

Report to: PLANNING COMMITTEE **Date of Meeting:** 14th April 2021

Subject: [DC/2021/00270](#)
[12 Kew Road, Formby, Liverpool, L37 2HB](#)

Proposal: Variation of condition 2 pursuant to planning permission DC/2020/00847 to allow changes to the approved drawings.

Applicant: Mr. Neal Roberts **Agent:** Mr. Mark Bennett
MBED ARCHITECTS LTD

Ward: Harington Ward **Type:** Variation of condition

Reason for Committee Determination: Petition objecting to the proposal endorsed by Councillor Irving & call-in by Councillor Irving

Summary

This application is seeking to vary an existing approval, by way of reducing the scale and extent of the side extension adjacent to the shared boundary with Number 10 Kew Road.

The issues to consider are whether the variation introduces matters that were not previously considered, the impacts on neighbouring living conditions and if the proposal is more than a minor material amendment to the extant permission.

It is considered that the proposed variation is less harmful than the extant permission and does not raise any issues not previously considered. The proposal is acceptable as a minor material amendment.

Recommendation: Approve with Conditions

Case Officer Neil Mackie

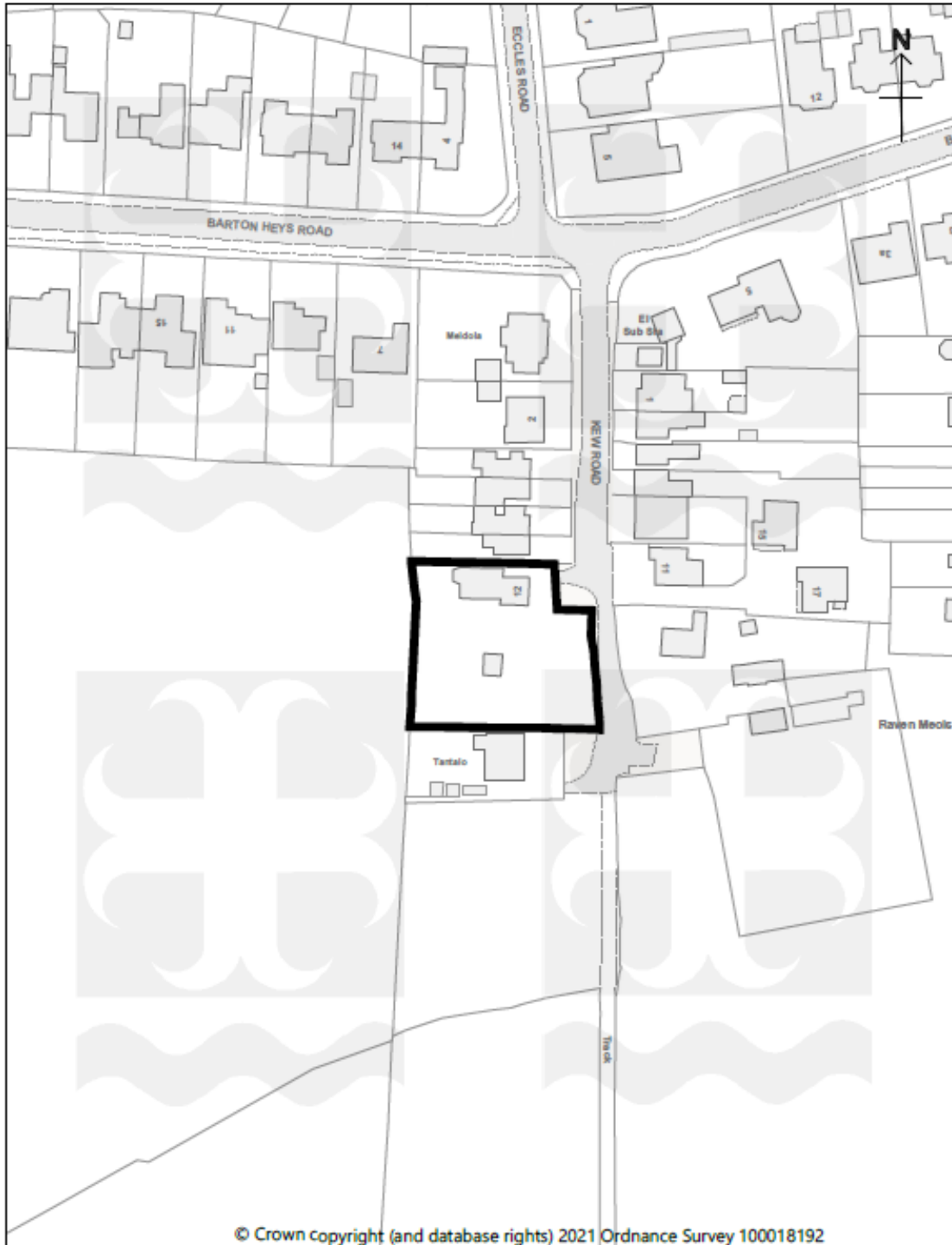
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QNW686NWHCP00>

Site Location Plan



The Site

A detached two-storey dwellinghouse on the west side of Kew Road, Formby. The main dwellinghouse lies within a designated primarily residential area and the majority of the side garden, to the south of the house, lies within designated Green Belt.

History

Permission was granted in 1990 for the erection of a detached two storey dwellinghouse and garage (N/1990/0631).

In May 2020 an application was refused for the erection of two storey extensions to the front and side, a single storey extension to the opposite side of the existing dwellinghouse and erection of a new dwellinghouse on land adjacent (South) to the existing dwellinghouse (DC/2019/02270). The application was refused due to the impact of the proposed dwelling on the Green Belt. A subsequent appeal was dismissed in December 2020.

In July 2020, an application was approved for the erection of a two storey extension to the side and rear incorporating a garage, a single storey extension to the opposite side and a two storey extension including a porch to the front of the dwellinghouse following the demolition of existing conservatory (DC/2020/00847).

Following the grant of this permission, the neighbours at 10 Kew Road complained about the loss of light that the extension would cause to the windows to their dining room and bedroom which had windows on the side elevation directly adjoining the proposed extension, and also about the impact on their outlook.

This has led the applicant to submit the current proposal.

Neighbour Representations

Petition

A petition with 33 signatures, endorsed by Councillor Irving, has been submitted in opposition to the proposal. The accompanying petition statement states that the development is oppressive, it is much larger than what the Council previously considered to be acceptable, it creates a terracing effect that would act as a precedent for the remainder of the road to 'land grab' their borders before their neighbours do and is completely out of character with the street.

Neighbours

Objections have been received from neighbouring residents on the following grounds:

- Concerns and complaints are made regarding the approval of the extant permission, along with an extensive history of development to this site. They consider that due to issues relating to the extant [i.e. 'existing'] permission that no further approvals should be granted, that the extant permission should be recognised as void and, furthermore, they request that all 2020 and 2021 building work is removed and the property restored to its former design.
- Consider that the proposal would have a harmful effect on the living conditions of occupiers at Number 10 with particular regard to outlook and privacy from a habitable room window. Also consider that the size and scale of the extension will have a detrimental effect on the street scene and would be contrary to local and national planning guidance. Further, they consider that this updated application is not a non-material application due to the additions of three new windows that will impact the privacy of Number 10.
- Expresses concern regarding the impact on outlook, loss of light and subsequent overshadowing of habitable room windows to the side elevation of Number 10 facing this application site. Consider that this is contrary to policies and guidance within the Local Plan as well as policies within the Formby & Little Altcar Neighbourhood Plan

Councillors

This application has been called-in by Councillor Irving for the following reasons: the proposal is contrary to planning policies, harmful to residential amenity and is of a poor design quality.

In addition, Councillor Irving has submitted an individual objection stating that the east side of the new build (that closest to Number 10 Kew Road) looks like a 'Prison Wall' with no features whatsoever. The scale and massing gives a dominant effect on the occupiers of 10 Kew Road and will no doubt take a lot of natural light away from their garden as well as their rear living room windows. The application is contrary to several policies in the Formby & Little Altcar Neighbourhood Plan.

Policy Context

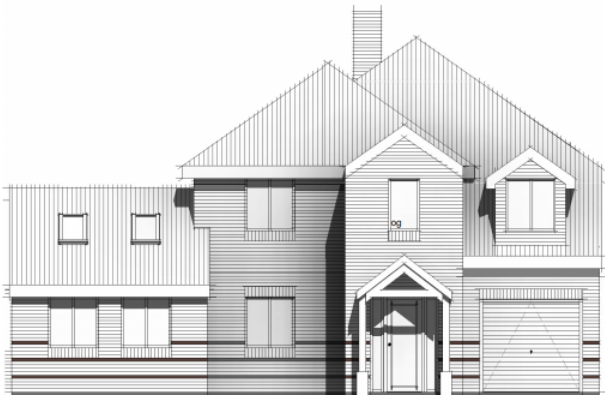
The application site lies within an area designated as Primarily Residential and Green Belt in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

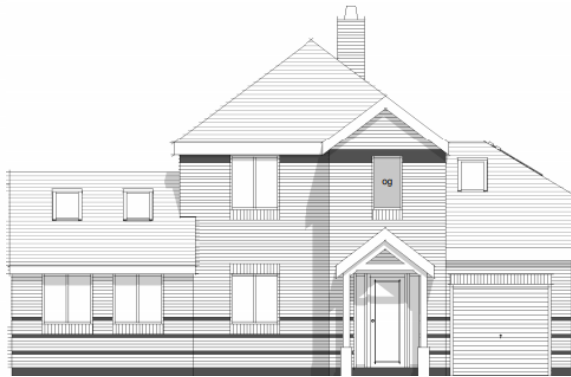
This application is seeking permission to vary a condition attached to extant planning permission DC/2020/00847. The condition in question is Condition 2 that requires development to be carried out in accordance with the approved plans.

In effect the application is seeking to allow for a reduced development compared to that approved. The key differences are shown below as extracts from the approved and proposed drawings:

Approved Front Elevation



Proposed Front Elevation



Approved Side Elevation



Proposed Side Elevation



Living Conditions

To the side elevation of the neighbouring property at Number 10 Kew Road are two windows (one to the ground-floor and one to the first-floor). These are the sole windows serving two habitable rooms.

This extension is reduced in scale, in terms of its height and massing, from a true two-storey extension to one with much lower eaves height and rooms largely contained within the roofspace and served by rooflights (which will be obscurely glazed to the side elevation). This would lessen the impact on outlook to the first-floor window and overshadowing to the first-floor window and, potentially based upon the seasons, the ground-floor window. This is an improvement over the existing permission and is acceptable in this regard.

The harm arising from the impact on outlook from the ground-floor window will largely remain the same as with the approved development. Mindful of the existing permission this is considered to be acceptable.

The three rooflights to the side elevation are shown to be obscurely glazed, so as to mitigate any potential harm arising from overlooking or loss of privacy to the neighbouring property. To improve this approach further it could be considered reasonable to require a condition to be added to install restrictors on the rooflights (that could be removed in the event of emergency egress) so as to prevent them opening fully.

Design and Character of the Area

In respect of the impacts on the character of the area, the proposal will still have a two-storey front extension to act as the entrance to the property but the impacts of the side extension on the character of the streetscene will be less than that previously accepted. This will occur due to the overall lower ridge height of the side extension, removal of the dormer window, a lower eaves height and the sloping back of the roof.

Overall, it is considered that the proposed side extension would be an improvement to the overall massing of the building and would not cause harm to the character of the street scene. Whilst it is acknowledged that the side gable of the extension would have limited features, this is not uncommon for side extensions. Much of the side gable would be screened from public view by the neighbouring property.

Conclusion

This proposal is considered to be acceptable in design and on its impact on the street scene. It is also considered to have less impact on the living conditions of the immediate neighbours bearing in mind the existing permission which provides a 'fall back' position.

It is recommended that this application is granted consent with the conditions that follow. Members may also wish to consider whether it is necessary for a condition to be attached to any approval requiring restrictors to be installed on the three obscurely glazed rooflights.

Recommendation - Approve with Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of five years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

- 2) The development shall be carried out in accordance with the following approved plans and documents:

19.1009 P (00) 101 Rev C 'proposed floor & roof plans'

19.1009 P (00) 102 Rev D 'proposed elevations'

Reason: For the avoidance of doubt.