

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th March 2017

Subject: [DC/2016/02247](#)
[51 Brownmoor Lane, Crosby L23 0TD](#)

Proposal: Erection of one pair of semi-detached two storey dwellinghouses to the rear with associated landscaping and new vehicular access to Brownmoor Lane. Alterations to the existing dwellinghouse including demolition of garage extension, conservatory and outrigger and erection of infill conservatory, side extension and raised decking area

Applicant: Mr David Brislen
W&S Sandbach

Agent: Mr Colin Binns
Craig Foster Architects

Ward: Victoria Ward

Summary

The application is for the erection of a pair of semi-detached two storey dwellinghouses on land to be annexed from the rear of 51 Brownmoor Lane with associated landscaping and a new vehicular access. Alterations are also proposed to the existing dwellinghouse.

The main issues to consider are design, living conditions of future residents, impacts on neighbours and matters relating to highways, access and ground conditions. It is concluded that the proposal satisfies local and national policy, that there will be no significant harm to neighbours and that the proposal is in keeping with the appearance and character of the wider area. Subject to conditions the application is recommended for approval.

Recommendation: Approve with Conditions

Case Officer Mr Steven Healey

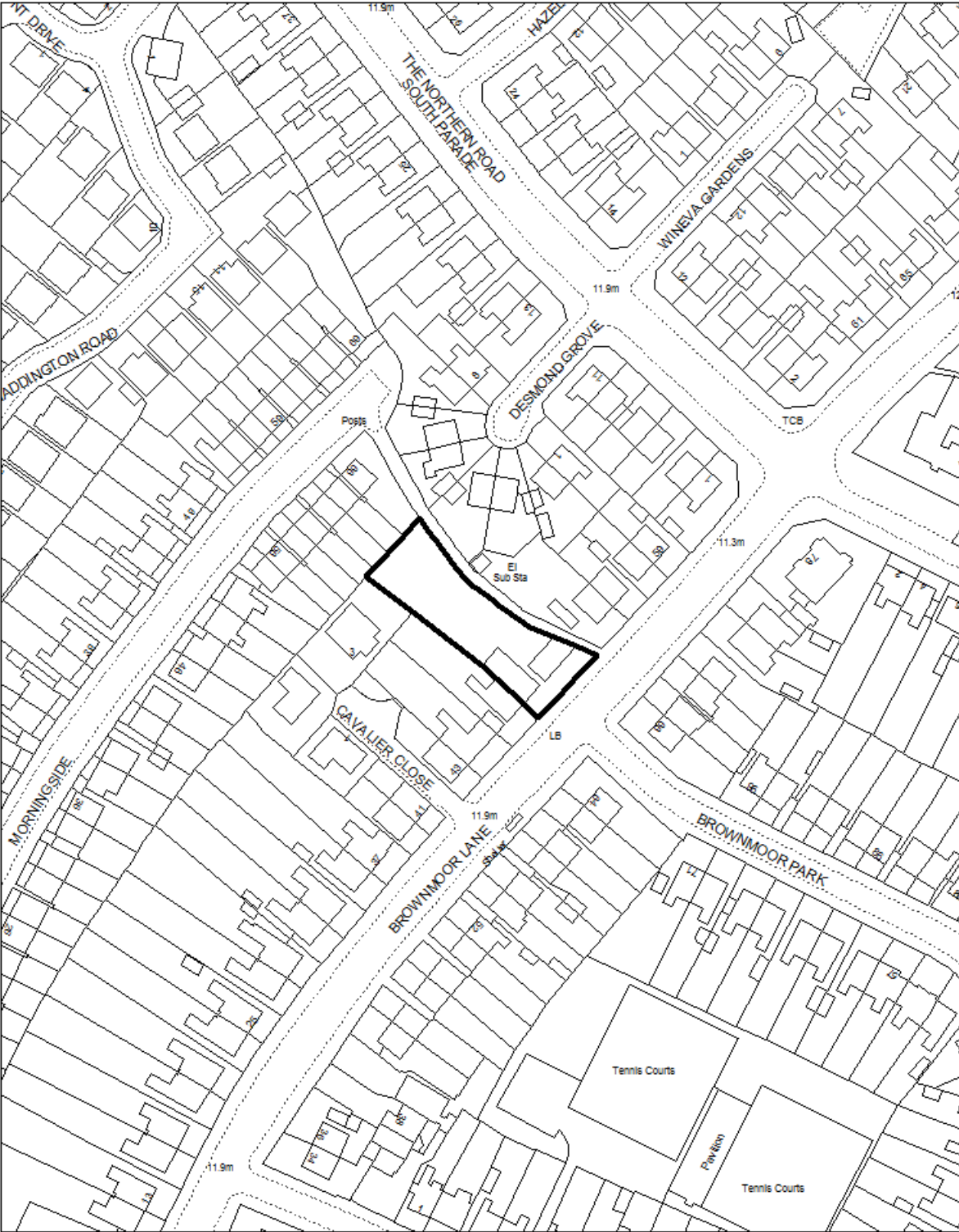
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845 (option 4)

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OGQSKQNWMPM00>

Site Location Plan



The Site

The application site is a semi-detached dwellinghouse and its curtilage which consists of a north-west facing rear garden and large detached garage located at 51 Brownmoor Lane, Crosby. The property is bound to the east by a public footpath and to the north and west by residential properties on Morningside, Cavalier Close and Brownmoor Lane itself.

History

The site was subject to a pre-application enquiry for the erection of two dwellings to the rear of the existing dwellinghouse and minor alterations to the latter. The conclusion was that the proposal is generally acceptable and likely to be recommended for approval (reference DC/2016/01866).

Consultations

Building Control

A separate Building Regulation application is required for this proposed scheme.

Contaminated Land

An assessment of the soil chemical data has not identified any significantly elevated contaminants of concern for a residential land use and no further works are required in respect of land contamination.

The soil chemical testing identified levels of Zinc in Trial Pits 1 2 that exceed the phytotoxic threshold for a soil of this type. Consideration should be given to any constraint this may have on the proposed landscaping scheme.

Environmental Health

No objection in principle. An informative relating to piling techniques should be attached to any approval notice.

Flooding and Drainage

No objection.

Highways Development Design

There are no objections to the proposals as there are no highway safety implications. The new access to the development will be 5.0m wide tapering down to 4.5m which is acceptable for this type of development, which will require a new vehicle crossing. There will be 2 parking spaces per property which is also acceptable. Plan number 16158(5)001(C) shows the new layout with pedestrian visibility splays of 2m x 1m which is also acceptable. The existing property will utilise the existing vehicle crossing.

National Grid UK Plc

No comment received.

Merseyside Fire & Rescue Service

No objection.

Tree Officer

No comment received.

United Utilities

No comment received.

Neighbour Representations

Objections received from 4 Desmond Grove, 62 and 66 Morningside, 43, 49 and 64 Brownmoor Lane on the following grounds:

- Proposed dwellings would be over dominant, harm outlook and reduce sunlight
- The level of privacy experienced by neighbours will be reduced as the windows and Juliette balconies will directly overlook adjacent gardens
- The proposed dwellings are not in keeping with the character of the area and the recently constructed dormer bungalows to the west
- General overdevelopment of the site
- Development setting precedence for back land development in area
- The proposal provides insufficient parking and will burden the existing roads and increase air pollution
- Highway and pedestrian safety would be at risk
- Security of proposed boundary treatments
- Disturbances during construction phase
- Devaluation of properties

A 25 signature petition objecting to the proposal was received by the Council on 28th February 2017 and endorsed by Councillor Les Byrom on 2nd March 2017.

Policy Context

The application site is situated in an area designated as residential on the Council's Adopted Unitary Development Plan and emerging Local Plan.

The policies in the emerging Local Plan (June 2016) were subject to discussion at the recent Local Plan Examination and where appropriate have been given weight in coming to a recommendation on this application.

Those policies to which there was no objection or to which no modifications have been proposed may be regarded to carry significant weight. They will be referred to where

appropriate in the assessment of this proposal.

Assessment of the Proposal

The proposal is for the erection of one pair of semi-detached dwellings to the rear of 51 Brownmoor Lane, associated access and landscaping. The proposal also includes retention of alterations to the existing dwellinghouse which are considered within the following assessment though they do not in themselves require planning permission.

The proposed new dwellings will be largely rectangular in plan with a projecting gable to the front elevation. The external measurements are a footprint of 9.9m by 10.6m, while they will measure a maximum of 5m from ground level to the eaves and 7.8m to the ridge of the pitched roof. There are a number of openings proposed to each dwelling including large bi-folding doors to the rear at ground floor level and Juliette balconies at first floor level. The only side facing windows are to serve non-habitable rooms.

The new build dwellings will be accessed via a driveway which is to replace an existing garage extension to be demolished. Parking spaces for four cars is to be made available next to a 6m wide permeable surfaced turning area. The application form and submitted plans indicate that all foliage and trees are to be retained and existing boundary treatments made good. The new dwellings will be separated at the rear by a fence of 2m in height, as will the reduced garden of 51 Brownmoor Lane.

Alterations to the existing dwellinghouse include the demolition of an existing outrigger and conservatory and erection of a small infill conservatory to the rear, single storey side extension and raised decking area.

The main issues to consider are the principle of development, design and impact on street scene, impacts of residential amenity, access and highway safety, ground conditions amongst other matters.

Principle of Development

The application site is within a Primarily Residential Area subject to adopted UDP policy H10 and emerging Local Plan policy HC3 where development of new dwellings is considered acceptable in principle.

Design and Impact on Street Scene

While the area surrounding the application site consists predominantly of 1930s semi-detached dwellings of relatively uniform style, the dwellinghouse at 51 Brownmoor Lane and a number of neighbouring properties were constructed at the turn of the

20th century. This is obvious from the more ornate features of the buildings.

The proposed semi-detached dwellings are considered to be of a design which harmonises with housing from both eras. The external appearance is to mimic that of the host site with red brick at ground floor level and white render at first floor level. The use of materials is entirely in keeping with the surrounding area as is the general scale, size and massing of the development. Although nearby dormer bungalows have been referred to by objectors, these are considered to be an anomaly within the wider context of the application site.

The proposed dwellings will be partially visible from certain vantage points along Brownmoor Lane but they will not appear more dominant against the existing dwellinghouse, or out of place given they are set back 37m from the public highway.

The public footpath to the east of the application site is adopted highway. The existing boundary fence alongside the path is to be retained which will largely obscure the proposed development from view. The path is of an enclosed nature as it is bound by a number of residential properties; therefore it is not considered another dwellinghouse in proximity will result in any harm from a visual point of view, or by making the path seem more enclosed.

In addition to this, the arrangement and size of plots varies greatly within the surrounding area and there is nothing to suggest that a reduction in the curtilage of 51 Brownmoor Lane will be to the detriment of the character of the area. Backland development has taken place directly to the west when the former Brownmoor Nurseries were re-developed to provide a pair of semi-detached properties to the frontage and three dormer bungalows to the rear.

The single storey side extension to the original dwellinghouse is partially built. It is of minimal visual impact and is partially obscured by the garage to be retained.

Living Condition of Future Occupiers

Each of the proposed dwellings is to contain three bedrooms, four bathrooms and separate living and kitchen/dining rooms at ground floor level. Every habitable room window within the proposal is set 21m away from the equivalent windows of neighbouring properties. This meets the standards set out in Supplementary Planning Document New Housing March 2016. The dimensions and interface distances detailed on the submitted plans have been corroborated by the Council's mapping system.

The submitted plans indicate that useable private garden space for the properties will be 60sqm and 65sqm which also meets the standards of Supplementary Planning Document 'New Housing'. This would be increased further should existing hedgerows and foliage be pruned back.

It is clear from the Planning Statement and plans themselves that consideration has been given to creating a flexible and sustainable development as these homes are designed to meet the Lifetime Homes standard, which means the dwellings will be accessible to people who may have physical restrictions. This is supported by the Council.

Impact on Living Conditions of Neighbouring Residents

Potential neighbour impacts are the principal reason for the majority of objections received. The submitted plans indicate that the proposed new build dwellings will meet the interface distances set out in SPD 'New Housing'. This is a minimum of 21m between the windows of habitable rooms and 12m between the windows of non-habitable rooms and blank walls.

It is not considered that there will be any unacceptable impact on the privacy of neighbouring residents. The Juliette balconies proposed to the rear will have no greater impact on privacy than traditional windows. The minimum standard separation distances have been complied with, therefore it is considered there will not be a poor or detrimental outlook for neighbouring residents and any overshadowing will be limited.

Some additional noise may be created to the rear of the existing dwellinghouse by virtue of more comings and goings and vehicular movements, however the principle of backland development is considered acceptable in this location and there are multiple nearby examples of recent and historic developments where gardens back onto roads and parking spaces. Similarly the presence of four vehicles is not likely to significantly increase air pollution.

The alterations to the existing dwellinghouse are minimal and have no greater impact on neighbours than the existing conservatory or outrigger to be demolished do.

Access and Highway Safety

The proposed new dwellings will be accessed by a dual pedestrian and vehicular access to Brownmoor Lane which will utilise an existing crossing. Appropriate visibility splays are to be incorporated to ensure safe access in and out of the site and for passing pedestrians and vehicles also. Overall the Council's Highways Manager is satisfied that access arrangements are acceptable and there is no compelling evidence to suggest otherwise.

Trees and Landscaping

The landscaping scheme indicates that existing boundary treatments are to be 'made good' or replaced and existing trees and planting are to be retained and enhanced. A condition will ensure that this scheme is implemented and maintained for a 5-year period. Given the appearance and oppressive nature of the boundary treatment along

the public footpath, a like for like replacement is not considered appropriate. The applicant has been requested to consider a shallow brick wall with infill panels above which will provide a more durable boundary to the footpath.

Although policy DQ3 of the adopted UDP requires the provision of new trees for new residential developments, there is no such requirement within emerging Local Plan policy EQ9 which holds significant weight and takes precedence over the former. Despite this any tree lost as a result of development must be replaced on a 1:1 basis. The landscape plan and associated condition will ensure this is adhered to.

Ground Conditions

The application site is close to an electricity substation which was raised as a potential hazard through the pre application enquiry. As a result the applicant commissioned trial hole ground investigations to determine whether Polychlorinated Biphenyls were present in the ground. Subsequently the Council's Contaminated Land team have raised no objection as the investigation confirmed no significant or harmful levels of contaminants. National Grid has not provided any underground cable plans or confirmed their location in relation to the application site.

Other Matters

A site visit on 24th January 2017 revealed that a former air raid shelter is located within the application site. This is to be destroyed to provide the new vehicular access. The discovery has been passed on to Merseyside Environmental Advisory Service which has not objected to the proposal or sought to confirm the structure's significance. However they have indicated that it will be added to the Historic Environment Record.

Having observed construction of the side extension to the existing dwellinghouse, it is considered that the development has commenced and the 3-year commencement period set out in Section 91 of the Town and Country Planning Act 1990 (as amended) does not apply given the circumstances.

In regards to noise and disturbance arising throughout the construction process, given the scale of development it is not considered reasonable to control this or the hours of construction through the planning system. The applicant is advised to follow 'Best Practicable Means' and any subsequent neighbour concerns should be brought to the attention of the Environmental Health Manager. Similarly the value of properties is not a material consideration which is taken into account in reaching a planning decision.

Conclusion

The proposal is considered to be of a good design and one which harmonises well with the surrounding street scene. No harm will be caused to neighbouring residents, the proposed access arrangements are acceptable and issues relating to ground conditions have been addressed. Overall the proposal meets national and local policies and guidance and is recommended for approval subject to conditions.

Recommendation - Approve with Conditions

Approve with Conditions

Conditions

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

- 1) The development hereby granted shall be carried out strictly in accordance with the following details and plans :- 16158(5)003(A) received by the Council on 16th November 2016, 16158(5)002(B) received by the council on 12th January 2017 and 16158(5)001(B), 16158(5)004(A) and 16158(5)002(C) received by the Council on 27th February 2017.

Reason: To ensure a satisfactory development.

- 2) Before construction of the new dwellings commences:-
 - a) Samples of the brick, render and roof tiles to be used in the external construction of the dwellings shall be submitted to and approved in writing by the Local Planning Authority.
 - b) The materials approved under (a) above 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 DQ1 of the Unitary Development Plan and EQ2 of the emerging Local Plan.

- 3)
 - a) A scheme of works for the proposed vehicular and pedestrian accesses shall be submitted to and approved in writing by the Local Planning Authority
 - b) No part of the development shall be brought into use until a means of vehicular and pedestrian access to the development has been constructed. These works shall be in accordance with the scheme approved under (a) above.

Reason: In the interests of highway safety and to accord with policies CS3 and DQ1 of the Unitary Development Plan and SD2 and EQ3 of the emerging Local Plan.

- 4)
 - 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 and to comply with policy DQ3 of the Unitary Development Plan and policy EQ9 of the emerging Local Plan.

Informatives

1) Property Numbers

The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for new property numbers.

2) Highway Works

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 Control Team on Tel: 0151 934 4175 for further information.

2) Piling

If the proposed development is to incorporate piling in the foundation detail, the developer is advised to consult with Sefton Council Pollution Control to obtain suitable guidance. 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.

66 Morningside

Crosby

Liverpool

L23 0UW

Monday 27th February

FAO Steven Healey

Planning Services

Dear Mr Healey,

Re: DC/2016/02247 (51 Brownmoor Lane)
02247

Please find enclosed a petition containing 25 names requesting that the application be taken before the planning committee proper.

I have discussed this with Counsellor Les Byrom, who has agreed to write directly in order to sponsor this petition.

I look forward to hearing from you.

Yours sincerely,

A large black rectangular redaction box covering the signature of the sender.


Sally Hall and Paul Tilsed

Petition to the planning Committee Sefton Council

Re: DC/2016/02247 51 Brownmoor Lane

Erection of one pair of semi-detached two storey dwelling houses to the rear with associated landscaping and new vehicular access to Brownmoor Lane. Alterations to the existing dwelling house including demolition of garage extension, conservatory and outtrigger and erection of infill conservatory, side extension and raised decking area

We the undersigned oppose the above planning application. We request that the approval be taken before Planning Committee proper.

Name	Address (No, Rd and postcode)	Signature
Sally Hall	60 Morningside. L23 0UW.	
Paul Tilsed	60 Morningside L23 0UW	
VICKI HALL	18. MOOR AV. L23 2U	
TOM CRANNY	3 CAVALIER CLOSE	
H. CRANNY	3 CAVALIER CLOSE	
S. BAINES	55 BROWNMOOR LANE	
P. KIRKHAM	19. BROWNMOOR LANE	
J Kuntlam	49 Brownmoor Lane	
C. PAGE	45 Brownmoor Lane	
Luk Page	45 Brownmoor Lane	
Greg Page	" " "	
Alex Gilla	55 Brownmoor Lane	
Andy Gilla	55 Brownmoor Lane	
Alex Gilla	55 Brownmoor Lane	
MARK GILLIE	" " "	
S Baleson	62 Morningside L23 0UW	
J. Baleson	62 Morningside L23 0UW	
L. A Owens	5 Desmond Grove	
Eliana Bitri	4 Desmond Grove	
STEVEN GARRISON	4 Desmond Grove	
ESMON FARRER	6 DESMOND GROVE	
D Dudley	1 Cavalier Close	
B Gledhill	2 Cavalier Close	
M WAFER.	58 MORNINGSIDE	
S WAFER.	58 MORNINGSIDE	

Date completed... 27/2/17