

Planning Committee	8th June 2023
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Reference:	Area Team:	Case Officer:	Ward:
APPH/22/01521	DM	Mr G Roberts	West Kirby and Thurstaston

Location:	Dee Haven, 94 Caldý Road, Caldý, Wirral, CH48 2HZ
Proposal:	Refurbishment of existing dwelling, erection of new single storey rear extension with associated landscaping, including demolition of existing garage and outbuildings, creation of additional parking space and removal of part of boundary wall to facilitate same, and erection of garden store at rear.
Applicant:	Ellena Byrne
Agent :	Antony OToole SHACK Architecture ltd

Qualifying Petition	yes
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Site Plan:



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Development Plan designation:	<ol style="list-style-type: none"> 1. Primarily Residential Area; 2. Density and Design Guidelines Area; 3. Caldý Conservation Area; 4. Grade II Listed Building; 5. Archaeological Site; and
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6. B Class Road.

Planning History:

Location:	92-94 CALDY ROAD, CALDY, CH48 2HZ
Application Type:	Listed Building Consent
Proposal:	Internal & External Alterations
Application No:	LBC/10/01228
Decision Date:	07/12/2010
Decision Type:	Approve

Location:	92-94 CALDY ROAD, CALDY, CH48 2HZ
Application Type:	Pre-Application Enquiry
Proposal:	Internal & External Alterations
Application No:	PRE/22/00054/ENQ
Decision Date:	20/06/2022
Decision Type:	

Location:	92-94 CALDY ROAD, CALDY, CH48 2HZ
Application Type:	Listed Building Consent
Proposal:	Refurbishment of existing dwelling and new single storey rear extension with associated landscaping, including demolition of existing garage and outbuildings, creation of additional parking space and removal of part of boundary wall to facilitate same
Application No:	LBC/22/02229
Decision Date:	
Decision Type:	

Summary Of Representations and Consultations Received:

1. Ward Member Comments	No comments received.
2. Summary of Representations	<p><u>REPRESENTATIONS</u></p> <p>Having regard to the Council Guidance on Publicity for Applications 8 notifications were sent to adjoining properties. In total, 5 objections were received, together with 1 statement of support. A sixth objection was received, however this could not be counted as it was submitted by an existing objector. The planning issues raised in the objections were as follows:</p> <ol style="list-style-type: none"> 1. Appearance and design of development and materials proposed; 2. Effect on listed building and conservation area; 3. Impact on the character and appearance of the area; 4. Scale and dominance; 5. Overlooking/Loss of privacy; and 6. Light pollution. <p>A qualifying petition of objection has also been received based on the concerns raised by the local residents and the Caldý Society.</p>

	<p><u>CONSULTATIONS</u></p> <ol style="list-style-type: none"> 1. Conservation – No objection, subject to 1no. condition; 2. Highways – No objection. 1no. informative provided; 3. Wirral Wildlife – No objection, subject to 3no. conditions. 3no. informatives provided; 4. Historic England – No comment; and 5. Caldý Society and Caldý Conservation Area – Objection, the planning issues raised were as follows: <ol style="list-style-type: none"> 1. <ol style="list-style-type: none"> i. Scale and dominance; ii. Appearance and design of development and materials proposed; iii. Effect on listed building and conservation area; iv. Impact on the character and appearance of the area; and v. Negative impact on rear side garden of No.96 ‘Sunnyfold’
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3.1 Site and Surroundings	
3.1.1	No.94 Caldý Road (also known as ‘Dee Haven’) in Caldý is, to all intents and purposes, a detached property, albeit it is adjoined to neighbouring No.92 at its porch and entrance hall having originally incorporated No.92. The dwelling is a Grade II Listed Building

	comprising a black and white mock timber framed building at the front of the plot, a sandstone building behind this which is set within the rear garden, and a later two-storey link between the two buildings.
3.1.2	The property fronts Caldy Road and backs onto The Green estate road hammerhead. The site is bounded by No.92 Caldy Road and No.1A The Green to the west and No.96 Caldy Road and No.1 The Green to the east. The site is within a Primarily Residential Area, Caldy Conservation Area and a Density and Design Guidelines Area, it is an Archaeological Site and Caldy Road, onto which it fronts, is a B Class Road.

3.2 Proposed Development	
3.2.1	<p>The proposal is for the refurbishment of existing dwelling, erection of new single storey rear extension with associated landscaping, including demolition of existing garage and outbuildings, creation of additional parking space and removal of part of boundary wall to facilitate same, and erection of garden store at rear.</p> <p>A Listed Building Consent application LBC/22/02229 has also been submitted and not yet determined.</p>
3.2.2	<p>The proposal was amended on 19 December 2022 following Officer feedback as follows:</p> <ol style="list-style-type: none"> 1. gross internal area reduced from 46m² to 38m²; 2. ridge height reduced by 0.3m; 3. window installed in the previously blank rear elevation; 4. reduction in the number of roof lights from 3 to 1; 5. sandstone surround provided to the new window on the rear elevation and to the glazed corner door; and 6. reduction in size of hard landscaped terrace, retention of more lawn and soft landscaping.

3.3 Development Plan	
3.3.1	The Wirral Unitary Development Plan is the current local development plan. The following policy and guidance are relevant to this planning application:
3.3.2	<ol style="list-style-type: none"> 1. Policy HS11: House Extensions; 2. Policy CH1: Development Affecting Listed Buildings and Structures; 3. Policy CH2: Development Affecting Conservation Areas; 4. Policy CH3: Demolition Control within Conservation Areas; and 5. Policy CH11: Caldy Conservation Area; and 6. Policy NC7: Species Protection.

3.4 Other Material Planning Considerations	
3.4.1	National Planning Policy Framework sections 12: Achieving Well designed places and 16: Conserving and enhancing the historic environment are a material planning consideration in the determination of this planning application.
3.4.2	<p><u>The Emerging Local Plan</u></p> <p>Wirral Borough Council has submitted the Wirral Local Plan 2021-2037 for examination.</p> <p>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. The plan was published in May 2022 and representations were available to be submitted until 25th July 2022. The Local Plan was submitted to the Secretary of State on the 26th October 2022. The local plan and supporting evidence base can be viewed online at www.wirral.gov.uk/lpexam</p> <p>As the Wirral Local Plan has been submitted for examination it (and the supporting evidence base) is a material consideration and can be afforded weight in the decision-making process. In attaching weight to individual policies, paragraph 48 of the NPPF is relevant as it states:</p> <p>“Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <p>the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>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</p> <p>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).”</p> <p>The following Emerging Plan Polices are relevant to the determination of this planning application:</p> <ul style="list-style-type: none"> • WD 2.1 Protecting Heritage Assets; • WD 2.2 Conservation Areas; • WD 2.3 Archaeological Assets; • WP 6.1 Conservation Areas - Caldy (CON-SA6.1);

	<ul style="list-style-type: none"> • WD 5 Residential Extensions; • WS 6.1 Placemaking Principles (not householders); • WS 7.1 Design Principles; • WS 7.2 Privacy and Amenity; • WS 8.3 Improvements to Historic Buildings.
3.4.3	Supplementary Planning Guidance Note 11: House Extensions is a material planning consideration in the determination of this planning application
3.4.4	The Caldry Village Conservation Area Appraisal and Management Plan is a material planning consideration in the determination of this planning application.
3.4.5	Corresponding listed building consent application ref: LBC/22/02229 is a material planning consideration in the determination of this planning application.
3.4.6	Pre-application enquiry ref: PRE/22/00054/ENQ which was a precursor to the current householder and listed building consent applications is also a material planning consideration in the determination of this planning application.

3.5 Assessment	
3.5.1	<p>The main issues pertinent in the assessment of the proposal are;</p> <ul style="list-style-type: none"> • Principle of development (appropriateness of residential extensions in a Primarily Residential Area); • Scale and design; • Heritage; • Highways; • Environmental/Sustainability; and • Amenity.

3.6 Principle of Development	
3.6.1	The principle of development (appropriateness of residential extensions in a Primarily Residential Area) is acceptable subject to compliance with relevant policies and guidance outlined above.

3.7 Scale and design	
3.7.1	The scale of the proposed single storey extension as amended on 19 December 2022 is appropriate to the size of the plot projecting an acceptable distance of no more than 7.1m from the main rear face of the host dwelling at its greatest extent and 4.95m at its least extent. It does not dominate the existing building, its ridge having been reduced by 0.3m and its footprint reduced by 8m ² to ensure

	<p>that it is subordinate to the original dwelling, and it does not take up significant areas of soft landscaping/amenity space which are characteristic of the area. Furthermore, located at the rear of Dee Haven, the extension would barely be visible in the street scene aside from a fleeting glimpse of the upper section of the west facing gable between buildings. The scale of the proposed garden store at the lower level to the rear of the extension is also considered acceptable and reflects the design of the extension in terms of roof pitch and materials.</p>
3.7.2	<p>The proposed materials including weathered red multi-facing brick in Flemish bond with natural mortar, which will be weather struck providing an attractive subtle pattern in the brickwork, sandstone copings, sandstone surround to door and window, dark grey natural slate roof tiles, dark grey conservation roof light and dark grey PPC Aluminium glazing will complement those of the original building and surrounding area. Likewise, the proposed garden store at the lower level will be finished with a slate roof and facing brick walls to match the main extension, which is acceptable.</p>
3.7.3	<p>The proposed design features, whilst unquestionably modern overall, and comprising extensive glazing on the eastern elevation, nevertheless speak to the evolution of the original dwelling elements, with a glazed link replicating the earlier link between the two original buildings, sandstone coping to one side of the roof imitating the roof form of the original buildings and sandstone surround to the rear door and window ensuring a continues golden thread of sandstone. Similarly, the layout continues the somewhat irregular evolution of the original buildings. Overall, the proposed design offers an appropriate modern take on the old, with some contrasting and some sympathetic elements, the summation of which is acceptable. The proposed garden store is more conventionally designed and is acceptable.</p>
3.7.4	<p>Overall, the scale and design of the proposed development is not considered to be detrimental to the character and appearance of the host dwelling, street scene or the surrounding area. The proposal complies with Policy HS11, SPG11, emerging local plan WD 5, WS 6.1 and WS 7.1 and the provisions of the revised NPPF.</p>

3.8 Heritage	
3.8.1	<p>Where the Listed building status is concerned, the proposal as amended is now deemed to be of a nature and scale appropriate to retaining the character and design of the original building and its setting. Furthermore, given that no original internal walls or other features are to be removed as part of the original dwelling's refurbishment, and given that the original sandstone façade at the rear of the main dwelling will continue to be exposed thanks to the proposed glazed link, it is also deemed that adequate provision is made for the preservation of the special architectural and historic features of the building. Overall, it evident that the proposals will help to secure the viable, long-term future of the building by</p>

	ensuring that the property is compatible with modern living as envisaged by Policy CH1.
3.8.2	Where the surrounding conservation area is concerned it is deemed that this modern addition to the rear of Dee Haven, with its use of complimentary building materials and its mix of unifying and contrasting design features will, in line with Policy CH2 and CH11, preserve the distinctive characteristics of the area, including important views into and out of the designated area, which will remain unaffected by this modest rear extension. Furthermore, given that the scheme will barely be visible within the highly sensitive street scene, it is deemed that the extension will preserve the general design and layout of the area, as well as its mature garden character and setting by virtue of its reduced footprint and reduced hardstanding relative to the scheme as submitted.
3.8.3	Overall, there are no heritage implications relating to the amended scheme. The Conservation Officer was consulted and raised no objection to the amended scheme, subject to the provision of appropriate materials samples for review and approval by the LPA prior to commencement of works. The requirement is secured by condition. The scheme as amended complies with heritage-related policies CH1, CH2, CH3 and CH11 as well as the provisions of section 16 of the revised NPPF.

3.9 Highways	
3.9.1	There are no Highway Implications relating to this proposal. Highways were consulted but raised no objection. One informative was provided concerning the need for consent under the Highways Act for the construction of a new or the amendment/ removal of an existing vehicular access. This informative has been added to the decision notice.

3.10 Environmental/ Sustainability	
3.10.1	Wirral Wildlife were consulted in respect to the proposal given the proposed demolitions of the rear outbuildings and garage. A dusk survey was submitted, following a review of this the Ecologist confirmed that Wirral Wildlife had no objection subject to 3no. conditions pertaining to the need for exterior lighting to be designed and used to minimise impact on bats and their insect food, the need for bat and bird boxes to be erected onto/incorporated into the development and, unrelated to bats, the need for any dense vegetation (trees, shrubs, and hedgerow) to be removed outside the bird nesting season. Additionally, 3no. informatives were provided. All have been added to the decision notice.
3.10.2	Subject to compliance with the above conditions, the proposal is considered to comply with UDP Policy NC7 and the provisions of the revised NPPF.

3.11 Amenity	
3.11.1	<p>The single storey rear extension has 1no. window on its west side elevation, 1no.window on its rear elevation, and extensive fenestration to its east side elevation. Despite having unobscured side windows, these are at ground floor level and so will face intervening boundaries. There will therefore be no elevated viewing points from which to look down on neighbouring gardens, including from the rear window which might have been a concern due to reducing levels at the rear, so overlooking is not a concern. Furthermore, given the reduction in scale which has occurred relative to the scheme as submitted, including a reduction to the height of the ridge and footprint, it is deemed that the single storey extension as amended will not have an overbearing impact where neighbouring properties are concerned. Finally, given the relatively modest scale of the proposed extension as amended, and its distance from adjacent properties, it will have no impact in terms of overshadowing.</p>
3.11.2	<p>Separation distances do not apply in this instance as no first-floor habitable room windows on main elevations are proposed.</p>
3.11.3	<p>In total, a Qualifying petition was received following re-consultation, 5 objections were received, together with 1 statement of support. A sixth objection was also received, however this could not be counted as it was submitted by an existing objector. The issues raised by the sixth objector were in any case covered in the other objections. The Caldly Society and Caldly Conservation Area Advisory Committee also objected.</p> <p>The planning issues raised in the objections were as follows:</p> <ol style="list-style-type: none"> 1. Appearance and design of development and materials proposed – addressed in section 3.7; 2. Effect on listed building and conservation area – addressed in section 3.8; 3. Impact on the character and appearance of the area – addressed in section 7 and 3.8; 4. Scale and dominance– addressed in section 3.7; 5. Overlooking/Loss of privacy – addressed in section 3.11; and 6. Light pollution – light emitted from a ground floor rear extension, even were the glazed elevation is largely orientated to one side, would be comparable to the light emitted from a rear conservatory. This level of domestic light will not have a detrimental impact on neighbouring properties, the closest of which are located generous distances away. There is also intervening vegetation between these properties and the extension.
3.11.4	<p>In terms of amenity, it is considered that the proposed development as amended would not be so extensive as to be overbearing or to result in overshadowing or overlooking in relation to neighbouring</p>

	properties. On this basis, the proposal is compliant with Policy HS11, SPG11 and provisions of section 12 of the revised NPPF.
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Summary of Decision	Having regards to the individual merits of this application the recommendation 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:-
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	The proposal as amended is acceptable having regard to scale, appearance, amenity and Wirral's Unitary Development Plan Policies HS11, CH1, CH2, CH3, CH11 and NC7, SPG11, relevant Emerging Local Plan policies and the revised National Planning Policy Framework.
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Recommended Decision:	Approve subject to the following conditions.
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Recommended Conditions and Reasons:

1 The development hereby permitted shall begin not later than 3 years from the date of this decision.

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

2 The development hereby permitted shall be carried out in accordance with the approved plans received by the local planning authority on 12 January 2023 and 10 March 2023 and listed as follows:

B104 E (Proposed Ground Floor Plan), dated: 12 January 2023;

B105 D (Proposed First Floor Plan), dated: 12 January 2023;

B106 C (Proposed Roof Plan), dated: 12 January 2023;

B107 B (Proposed Front and West Side Context Elevations), dated: 12 January 2023;

B108 C (Proposed East Side and Rear Elevations), dated: 12 January 2023; and

B109 D (Proposed West Side Elevation and Garden Store Plan and Elevations), dated: 10 March 2023.

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

3 No development involving the use of any facing or roofing materials shall take place until samples of the materials to be used in the construction of external surfaces of the

building have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area having regards to Wirral Unitary Development Plan Policies HS11, CH1, CH2 and CH11.

4 No external lighting shall be installed until details of the proposed lighting scheme to include type, location and illuminance level has been submitted to and approved by the Local Planning Authority, thereafter development should be carried out in accordance with the approved details.

Reason: To protect the habitats of commuting and foraging bats and to comply with Policy NC7 in the Wirral Unitary Development Plan and Paragraph 180 of the NPPF.

5 No tree, shrub or hedgerow felling is to be carried out on the site between 1 March and 31 August in any year. If it is necessary to undertake works during the bird breeding season then all buildings, trees, 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: To protect birds during their breeding season

6 Prior to construction, a scheme for the provision of bird nesting and bat boxes within the development shall be submitted to and approved by the Local Planning Authority. The boxes so approved shall be completed and available for use prior to first use of the development and shall thereafter be retained.

Reason: To protect important wildlife species having regards to NC7 in Wirral Unitary Development Plan.

INFORMATIVES

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 prior to the commencement of the works for the approval of the proposed details.

Bats may be present in your building. Bats are protected species. If you discover bats, you must cease work immediately. Contact Batline on 01704 385735 for advice. You are reminded that unauthorised interference could result in prosecution. Bats are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), as well as under Schedule 2 of the Conservation of Species and Habitats Regulations 2010 and it is therefore an offence to cause damage to a bat roost.

Lighting should be designed and used to minimise the impacts on bats known to forage in this area as well as their insect food from excessive light spill onto their habitats. All exterior lighting should follow the guidance of the Bat Conservation Trust. Current (June 2014) advice is found at <http://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>

Soft landscaping should include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.

Where practically possible Tree planting should comprise the provision of native species.

Last Comments By:	10-11-2022
Expiry Date:	10-03-2023

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