

Planning Committee

29th June 2022

Reference:
APP/21/02094

Area Team:
Development
Management Team

Case Officer:
Mrs S Lacey

Ward:Liscard

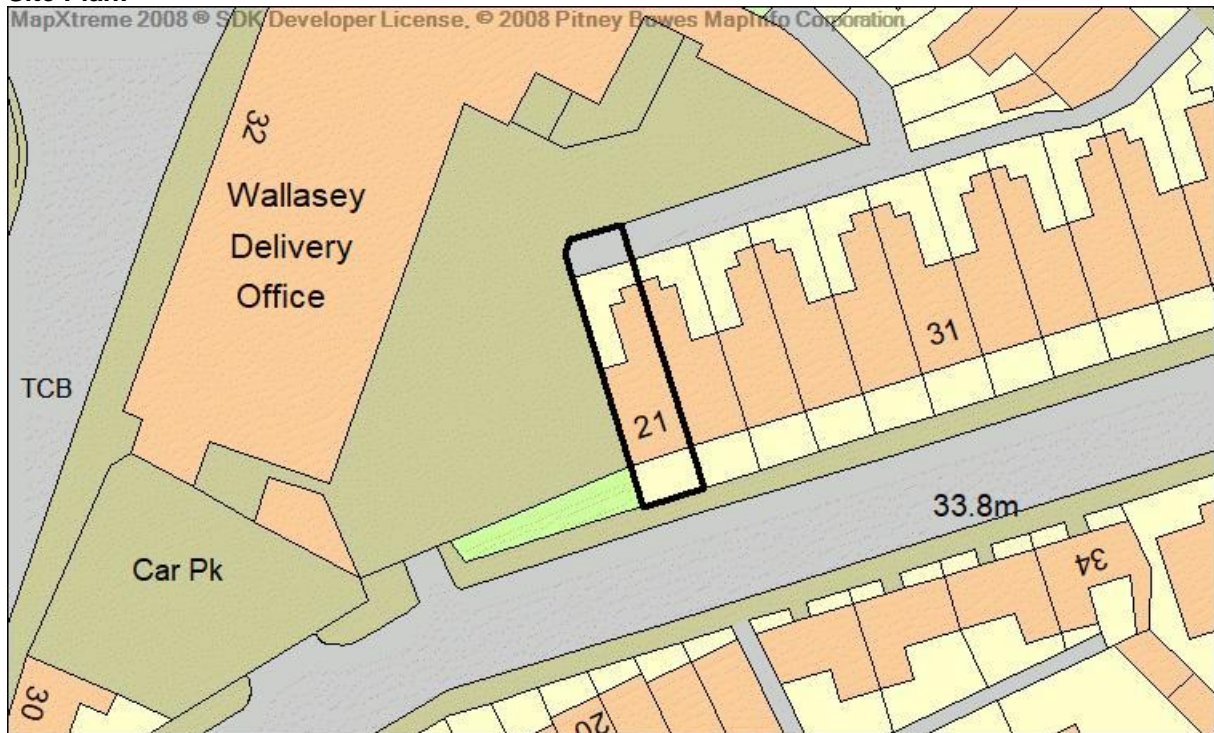
Location: 21 Manor Road, Liscard, CH45 4JA

Proposal: Retrospective application for change of use from alleyway to garden, and erection of new fence (amended description).

Applicant: Mr G Johnson
Agent : ArchiPhonic

Qualifying Petition: Yes

Site Plan:



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Development Plan designation:
Primarily Residential Area

Planning History:
None

Summary Of Representations and Consultations Received:

1.0 **WARD MEMBER COMMENTS**
1.1 No comments received.

2.0 **SUMMARY OF REPRESENTATIONS**

REPRESENTATIONS

Having regard to the Council Guidance on Publicity for Applications, 2 letters of notification were sent to neighbouring properties and a site notice was displayed on Queen Street near the entrance of the alleyway. A qualifying petition of 26 signatures was received citing the following concerns:

1. The demolition of the wall has caused damage to the adjoining parties wall and shed;
2. Loss of privacy;
3. Nuisance and annoyance to those who share the alleyway.

CONSULTATIONS

Traffic & Transportation - no objection.
Highway Asset – no comments.

3.1 Site and Surroundings

3.1.1 The site comprises a brick end terrace property with rear amenity space. The property has extended their rear amenity space by demolishing the rear garden wall, extending across the alleyway beyond, and erecting temporary boarding across the alleyway as a continuation of the party boundary with no.23.

3.1.2 The rear alleyway is shared by 17 residential properties on Manor Road and Queen Street. The alleyway is not adopted nor shown as being owned by the local Highways Authority. Servicing access to neighbouring properties remains unaffected by the erection of fencing across the alleyway and the extension of the rear garden.

3.1.3 There is an office car park directly to the west and north of the site.

3.1.4 **The below sets out a photograph of the alleyway**



3.2 **Proposed Development**

3.2.1 The application for change of use from alleyway to garden is retrospective, there is an existing boarding between the alleyway and garden and the applicant proposes the erection of new fence.

3.2.2 Whilst the fence does not require planning permission under Schedule 2 Part 2 Class **A of** The Town and Country Planning (General Permitted Development) Order 2015, it is the fact it facilitates the material change of use of the doorway to residential garden that necessitates an application to seek regularisation.

3.3 **Development Plan**

3.3.1 The Wirral Unitary Development Plan 2000

3.3.2 Policy HS11

Policy HS11 considers scale and design, and the impact on the original building and neighbouring buildings. It sets out the scale of extensions should be appropriate to the size of the plot, not dominating the existing building and not so extensive to be unneighbourly, with particular regard to the effect on light and outlook from neighbouring properties.

3.4 **Other Material Planning Considerations**

3.4.1 The updated 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. Poor design that fails to take opportunities for improving the character of an area should be refused.

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

On 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 has been published and representations can be submitted until 25th July 2022.

In attaching weight to emerging plans such as Wirral's paragraph 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 **Assessment**

3.5.1 The main issues pertinent in the assessment of the proposal are the principle of development, highway safety, the visual harm and the harm to residents' amenity.

3.6 Principle of Development:

3.6.1 The proposal is acceptable in principle.

3.7 Design:

3.7.1 The boundary between the alleyway and the garden was fenced off by temporary boarding at the time of the officer's site visit, as shown in photograph 3.14. The use of boarding is a temporary solution and gives the perception that the walkway is out of bounds, effectively privatising what is currently an open walkway. The use of temporary boarding is out of character, in appearance terms, and the applicant proposes to replace the boarding with a

wood lap fence measuring 1.95m in height (drawing reference 1171-02-90-001 Rev A) to respond positively to local character and improve legibility. The scale of the proposed fence is in keeping with the surrounding 2m high brick boundary walls along the alleyway. The applicant proposes that the fence is painted a light blue colour, which is acceptable. It is unnecessary to condition the finished colour of the fence.

3.7.2 Should Members be minded to grant planning consent, it is deemed necessary to condition the erection of the proposed fence within 3 months of the date of the permission, in the interest of residential amenity.

3.8 Highways:

3.8.1 Traffic and Transportation were consulted and had no objection to the proposal. The proposals do not impact on the adopted highway as the alleyway is not adopted nor shown as being owned by the Council. Servicing access to neighbouring properties remains unaffected by the erection of fencing across the alleyway and the extension of the rear garden. There are no other highway considerations to consider and there are no highway implications relating to this proposal.

3.9 Ecology:

3.9.1 There are no environmental or sustainability issues relating to these proposals.

3.10 Amenity:

3.10.1 The proposed garden area adjoins the alleyway and an office car park to the north and west. Separation distances do not apply in this instance, as no residential properties will be affected by the proposed development in terms of overlooking or loss of privacy. The activity arising from the proposal is not considered to harm the amenity of neighbours in terms of noise and disturbance because the land affected will only lawfully be able to be used for domestic purposes. It is recommended that the proposal would not have any materially adverse impact upon surrounding property in accordance with policy HS11 and the NPPF.

3.11 Other:

3.11.1 An objection has been received on the grounds that the demolition of the wall has caused damage to the adjoining parties wall and shed, loss of privacy and nuisance and annoyance to those who share the alleyway. Damage caused by development is a civil matter between neighbours and is therefore not material to the decision-making process. The proposal is not considered to result in any loss of privacy or nuisance to neighbouring properties. There are no other relevant planning considerations.

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 proposal is considered acceptable in use, scale and design and is 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 policy HS11 House Extensions of the adopted Wirral 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 07 March 2022 and listed as follows: detail drawing numbers 1171-02-01-001 Rev D Location Plan (dated 07 March 2022), 1171-02-02-002 Rev D Site Layout Proposed (dated 07 March 2022) and 1171-02-90-001 Rev A Proposed Fence Details (dated 11 October 2021)

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

3. The fence detailed in drawing numbers 1171-02-02-002 Rev D (dated 07 March 2022) and 1171-02-90-001 Rev A (dated 11 October 2021) shall be erected within 3 months of the date of the permission and retained thereafter.

Reason: In the interest of residential amenity and to accord with policy HS11 of the adopted Wirral UDP.

Further Notes:

Last Comments By: 28/04/2021 09:56:05

Expiry Date: 12/05/2021