

**Report to:** PLANNING COMMITTEE                      **Date of Meeting:** 28th July 2021

**Subject:** [DC/2021/00042](#)  
[82 Freshfield Road Formby Liverpool L37 7BJ](#)

**Proposal:** Erection of a detached 2 storey dwelling with basement garage and associated landscape and boundary works (Retrospective)

**Applicant:** Mike Goulbourne                      **Agent:** Mr McCarrick  
TwentySix Architects

**Ward:** Harington Ward                      **Type:** Full Application

**Reason for Committee Determination:** Called in by Councillor Irving

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## Summary

This application was presented to members of the Planning Committee on 30<sup>th</sup> June 2021, where it was agreed to defer the decision on the application to allow members to visit the site, prior to determination of the application.

The main issues to consider are the principle of development, the impact on the setting of the neighbouring historic buildings, character and appearance of the area, living conditions of the neighbouring properties, highway safety, trees and drainage.

For the reasons set out within the report, the proposal is acceptable in principle and will not cause any harm to the setting of the listed building or to the non-designated heritage assets. The proposal will not cause any harm to the character and appearance of the area or to the living conditions of future or neighbouring properties. The proposal is considered acceptable on matters of highway safety, trees and drainage.

The proposal therefore complies with local policies and is recommended for approval subject to conditions.

## Recommendation: Approve with Conditions

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Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QMRL74NWGPY00>



## The Site

The application relates to a currently vacant plot of land at 82 Freshfield Road, Formby. The previous dwelling has been demolished and this application seeks a replacement dwelling.

## History

There have been various applications on the site. The most recent being a prior notification application for demolition of the existing dwellinghouse which was approved in June 2020 (app.ref: DC/2020/00934).

## Consultations

### **Tree Preservation Officer**

No objection subject to conditions.

### **Conservation**

No objection subject to conditions.

### **Highways Development Design**

No objection subject to condition.

### **Environmental Health**

No objection

### **Natural England**

No objection

### **Flooding and Drainage**

No objection

## Neighbour Representations

6 letters of objection have been received from local residents, alongside a request for the application to be determined at Planning Committee by Councillor Irving.

The objections can be summarised as follows:

## Listed Building

- Disappointed modern design if proposed in front of two listed buildings, acknowledge mitigating steps by using grey slate roof, white render, natural wood and sedum roofs, pitch to offset second storey, respecting building lines and new trees, hedging and boundary wall
- To enable better blending the following should be considered, grey slate roof to be welsh slate; timber to be darker / blackened larch; trees to be mature and encourage red squirrels; white render to be textured; fencing to Grange Lane to be black feather board and no higher than fencing to listed buildings on Grange Lane
- Extension to Tower Grange fits in close harmony with surrounding properties, does not seem to be the case at 82
- Fails to comply with Local Plan Policy NH11, new building fails to respect special architecture and historic buildings, design affects visual amenity from listed building
- Fails to respect and conserve historic and positive existing relationships between listed building and its surroundings

## Character and Appearance

- Looks extremely large, imposing and without any real sympathy for community of houses in which it will be placed
- Design out of character, should be more in keeping with existing properties
- These properties are in the Doomsday Book, having a modern property encroaching will be detrimental to residents and Formby as these are landmarks
- Fails to comply with Formby and Little Altcar Neighbourhood Plan policies H1 4.3.7 Density, fails to use high quality design that respects important local character and residential visual amenity, fails to value historic prevailing character of area. Policy ESD2, 4.7.6 High Quality Design, fails to make positive contribution due to scale, density, height, layout, materials used and residential amenity.
- Fails to comply with Local Plan policy EQ2, fails to respond positively to character, local distinctiveness and form of surroundings through quality of design in terms of scale height, form, massing, style and materials
- Development fails to reach required standard that the area deserves and goes against numerous policies

## Living Conditions

- Flat roof to rear should not be used as living space, will impinge on neighbour's privacy
- First floor would overlook front of my property and garden taking away my privacy
- Windows to side will overlook Tower House and Tower Grange, detrimental to owners as they are having to look onto a modern facade
- Such an imposing ultra-modern property will have a detrimental effect to the devaluation of my property and to everyday life
- As well as losing light I will be overlooked by two storey development which has doors leading from bedrooms to a flat roof area
- Concerns as to underground garage and effect on my property

## **Highway Safety**

- Increase in traffic, often with careless disregard of speed, possibility of nasty crash is a real worry
- Electric gates would cause congestion

## **Trees**

- Trees should be planted to the rear to provide privacy screening
- Previous bungalow demolished without informing Council, removing trees including a TPO without relevant permission
- Fails to comply with Formby and Little Altcar Neighbourhood Plan policy ESD7 Trees and Landscaping, should not result in net loss of trees, new landscaping should be mature

## **Other Matters**

- Request removal of Permitted Development Rights
- Would be neighbourly gesture to clear ditch along Grange Lane and replant in natural style to maintain character and charm
- Plot advertised for sale with plans of proposed development prior to planning being approved

## **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.

The Formby and Little Altcar Neighbourhood Plan was 'made' (i.e. adopted) on 21st November 2019 and carries full weight in decision making.

## Assessment of the Proposal

The main issues to consider are the principle of development, the impact on the neighbouring historic buildings, the impact on the character and appearance of the area, the impact on the living conditions of the neighbouring properties, the impact on highway safety, the impact on trees and the impact on drainage.

### Principle

The application site lies within an area identified as Primarily Residential within the Local Plan and as such the proposal for residential development complies with the aims of policy HC3 (Residential Development and Primarily Residential Areas).

Policy GP1 of the Formby and Little Altcar Neighbourhood Plan seeks to ensure that housing is directed to the town of Formby and Little Altcar. As this is within the existing settlement boundary it is considered that the proposal complies with policy GP1.

The proposal is therefore considered to be acceptable in principle, subject to other material considerations.

### Listed Building

The proposal is near to numbers 2 and 4 Grange Lane, (known as Tower House and Tower Grange), Grade II Listed Buildings and near a Non-designated Heritage Asset, numbers 95-97 Freshfield Road. As a result, policies NH11 and NH15 are material considerations.

Policy NH11 (Works Affecting Listed Buildings) of the Local Plan seeks to ensure that development affecting a building's setting respects and conserves historic and positive existing relationships between the listed building and its surroundings.

Policy NH15 (Non-Designated Heritage Assets) states that development will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced.

The proposal is for a modern design that is on a similar footprint to the previous building, which at the time of its construction, was also considered a modern building.

The building respects the footprint of the previous bungalow with an addition to the side. The layout of the building works with the plot, respecting the space to its neighbours. Views are maintained to the listed buildings due to the position of the proposed dwelling, preserving existing trees and additional trees to strengthen the boundary of the site. The scale of the proposal responds to the context of the site. The increase in height will be minimised by the provision of the additional trees to be planted.

In addition, a hedge is proposed to the frontage, this would help to reduce the impact of the proposed dwelling and would be set behind the revised boundary wall. The revised wall would be of a small-scale construction using reclaimed red brick similar to the previous wall. Details of this can be secured by condition.

The materials to be used in the external construction do not compete with the listed buildings and the design of the proposal offers clear differentiation. In order to ensure the materials are complementary to the listed buildings, a condition could be attached requesting details of the construction materials to be submitted prior to installation on the site.

It is therefore considered that the proposal will not cause any harm to the setting of the listed building or to the non-designated heritage assets.

### **Character and Appearance**

Policy EQ2 (Design) of the Local Plan seeks to ensure that development responds positively to the character, local distinctiveness and form of its surroundings. This is reflected within policy ESD2 (High Quality Design) of the Formby and Little Altcar Neighbourhood Plan.

The design of the proposed dwelling takes inspiration from surrounding properties in terms of the use of materials and finish. While a flat roof area is proposed, this would be a modern approach to reduce the impact of the proposal and reflect the modern design of the building as a whole. Other properties in the area would have a pitched roof to the lower element of the dwelling, however, given the level of planting proposed and existing, it is considered that the flat roof area would not cause any harm to the character of the street scene or of the character and appearance of the wider area.

The introduction of the basement garage, would establish a three-storey element to the development. However, the majority of the building would be 2 stories above ground level, with the basement garage being constructed underground, with a ramp leading to it. This element would not cause harm to the character of the area and would be compliant with policy H5 of the Local Plan.

Concerns have been raised around the increase in density of the site. However, the proposal would not result in any net increase in dwellings on the site and the density would be the same, this would comply with policy H1 of the neighbourhood plan. The proposal would see a larger footprint, however, the general scale and massing would not be uncharacteristic of the area, whilst there would remain ample space around the site to ensure it sits comfortably on the plot.

## **Living Conditions**

### *Future Occupiers*

The proposal will ensure that the private amenity space exceeds the Council's minimum requirement and each habitable room will have an acceptable outlook and source of natural light.

In this regard the proposal is considered acceptable.

### *Neighbouring Properties*

At first floor level the proposed dwelling would be 7.9m from the rear boundary (shared with no.3 Grange Lane) at its closest point. While this is below the recommended distance within the Council's guidance of 10.5m to shared boundaries, a distance of 25m from the side elevation of the property to the rear would be maintained, which is considered acceptable. There are windows to the side of number 3, these windows are 17.4m from the boundary with the application site.

The proposed ground floor would not have any windows to the rear elevation closest to the boundary with number 3. Given that the ground floor would have a flat roof and a height of 2.65m, it is considered that this would not have a significant impact in terms of a loss of outlook to number 3 Grange Lane.

A window is proposed to the rear elevation at first floor level which could cause overlooking into the neighbour's garden. In order to ensure that this would not result in a loss of privacy an amended plan has been received, which restricts this window to be obscure glass and non-opening, this could be conditioned.

In relation to the other first floor windows to the proposed dwelling, these would be 18m from the boundary and sufficiently distanced from the neighbouring property and would therefore not result in a loss of privacy.

Given the orientation of the site and the distance of the first-floor element to the boundary with number 3, it is considered that the proposal will not result in a significant level of overshadowing.

Concerns have been raised with regards to the flat roof element including a roof terrace, however, there are no proposals to include a roof terrace. That said, a condition could be attached to any approval to remove the ability to use the flat roof as a roof terrace to prevent unacceptable levels of overlooking occurring.

The proposal complies with interface distances to other neighbouring properties and would not give rise to concern of overlooking, overshadowing or the creation of an overbearing outlook.

Given the proximity to neighbouring properties, it is considered that any additions to the property under permitted development could cause harm to the living conditions of neighbouring properties, such as the installation of windows to elevations and extensions to the upper floors. As a result, it is considered appropriate to remove permitted development rights to the dwelling. This would ensure that any future changes to the dwelling can be assessed by the Local Planning Authority. This can be secured by condition.

It is acknowledged that the front elevation of the storage building to be constructed to the rear garden has not been submitted with the application, albeit the drawings do show part of the front elevation along with the side elevations. For the avoidance of doubt and to ensure control over the development, it is proposed to add a condition requiring full details be submitted prior to its commencement.

### **Highway Safety**

The proposal includes an amendment to the existing pedestrian and vehicular access onto Freshfield Road, with the inclusion of an electric gate to a splayed-access. The splayed access would ensure visibility between pedestrians and vehicles emerging from the site and is therefore considered to be acceptable.

The submitted plans indicate that sufficient parking is available for the proposal consistent with policy H6 of the neighbourhood Plan.

The garage to be provided as part of the proposal would be of a size capable of accommodating two vehicles, while parking is also provided to the front of the premises. This would be screened by the trees and hedge to the front of the dwelling and would therefore comply with policy H7 of the neighbourhood plan.

Concerns have been raised in relation to highway safety in relation to the access gates. These are in the same position as the existing and will therefore not cause any harm in terms of highway safety.

### **Trees**

The site contains several trees which would be retained. No trees are proposed to be felled. A plan has also been submitted which shows the additional planting of six trees on the site, details of which can be secured by condition. The Council's Tree Officer has confirmed this is acceptable. The proposal would be in accordance with policy ESD7 (Trees and Landscape) of the Neighbourhood Plan.

In relation to the removal of a tree under a Tree Preservation Order, this has been investigated by the Council's Enforcement Team and confirmed that this has been undertaken without the relevant permissions. The tree is to be replaced under the above landscaping scheme which is supported by the Council's Tree Preservation Officer.

## **Drainage**

The proposal would be a replacement for the previous bungalow and would connect to the existing drainage on the site. The application also references the installation of a soakaway. The site lies within a critical drainage area, however, no objections have been raised by the Flooding and Drainage Manager. An informative is attached which sets out how sustainable drainage should be approached on the site.

## **Other Matters**

A request has been made for the applicants to clear the existing ditch to Grange Lane. This is outside of the scope of works of this planning application and not something that can be secured by the Local Planning Authority.

In relation to the plot being advertised for sale prior to the determination of the planning application, this is not something that can be used as a reason for refusal of the application. Any works undertaken within the benefit of planning permission being granted are at the risk of the owner of the site.

## **Conclusion**

The proposal is acceptable in principle and will not cause any harm to the setting of the listed building or to the non-designated heritage assets. The proposal will not cause any harm to the character and appearance of the area or to the living conditions of future or neighbouring properties. The proposal is considered acceptable in terms of highway safety, trees and drainage aspects.

The proposal therefore complies with local policies and is recommended for approval subject to conditions.

## **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: P\_00, P01, P\_02B, P\_03, P\_04, P\_05A, P\_06, P\_07, P\_08, P\_09A, P\_10, Site Constraints/ Interfaces, Arboricultural Method Statement, Tree Survey and Arboricultural Impact Assessment.

Reason: For the avoidance of doubt.

#### **Before the Development is Commenced**

- 3) No development shall commence, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include the following: A scheme of piling methodology, which provides justification for the method chosen and details noise and vibration suppression methods proposed. Further advice in relation to this requirement can be found in the attached informative.

Reason: To safeguard the living conditions of neighbouring/adjacent occupiers and land users during both the demolition and construction phase of the development.

#### **During Building Works**

- 4) Prior to the commencement of the rear storage building as illustrated on drawing no P\_02B, full details of the proposed storage building (including full elevations and materials) to be constructed to the rear garden area shall be submitted to and approved by the Local Planning Authority. The building shall be constructed in accordance with the approved details.

Reason: To protect the living conditions of neighbouring properties

- 5) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces of the boundary wall with reclaimed red brick and red clay tiles, grey Welsh slates to the roof and blackened larch timber to the elevations are submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: These details are required prior to external construction to ensure an acceptable visual appearance to the development.

#### **Before the Development is Occupied**

- 6) No part of the development shall be occupied until a scheme detailing the planting of 6 trees and details of the hedge to rear of the front boundary wall has been submitted to and approved in writing by the local planning authority. The scheme shall include details of their species, size, location and maintenance. If within a period of 5 years from the date of the

planting of any tree proposed as part of the landscaping scheme, or any tree planted in replacement of it, is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place during the next planting season immediately following the death/removal/destruction of that tree.

Reason: To ensure an acceptable visual appearance to the development.

- 7) The hereby approved dwelling shall not be occupied until full fibre broadband connections to the proposed dwelling has been installed prior to occupation and made available for use immediately on occupation of the dwelling.

Reason: To ensure adequate broadband infrastructure for new dwellings and to facilitate economic growth.

- 8) The development shall not be occupied until a minimum of 1 electric vehicle charging points have been installed and are made available for use within the development as permitted. The infrastructure shall be permanently retained thereafter.

Reason: To facilitate the use of electric vehicles and to reduce air pollution and carbon emissions.

### Ongoing Conditions

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision re-enacting or revoking the provisions of that Order), no window or dormer window shall be added to the property unless expressly authorised.

Reason: In order to protect the residential amenities of nearby occupants.

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no garages, outbuildings or other extensions to a dwelling shall be erected unless expressly authorised.

Reason: In order to protect the character of the area/ residential amenities of nearby occupants.

- 11) The roof area of the hereby approved dwelling shall not be used at any time as a storage area, balcony, roof garden or similar amenity area and no window or door to the dwelling either existing or proposed shall be installed or otherwise adapted to afford such use.

Reason: To ensure that the privacy of neighbouring occupiers/land users is retained at all times.

- 12) The first floor window to the rear elevation facing number 3 Grange Lane, shall be fitted with obscure glass to level 3 of the Pilkington Scale or similar and shall be non-opening.

Reason: To ensure that the privacy of neighbouring occupiers/land users is retained at all times.

### **Informatives**

- 1) There are a variety of piling methods available, some of which cause considerably greater noise and vibration than others. It is common for the prevailing ground conditions to influence the chosen method of piling. Where the prevailing ground conditions would permit more than one piling method, the Council would expect the contractor to choose the method which causes the least amount of noise and vibration, in accordance with the following hierarchy:

Pressed-in methods, e.g Hydraulic jacking  
Auger/ bored piling  
Diaphragm Walling  
Vibratory piling or vibro-replacement  
Driven piling or dynamic consolidation

Should the contractor proposed to use a method which is not the preferred lower impact option, then satisfactory justification will need to be provided in order to demonstrate the piling method that is utilised meets Best Practicable Means (BPM). Please note vibration monitoring will be required for all piling projects. For further advice on what to include in your piling methodology scheme and current standards please contact Sefton's Pollution Control Team.

- 2) Access for fire appliances should comply with the requirements of Approved Document B5 of the Building Regulations.

Water supplies for fire-fighting purposes should be risk assessed in accordance with the undermentioned guidance in liaison with the water undertakers (United Utilities 0161 907 7351) with suitable and sufficient fire hydrants supplied.

### **Housing**

Housing developments with units of detached or semi-detached houses of not more than two floors should have a water supply capable of delivering a minimum of eight litres per second through any single hydrant. Multi occupied housing developments with units of more than two floors should have a water supply capable of delivering a minimum of 20 to 35 litres per

second through any single hydrant on the development.

The premises should comply with Section 55 of the County of Merseyside Act 1980.

- 3) The development site is at significant risk from surface water flooding.

The Council advises that sustainable drainage on a property level is considered by the applicant in order to retain surface water runoff from roofs and impermeable surfaces within the boundary of the development. This includes taking measures such as installing water butts, permeable paving and roof gardens.

The applicant should implement the drainage scheme in accordance with the surface water hierarchy below, 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.

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.