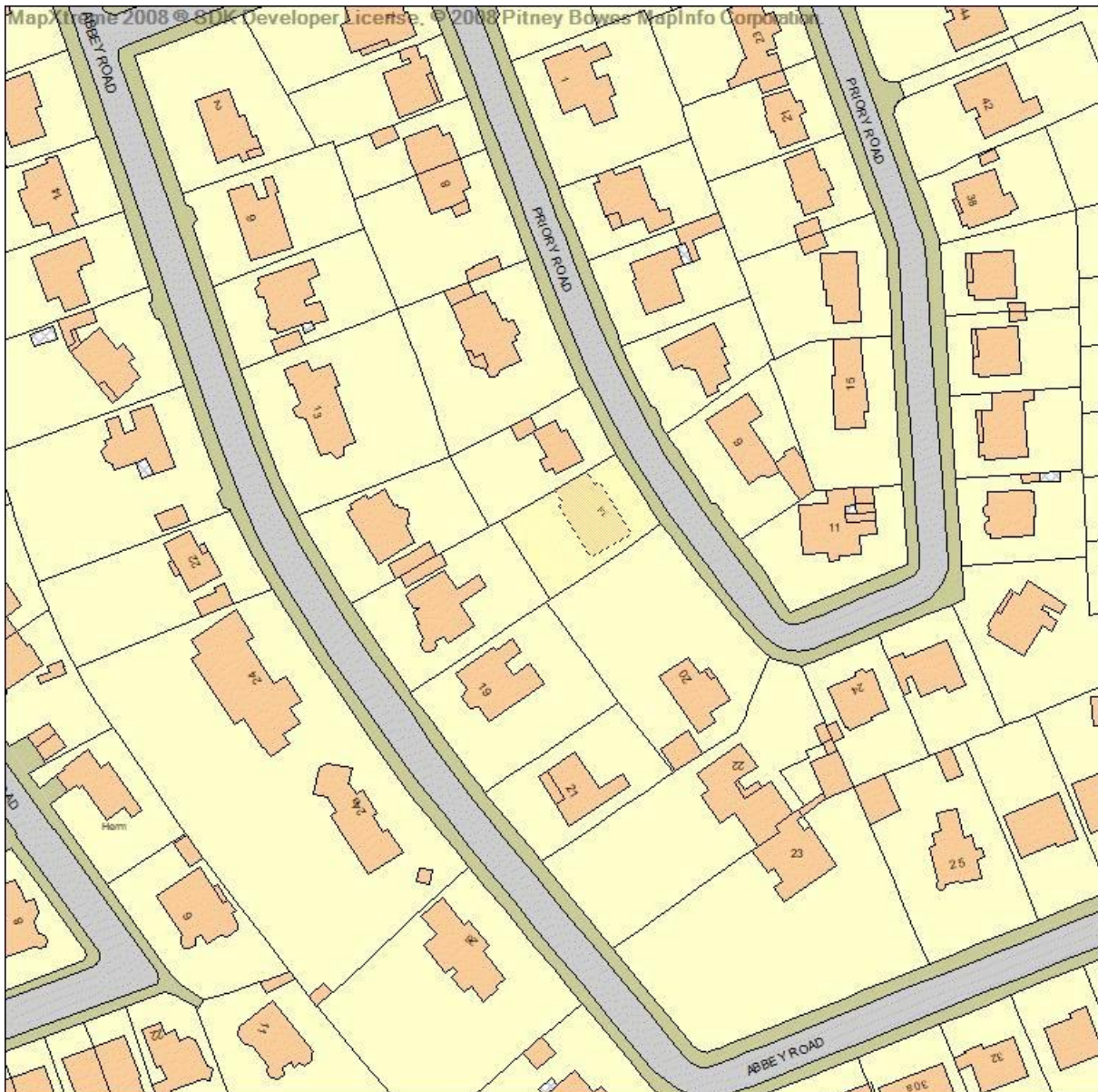
**Ward:**  
**West Kirby and  
Thurstaston**

**Location:** 14 PRIORY ROAD, WEST KIRBY, CH48 7EU  
**Proposal:** Demolition of existing bungalow and construction of a replacement dwelling.

**Applicant:** Dr Moore  
**Agent :** ArchitectFolk

**Qualifying Petition:** Yes  
**Petition Number:** **Number of signatures:**  
1 33  
2

**Site**



**Development Plan designation:**

Primarily Residential Area

**Planning History:**

No planning history.

**Summary Of Representations and Consultations Received:**

**1.0 WARD MEMBER COMMENTS**

1.1 Councillor Mountney made a number of enquiries about this application, but has not raised a formal objection.

**2.0 SUMMARY OF REPRESENTATIONS**

REPRESENTATIONS

2.1 Having regard to the Council Guidance on Publicity for Applications 9 notifications were sent to adjoining properties. At the time of writing this report 9 objections and a 33 name petition have been received, listing the following grounds:

- Detrimental visual impact of the proposal.
- Removal of front boundary wall not in keeping with character of the area.
- Loss of light at neighbours.
- Disruption from proposed building works, including impacts on highways.
- Does not contribute to tackling climate change.
- Loss of views for neighbouring properties.
- Devaluation of neighbouring properties.
- Loss of privacy.
- Water run off will be increased.
- Potential for impact on land stability.
- detrimental impact on trees

CONSULTATIONS

2.2 **Highways Department** - No objection.

**MEAS** - No objection.

**Tree Officer** - No objection received.

**3.1 Reason for referral to Planning Committee**

3.1.1 A qualifying petition of 33 names has been received.

**3.2 Site and Surroundings**

3.2.1 The site comprises a detached chalet/dormer bungalow located within a Primarily Residential Area. The property is single storey when viewed from the front and two storey when viewed from the rear.

**3.3 Proposed Development**

3.3.1 Demolition of existing bungalow and construction of a replacement dwelling.

**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 GR7 – Trees and New Development**

In assessing the protection to be given to trees on development sites the Local Planning Authority will consider the general health, structure, size and life expectancy of trees, their visual value in the locality and their value for nature conservation.

**3.4.3 Policy NC7 – Species Protection**

Development which would have an adverse effect on wildlife species protected by law will not be permitted unless the Local Planning Authority is satisfied that the protection of the species can be secured through the use of planning conditions and/or planning obligations.

**3.5 Other Material Planning Considerations**

**3.5.1** The National Planning Policy Framework (NPPF) supports sustainable housing development which encompasses good design and widens the choice of high quality homes. Development should make a positive contribution to an area and use opportunities to improve the character and quality of an area. Planning policies and decisions should optimise the potential of sites to accommodate development as long as the resulting scheme would provide acceptable living standards.

**3.5.2 Emerging Wirral Local Plan and its status**

Wirral Borough Council is in the process of submitting a new local plan for examination. 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.

In attaching weight to emerging plans such as Wirral's para 48 of the NPPF is relevant as it states:

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) 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)."

As the Wirral Local Plan is at an early stage it is a Material Consideration and can be afforded limited weight in the decision making process.

**3.5.3 Wirral Borough Council – Tree, Hedgerow and Woodland Strategy**

Planning applications will need to demonstrate that there will be enough room for the future growth of new and retained trees to ensure long term retention and avoid pressure from future occupiers to top, lop, or fell healthy trees due to safety concerns or effects on living conditions in order to obtain reasonable sunlight and unshaded external amenity space. Planning applications will need to provide sufficient information to enable proper consideration of trees on and around the development site with tree survey and planting scheme with appropriate root protection zones undertaken to the latest British Standard. The selection of new species to be planted will use the "right tree for right place" approach.

**3.6 Assessment**

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

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

- 3.7 Principle of Development:
- 3.7.1 The site is located within a Primarily Residential Area and as such the principle of development rests on whether the development is in accordance with the policies outlined below.
- 3.8 Design:
- 3.8.1 The existing property is a very modest dwelling that is significantly smaller than other dwellings in the immediate vicinity. Although it is a two storey property, it is built into a sloping site and therefore has the appearance of a bungalow when viewed from the street. The proposal would result in a form of development that would be two storeys at the front and three storeys at the rear. A streetscene submitted with the application indicates that the new dwelling will be shorter when viewed from Priory Road than the neighbouring property (12 Priory Road).
- 3.8.2 When viewed from the front the proposed dwelling will have two front facing gables, with a double height bay within one of the gables. The properties in the immediate vicinity are varied in character and number 12 also has two front facing gables. The rear elevation will include two recessed areas to be used as balconies, with a central gable feature with obscure glazing and patterned brickwork. In design terms the proposal is considered to have an acceptable impact on the site and the wider area.
- 3.8.3 The petition submitted in opposition to this application expresses concern about the visual impact of the removal of the front boundary wall. However, as this site is not located within a Conservation Area, the removal of the wall does not require planning permission.
- 3.9 Highways:
- 3.9.1 The Council's Highways Department have confirmed that they have no objection to the application, subject to the inclusion of an informative. They have also raised no concern about the impacts on the highway from the building works. There are no Highway Implications relating to this proposal.
- 3.10 Ecology:
- 3.10.1 An arboricultural report was submitted with this application. This confirms that, subject to the development being completed in accordance with the report's recommendations, the proposal will not have a detrimental impact on trees. The Council's Tree Officer has raised no objection to the proposal. It is recommended that a condition is attached requiring the development to be undertaken in accordance with the method statement included in the arboricultural report.
- 3.10.2 The application was also accompanied by an ecologists report entitled, "Inspection and Assessment in Relation to Bats and Breeding Birds". This document concludes that the site offers negligible bat roost potential. It also makes a number of recommendations in relation to birds. The Merseyside Environmental Advisory Service (MEAS) have confirmed that they have no objections, subject to the inclusion of a number of conditions.
- 3.10.3 One of the reasons cited as an objection to the application is a failure to tackle climate change. However, there are no planning policies applicable to a single dwelling house that would enable the Local Planning Authority to require a level of insulation to be provided greater than that afforded by the current Building Regulations. Additionally, as a minor application, the Lead Local Flood Authority has not been consulted on this application and there are no grounds to seek further details regarding surface water runoff.
- 3.11 Amenity:
- 3.11.1 Policy HS4 states that new housing development should not harm the amenity of neighbouring dwellings and that adequate distances should be made between habitable rooms in separate dwellings. Whilst Policy HS4 does not clarify what constitutes an adequate distance, the standards applied to house extensions, as laid out in Policy HS11 and SPG11, provide a useful rule of thumb. The SPG confirms that, for every metre

increase in height (or part thereof), the distances in the standard shall be increased by 2 metres. The ridge of the property following enlargement would be 56cm higher than the roof ridge of 17 Abbey Road. This would therefore require a separation distance of 23 metres. However, this guidance only applies to windows. The guidance on balconies is less exacting, stating that, "Balconies will not be acceptable where they would increase overlooking into neighbour's properties to an unacceptable degree and create a feeling of being overlooked from a higher level".

- 3.11.2 The southernmost of the balconies will be over 26 metres from the main part of 17 Abbey Road directly to the rear. It will be 21.2 metres from the rear extension of number 17, which is not in a direct line of sight. This balcony will be 10 metres from the rear boundary of the property. It is considered that these separation distances will ensure that there is no unacceptable loss of privacy at 17 Abbey Road.
- 3.11.3 The northernmost of the balconies has a more direct line of sight with the rear extension of 17 Abbey Road and therefore, following a request by the case officer, this balcony has been set further back into the proposed dwelling. This balcony will be 22 metres from the extension at number 17, which is considered to be a sufficient distance to protect privacy in number 17.
- 3.11.4 The glazed bedroom doors leading to the balconies will be recessed by 2.3 metres from the rear eaves of the dwelling, which means that they will be over 23 metres from 17 Abbey Road. The only other windows at second floor level serve en-suite bathrooms. It is recommended a condition is attached requiring these windows to be obscure glazed and for no other windows to be installed in the rear elevation at second floor level.
- 3.11.5 Given their lower elevation, and therefore lower likelihood of overlooking, it is considered that a separation distance of 21 metres between the first floor windows in the proposed dwelling and habitable windows in 17 Abbey Road, is appropriate. The proposal meets this requirement. These windows would be 10.2 metres from the rear garden of 17 Abbey Road, ensuring sufficient privacy.
- 3.11.6 There is a window in the side elevation of 12 Priory Road that is understood to serve a bedroom, and which is served by other windows on the rear elevation. The impact of the proposal on this room will be acceptable.
- 3.11.7 With regard to the rear facing habitable windows in 12 Priory Road, details submitted by the applicant indicate that the proposed dwelling will not come closer than a line taken at 45 degrees from the center of these windows. The occupant of number 12 disputes this, and has submitted their own diagram. However, this diagram takes the 45 degree line from the edge of the window, not the centre, as required by the guidance. Furthermore, the proposed dwelling will be almost a storey lower than number 12, with the first floor of the proposed dwelling largely in line with the ground floor of number 12, and the proposed second floor in line with the first floor of number 12. Furthermore the second floor of the proposed dwelling will be recessed. These factors will ensure the proposal will not have a detrimental impact on 12 Priory Road as a result of loss of light or overbearing.
- 3.11.8 The proposed dwelling will be over 25 metres from 20 Priory Road and 24 metres from 9 Priory Road. These distances will ensure there will be no detrimental impact on occupants of these or any other neighbouring dwellings as a result of loss of light or overbearing.
- 3.11.9 Both balconies are proposed to be fitted with privacy screens with a height of 1.7 metres to protect the privacy of occupants of 12 Priory Road and 20 Priory Road. It is recommended these screens are secured by condition.
- 3.11.10 With regard to the other issues raised by the objectors, a number of these, including the loss of views from, and devaluation of neighbouring properties, are not considered to be material planning matters. With regard to land stability, the Local Planning Authority has no evidence before it to suggest that this is an issue in this location.

### 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 represents an acceptable form of development, which complements the character and appearance of the surrounding area, safeguards neighbouring residential amenity and would not result in any highway concerns. As such the development accords with the objectives of the Wirral's Unitary Development Plan, 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 1 February 2022 and listed as follows: B102 Rev A and in accordance with the approved plans received by the local planning authority on 2 February 2022 and listed as follows: B101 Rev A.

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

3. The rear facing second floor en-suite bathroom windows 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) 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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 rear elevation of the property at second floor level unless expressly authorised.

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

5. The development hereby approved shall be carried out only in accordance with the Method Statement contained within the Arboricultural Report received by the Local Planning Authority on 1 February 2022.

**Reason:** In the interests of protecting trees and to comply with Policy GR7 of the Wirral UDP.

6. The balcony screens hereby permitted shall be installed before the balconies are first brought into use. The screens shall thereafter be retained for as long as the balconies are in active use.

**Reason:** in the interests of the privacy of neighbouring dwellings and to comply with Policy HS4 of the Wirral UDP.

7. Prior to the first occupation of the dwelling hereby permitted, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

**Reason:** in the interests protecting bats and complying with Policy NC7 of the Wirral UDP.

8. No scrub clearance, hedgerow removal or vegetation management is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all scrub, hedgerows and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

**Reason:** in the interests of protecting breeding birds and to comply with Policy NC7 of the Wirral UDP.

9. The development hereby permitted shall not be occupied until details of bird boxes to include number, type and location on an appropriately scaled plan as well as timing of installation, has been provided for approval and implemented in accordance with those details.

**Reason:** in the interests of enhancing biodiversity and to comply with Policy NC7 of the Wirral UDP.

10. The following measures to protect common lizard will be employed during the implementation of this permission:
- Existing vegetation on the site will be gradually cut and removed under ecological supervision to encourage any reptiles present to move away from the affected areas;
  - The working area, together with any storage areas, will be kept clear of debris, and any stored materials will be kept off the ground on pallets so as to prevent reptiles from seeking shelter or protection within them; and
  - Any open excavations (e.g. foundations / footings / service trenches etc) will be covered with plywood sheeting (or similar) at the end of each working day. The edges of these sheets will be covered with a thick layer of topsoil or similar) to prevent reptiles from seeking shelter beneath them. Any excavation must be in-filled and made good to ground level with compacted stone or similar at the earliest opportunity, so as to remove any hazard to reptiles.

**Reason:** in the interests of protecting common lizard and to comply with Policy NC7 of the Wirral UDP.

11. Before any construction commences, details of 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.

**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. The applicant, their advisers and contractors should be aware that if any protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
3. It would be of benefit to encouraging bio-diversity if any landscaping on site includes suitable native tree species, such as:
  - Willow (*Salix* spp.);
  - Rowan (*Sorbus aucuparia*);
  - Birch (*Betula pendula* or *B. pubescens*);
  - Hawthorn (*Crataegus monogyna*);
  - Blackthorn (*Prunus spinosa*);
  - Alder (*Alnus glutinosa*); and
  - Holly (*Ilex aquifolium*).

**Last Comments By:** 06/11/2021 09:43:22

**Expiry Date:** 18/10/2021