

Officer Report DC/2018/01874

The Site

Land to the rear of a detached dwellinghouse on the south side of Kirklake Road within a primarily residential area. The gardens to this property and neighbours is significantly longer than standard, with depths often in excess of 60m. Backland development exists to the neighbouring site at Numbers 73 & 75 Kirklake Road and consent was granted for development to the rear of Number 67.

Proposal

Outline planning application for the erection of a detached dwellinghouse to the rear of 71A Kirklake Road, Formby with some matters reserved, access applied for at this stage, (appearance, landscaping, layout and scale reserved for future consideration), including the partial demolition of the existing building and associated works.

History

Relevant to residential development:

N/1987/0277 - Outline application for the erection of one detached bungalow on land to be severed from the rear of 71a Kirklake Road. Refused 1st July 1987.

N/1988/00802 - Outline Planning Application For The Erection Of Two Detached Two-Storey Dwellinghouses On Land To Be Severed From The Rear Of 71A Kirklake Road Following Partial Demolition Of The Existing House. Refused 9th November 1988. Appeal dismissed 4th September 1989.

Consultations

Highways Development Design

There are no objections to the proposal as there are no highway safety implications.

There is an existing vehicular access with a footway crossing providing access to the existing dwelling on Kirklake Road. It is proposed to widen this access to provide access to both the existing dwelling and the proposed new dwelling. It is also proposed to divide this access with a wall to create two separate accesses, one for each dwelling. Each access will be in excess of 3.2m which is acceptable. The amended access to the two dwellings will require an amended footway crossing. The proposed wall dividing the access should not exceed 1m in height for 2m from the boundary of the site in a southerly direction to ensure intervisibility between vehicles emerging from the accesses and pedestrian walking along the footway on the southern side of Kirklake Road across the frontage of the site.

The parking provision for the proposed new dwelling should be in accordance with the Council's SPD 'Sustainable Travel and Development'.

Give the location of the development, a construction traffic management plan will be required to cover the construction of the new dwelling.

The following conditions and informatives should be added to any approval notice:-

H-2 - New vehicular/pedestrian access
H-4 - Visibility splay (pedestrians)
H-6 - Vehicle parking and manoeuvring
H-10 - Mud on carriageway
H-11 - Construction Management Plan

I-1 - Addresses
I-2 - Highways

Environmental Health

I have no objection to this proposal.

Natural England

Natural England has no comments to make on this application.

Flooding and Drainage

The Lead Local Flood Authority has no objection to the proposed development.

United Utilities

No objection subject to a condition requiring foul and surface water to be drained on separate systems.

Neighbour Representations

Representations received: Neutral representation from a neighbouring property on Kirklake Road seeking a resilient material to be used to the access to reduce noise, vibration and disturbance along with replacement screening following the removal of existing pine trees.

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

This application seeks outline consent with only access to be considered at this site, with appearance, landscaping, layout and scale reserved for consideration at a later date for a two-storey dwellinghouse within land to be severed from the rear garden of Number 71a, a detached dwellinghouse fronting Kirklake Road within a residential area of Formby.

The main issues to consider in respect of this proposal are the principle of development, the impact on the character of the area and the impact on the living conditions of neighbouring properties.

Principle of Development

Local Plan policy HC3 states that residential development will be permitted in residential areas where it is consistent with other policies. As this is a residential area then the principle of development is supported subject to the assessment that follows.

Character of the Area

In considering the impact on the character of the area firstly the character of the area as existing must be established. This section of Kirklake Road is characterised by detached properties of varying architectural forms set back from the highway, with two properties set back behind frontage properties (Numbers 73a & 73b) along with recent consent for a property to the rear of Number 67, with mature tree planting seen to the front, side and rear (falling within Tree Preservation Order 30).

When approaching along the highway views of the properties are limited from distant points due to the mature planting, with passing views of the properties to the southern side of Kirklake Road as one passes by. The front boundary treatments vary in height and material, from low level timber panel or brick walls (some with mature hedgerows behind) to taller brick walls and piers with infill fence panels.

Whether this proposal detracts from this established character is a key consideration in the determination of this application.

As is the case for the properties to the rear of 73 and 75 (Numbers 73a & 73b) and as considered for that to the rear of Number 67 it is unlikely that the property will be readily visible from Kirklake Road due to being set far back beyond the existing dwelling. The contribution this building will have on the character of the area, when viewed from public vantage points on Kirklake Road, is therefore negligible and would not cause harm. Given the siting there is scope for the dwelling to depart from the prevailing form of development, as was the case taken to the neighbouring back land sites.

The property could, as is the case for those behind Nos 73 and 75, be visible from Bushby's Park but this is not in and of itself harmful particularly as properties to Bushby's Lane to the south of Bushby's Park can also be viewed from this highway and so the property would sit comfortably within this established arrangement.

The retention of leyland cypress at heights of 6-14m and a 10m high sycamore (identified as G8 on arboricultural drawings) to the rear boundary with Bushby's Park will lessen the visibility of the proposed dwelling from neighbouring properties on this road.

Although the scale and appearance of the property has been reserved for consideration at a later date, the indicative scale has been provided and it is considered that while there may be limited views of the property over Numbers 12 and 14 Bushby's Park to the south and through/between the trees to be retained but not to the extent that the proposal would detract from the existing character of the area.

For the reasons set out above it is considered that the proposal would not detract from the character or appearance of the area and is therefore acceptable in this regard.

Neighbouring Properties - Living Conditions

Number 14 Bushby's Park

While indicative, a submitted layout indicates the siting of a property at least 12m from the rear boundary with Number 14 and that upper floors will be at least 26m from the rear elevation of this neighbouring property with a single-storey element being 21.7m away, thereby ensuring compliance with the Council's guidance on distances between properties.

Subject to conditions being attached to any approval specifying minimum separation distances to be achieved, it is considered that a dwelling of this scale and general siting would not give rise to significant harm to the living conditions of current or future occupiers of Number 14.

Number 71 Kirklake Road

This property borders the application site to the east and in an offset line is 38m from the nearest first-floor element of the indicative dwelling. This separation ensures that there are no concerns of overlooking between windows.

In respect of the overlooking or loss of privacy of the rear garden, the indicative floor plans indicate that the nearest first-floor window to the neighbouring garden would serve a dressing room to the master bedroom. As this would be serving a non-habitable room and if this came forward as part of any reserved matters stage then consideration could be given as to the use of obscure glazing. Other first-floor windows are shown but given their position and use (landing window and bedroom window 14.1m in from the shared side boundary) they would be unlikely to give rise to harm through overlooking. As a belt and braces approach a condition could be attached to any approval to ensure that any development meets the Council's guidance.

As the proposed property is sited to the west of the rear garden of Number 71 it may contribute to overshadowing of the neighbouring garden. It is noted from aerial photography held by the Council and third parties that overshadowing occurs already to the rear of the neighbour's garden from mature trees and that this neighbouring garden is, by virtue of existing planting, broadly divided into two parcels. The area of garden immediately adjacent to the indicative siting of the dwelling will benefit from largely interrupted levels of sun from the south and the existing planting that would potentially screen the proposed dwelling is to be removed. Any two-storey development may contribute to overshadowing, but not to any greater degree than would be caused by the existing planting.

Residential development may result in an obvious feature being introduced that would be readily viewed from this neighbouring garden. The indicative side elevation extends for 8.5m and is separated from the shared side boundary by 1.8m to 2.2m. It is likely that any two-storey property to this site will be readily visible above the remaining planting to the boundary. But given the distance from the main dwelling, and the laid out garden to Number 71 closest to that dwelling it is not considered that this impact will result in significant harm to living conditions of current or future occupiers of this property.

The proposed access road will run adjacent to the side elevation of and shared boundary with Number 71 and therefore consideration must be had as to the potential noise

disturbance that may arise from this. The Council's guidance recommends that access roads serving developments of five homes or less are 3m from habitable room windows and 2m from non-habitable room windows. There are a number of windows to the side elevation of 71 adjacent to the proposed access one of which serves a kitchen. As scaled from drawing 1518/06C the access road will be at least 3.3m from this window, which ensures compliance with the Council's guidance.

However, so as to ensure that the movement of vehicles does not cause any issues to this neighbour, and given the tree removal to the site with replacement planting that cannot be accommodated, it is considered reasonable to require an acoustic fence (to also be a green/living fence) to be installed to the shared boundary with Number 71 from the front elevation of Number 71 through to the turning head for the proposed dwelling in lieu of replacement tree planting.

Subject to an acoustic fence and the dwelling abiding by interface distances it is considered that this proposal will not give rise to significant harm to the living conditions of current or future occupiers.

Number 71a Kirklake Road

Sufficient distances will be maintained between windows and the dwelling will not give rise to overshadowing. The access road will abut the dwelling and may give rise to some noise disturbance but this is being imposed by the current occupiers and will be apparent to any future occupier. The remaining garden will be over 100m² in size, which exceeds the Council's guidance. It is therefore considered that this proposal will not give rise to significant harm to the living conditions of current or future occupiers.

Number 73a Kirklake Road

No harm will be caused to the living conditions of this existing property by virtue of the proposed development. The span of largely blank elevations along the shared boundary will not be harmed through overshadowing or loss of privacy. The proposal is therefore acceptable in terms of its impacts on this property.

Other Matters

Trees and Landscaping

To facilitate this development a number of trees are to be lost. Three trees are to be lost to the frontage to facilitate the new access to the dwelling and to the existing property and thirteen trees are then to be lost to the rear and to the boundaries with Number 71 and Number 73a. The contribution to the character of the area of the trees to be lost to the rear is lessened by virtue of their separation from public vantage points (more than 40m at nearest point) while those to the front, predominantly holly, fall within the C classification and so their loss will not be harmful.

The site cannot accommodate replacement tree planting, and any tree planting would be well away from the highway thereby lessening the public benefit. So as to address this and offset the loss it is considered necessary that a green/living boundary is introduced along the shared boundary with Number 71 (which will also have to incorporate acoustic

measures). This measure would be visible from the street and would contribute to the character of the area.

Ecology

The applicant has submitted bats, breeding birds and red squirrel surveys to cover the partial demolition of the building, the loss of open space and the loss of trees.

The reports confirm that Pipistrelle bats are roosting to the west elevation of Number 71a, which will be unaffected by the proposal. The report recommends that the works for the partial demolition of the eastern side of 71a are carried out in accordance with a strict method statement and that the works cannot take place during the bat breeding season. It is not considered necessary to secure this by way of a condition or other control as it is already an offence under the Wildlife and Countryside Act 1981 and Conservation (Natural Habitats &c) Regulations 1994 to deliberately capture, injure or kill a bat, an offence to damage or destroy a bat roost and intentionally or recklessly disturb a bat at a roost or obstruct access to a roost.

Limiting the timing for works to protect breeding birds is also considered unnecessary as conditions would duplicate control as under the Wildlife and Countryside Act 1981 it is already an offence to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.

The red squirrel survey of the trees confirmed that the trees to be removed do not provide places for rest or breeding for red squirrels and so they can be removed. The survey did identify a red squirrel foraging within the site that unfortunately appearance to be demonstrating characteristics of Squirrel Pox (the survey notes that this information has been passed on to the Lancashire Wildlife Trust's Red Squirrel Project). The survey recommends that trees are checked for red squirrel use prior to their removal but as above it is not necessary to duplicate controls and restrictions elsewhere.

Conclusion

For the reasons set out above it is considered that the principle of residential development is accepted and that the proposed access is acceptable. Subject to the submissions of reserved matters and compliance with suggested conditions it is considered that this proposal is acceptable and should be granted consent.

Recommendation

Approve with Conditions

Conditions

This application has been recommended for approval subject to the following conditions and associated reasons:

Outline Related

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission or two years from the date of the approval of the last of the reserved matters, whichever is the later.

Reason: To comply with Section 92 (as amended) of the Town and Country Planning Act 1990.

- 2) Details of the reserved matters set out below shall be submitted to the Local Planning Authority for approval within three years from the date of this permission:

- (a) Layout
- (b) Scale
- (c) Appearance and
- (d) Landscaping

Approval of all reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced and shall be carried out as approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 92(as amended) of the Town and Country Planning Act 1990.

- 3) The number of dwellings shall not exceed 1 (one).

Reason: To ensure a satisfactory development.

- 4) The eaves of the dwelling on site shall not exceed 5.5m and the ridge, if pitched or a hipped roof shall not exceed 9.5m.

Reason: To ensure a satisfactory development.

- 5) a) The detailed plans submitted as reserved matters shall include a survey of existing and proposed ground levels, sections across the site and details of the finished slab level for the dwelling.

b) The ground levels across the site and finished slab levels the property shall be as per the approved plans.

Reason: To ensure a satisfactory development.

- 6) Any clear glazed opening windows to the first-floor and above of the dwelling and any associated buildings must retain a distance of at least 10.5m to any neighbouring rear garden and 21m from any neighbouring habitable room window.

Reason: In the interest of the living conditions of neighbouring properties.

Highway Safety & Amenity

- 7) No part of the development shall be brought into use until a means of vehicular and/or pedestrian access to the site/development has been constructed.

Reason: In the interests of highway safety.

- 8) Notwithstanding the approved drawings no part of the development shall be brought into use until visibility splays of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway have been provided clear of obstruction to visibility at or above a height of 0.9 metres above the footway level of Kirklake Road.

Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

- 9) No part of the development shall be brought into use until areas for vehicle parking, turning and manoeuvring have been laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and these areas shall be retained thereafter for that specific use.

Reason: In the interests of highway safety.

- 10) a) Prior to the commencement of development, full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance shall be submitted to an agreed in writing with the Local Planning Authority.

b) The details approved under (a) above shall be implemented throughout the period of construction unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 11) a) Prior to the commencement of development a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

b) The provisions of the Construction Traffic Management Plan approved under (a) above shall be implemented in full during the period of construction and shall not be varied unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

Landscaping & Tree Protection

- 12) a) Before any equipment, machinery or materials are brought onto site, a 1 metre high fence or other barrier as agreed in writing with the Local Planning Authority, shall be erected around the outer limit of the crown spread of all trees, hedges or woodlands shown to be retained on the approved plan.

b) The barrier/fencing approved under (a) above shall be maintained in a satisfactory manner until the development is completed. During the period of construction, no material shall be stored, fires started or trenches dug within these enclosed areas without the prior consent in writing of the Local Planning Authority.

Reason: To prevent damage to the trees in the interests of visual amenity.

13) a) The hard and soft landscaping scheme hereby approved shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing with the Local Planning Authority.

b) Any trees or plants that within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced with others of a species, size and number as originally approved in the first available planting season unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity.

14) a) Before the development is commenced, a method statement detailing measures to be taken during construction to protect the health of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. Specific regard must be had to the blue hatched 'special measures' area on drawing 71AKR/AIS/01 to protect T1 in the front of Number 71, through the use of a cellular root confinement system or similar.

b) The measures contained in the method statement approved under (a) above shall be implemented in full throughout the construction phase.

Reason: To prevent damage to trees in the interests of the visual amenity of the area.

15) a) Prior to the occupation of any part of the dwelling, details of all boundary treatments including an acoustic and green/living fence to the shared boundary with Number 71 Kirklake Road must be submitted to and approved by the Local Planning Authority.

b) The boundary treatments approved under (a) above must be implemented prior to first occupation of the dwelling.

Reason: To protect the living conditions of a neighbouring property and to ensure appropriate development to the streetscene.

United Utilities Condition

16) Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

Drawings

- 17) The development hereby granted shall be carried out strictly in accordance with drawings 1518/05, 1518/06C, 1518/08A and 71AKR/AIS/01 (in so far as it relates to tree protection measures only)

Reason: To ensure a satisfactory development.

Informatives

- 1) The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Development and Support team on 0151 934 4569 or E-Mail snn@sefton.gov.uk to apply for a property number.
- 2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team on 0151 934 4175 for further information.
- 3) The development site is at significant risk from surface water flooding.

Policy EQ8 of Sefton's Local Plan states that proposals for the attenuated discharge of surface water into anything other than the ground must demonstrate why the other sequentially preferable alternatives cannot be implemented:
into the ground (infiltration);
to a surface water body;
to a surface water sewer;
to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

- 4) If the proposed development is to incorporate piling in the foundation detail, the developer is advised to consult with Sefton Council Pollution Control (email ETSContact@sefton.gov.uk). This will reduce the chance of enforcement action which could occur if an unsuitable method of piling is chosen without appropriate consultation and which subsequently causes nuisance by way of noise and/or vibration.