

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th March 2022

Subject: [DC/2021/00123](#)
[90 Roe Lane Southport PR9 7HT](#)

Proposal: Erection of single storey extension to existing cottage with 2 detached dwellinghouses on land to be severed from 90 Roe Lane

Applicant: Mr. M Lowe **Agent:** N/A

Ward: Norwood Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Cllr Myers

Summary

The application seeks consent for the erection of two detached dwellings to the rear of an existing detached two-storey cottage on Roe Lane within a primarily residential area of Southport, as well as an extension to the existing cottage.

The main issues to consider in respect of this are the principle of development, the impact on the character of the area, the impact on the existing cottage (considered as a Non-Designated Heritage Asset) and the impact on neighbouring living conditions.

Following the receipt of amended plans and applying the planning balance it is considered that the harm arising from this proposal with regards to the impact of the proposed development on the setting of a building that is classed as a non-designated heritage asset is outweighed by the economic and social benefits, and it is recommended that planning permission be granted subject to conditions.

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=QN6K3BNWH0B00>

Site Location Plan



Sefton Council



Reference: Map reference

Date: 25/02/2022

Scale: Scale 1:1250

Created by: Initials

The Site

The site comprises a long standing two-storey detached cottage lying adjacent to the Roe Lane highway and positioned in front of modern dwellings to either side. The site lies within a designated primarily residential area of Southport. A listing request to Historic England for the existing building was denied earlier this year.

History

A planning application for the erection of 2 detached dwellinghouses following demolition of the existing dwellinghouse (app ref: DC/2020/00472) was previously withdrawn.

Consultations

Conservation

Consider that the amended plans, with the extension to the side, are more detrimental and harmful to the Non-Designated Heritage Asset than the extension to the rear originally proposed. The flat roof to the extension is out of character with the main building. Also disappointed that the front elevation windows of the side extension are not more traditional in style such as timber sliding sash windows.

Environmental Health Manager

No objection subject to a condition securing a construction environmental management plan and conditions relating to potential road noise impacts on the new dwellings.

Flooding & Drainage

No objection.

Merseyside Environmental Advisory Service

No objection subject to the submission of bat surveys prior to determination.

Tree Officer

No objection subject to the submission of an arboricultural impact assessment.

Highways Manager

No objection to the proposal subject to conditions.

Neighbour Representations

Representation received from Councillor Myers objecting to the proposal due to the detrimental impact on the living conditions of Number 94 Roe Lane.

A petition with 49 signatories objecting to the proposal has been endorsed by Councillor Myers. The petition objects to the proposal regarding concerns over the future of the existing building, overdevelopment of the site and detrimental impacts on neighbouring living conditions.

Objections received from or on behalf of Numbers 54, 69, 71 73, 74, 77, 86, 88, 90*, 94, 96, 102A Roe Lane, 4a Wennington Road, 18 Bengarth Road, 103 Balmoral Drive (all Southport), Blackpool Old Road, Preston.

*(*Address given as 90 Roe Lane on the submission through the public access system, but unlikely to be from occupiers/interested parties of the application site)*

Points of objection relate to:

Living Conditions

- Concerns about overlooking from areas of large glazing
- Concerns about overlooking neighbouring gardens
- Concerns about overshadowing neighbouring gardens
- Proposal will introduce a dominant and overbearing development

Highway Safety & Amenity

- Concerns about the access width to the two houses
- Concerns about visibility leaving the site

Existing Building

- Concerns about the longevity of the existing building
- Existing building is a landmark building within Southport
- The existing building should be afforded protection
- Cottage has been nominated and accepted as a candidate on the new 'Local Heritage List for Sefton'
- As the building was formerly a smallholding the cramped garden to be retained is at odds with its character
- Object to the flat roof extension

Character of the Area

- Overdevelopment of the site
- Proposed houses do not respond positively to the area
- Lack of space around the properties

Other Matters

- Concerns over drainage from additional dwellings and removal of green space
- Concerns over impacts of piling/ground compaction during construction
- Inadequacy of submitted documents
- Unhappiness with a number of comments made by the applicant in the design & access statement e.g. implication that if this application was refused a block of flats would be built following the demolition of the frontage building.

A letter of support, in principle, has been received from Number 67 Roe Lane. Support the principle of the two houses but would prefer the houses to be of a more traditional design and would strongly prefer them to be aligned with existing frontages. Concerns regarding the retention of the cottage as this compromises any development of the site. The existing cottage is not a particularly attractive outlook from neighbouring properties and development may be better if this was removed.

A letter of support has been received from Number 82 Roe Lane stating that the site is currently an eyesore to the area and has been for many years and is in desperate need of redevelopment. However, they do consider that a proposal including the demolition of the existing cottage and replacement with houses in line with neighbours would be far more acceptable.

A neutral letter has also been received Number 71 Roe Lane stating a preference for the land to be cleared and two new houses of similar style to the existing housing to be built within the existing building line.

Some objectors, while opposing the application on a number of different issues, indicate a preference for a development coming forward that would demolish the existing building and instead provide dwellings within the Roe Lane building line to better blend in within the area.

Southport Civic Society

A representation has also been received from Southport Civic Society that does not object nor support the application. The representation disagrees with the submitted heritage statement that the existing building is of little architectural value and limited historical value, considering that the building adds distinct character, it is a prominent reminder of the past and it should be protected. While not objecting the civic society consider that the backland development is a departure from the original plot pattern and that the impacts should be reviewed carefully.

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 consent for the building of two detached two-storey dwellinghouses to the rear of the site and an extension to the existing two-storey building to the front.

The main issues to consider in respect of this application are the principle of development, the impact on the character of the area, the impact on a non-designated heritage asset and the impact on neighbouring living conditions.

Principle of Development

As this site lies within a designated Primarily Residential Area, Local Plan policy HC3 'Residential Development and Primarily Residential Areas' is of direct relevance. This allows for new residential development where it is consistent with other Local Plan policies.

Subject to the assessment of the other matters that follow, the principle of development can be accepted.

Character of the Area

Policy EQ2 'Design' of the Local Plan states that development will only be permitted where, amongst other matters, in relation to site context, the proposal should respond positively to the character, local distinctiveness and form of its surroundings. The policy also requires in terms of site design, that the arrangement of buildings, structures and spaces within the site, including density and layout, and the alignment and orientation of buildings relates positively to the character and form of the surroundings, achieves a high quality of design and amongst other things, integrates well with existing street patterns. The Council's supporting guidelines for new housing includes guidance specific to proposals for backland development and, amongst other things, seeks that the form and layout respect the character of the area.

Development behind frontage properties is evident within the area ranging from a block of flats to cul-de-sac developments. The proposed houses to the rear will be read against this existing character and will not present a jarring feature.

The backland houses depart from the form and appearance of the frontage dwelling and its neighbours to either side but this will better delineate old and new. Further, this change in form reflects the different characteristics of this site than the more structured and standard layouts of neighbours to either side. While the form will be different, the materials to be used in their external construction can be seen to properties within the area and do not represent a departure in this regard.

The separation distance from the road will lessen the contribution of the two properties to the streetscene as they will be largely screened from approaches along the east or west of Roe Lane, with neighbouring properties providing a built backdrop to the single-storey garage to the front of Plot 1.

The proposed extension to the frontage dwelling will not have a material impact on the character of the area as domestic extensions are commonplace within the area.

It is therefore considered that the proposal is appropriate in its effects upon and contribution towards the character of this residential area.

Non-Designated Heritage Asset

A request to list the building was made to Historic England but this was denied for a number of reasons but largely because "houses of this date are common nationally, and this example is standard rather than special in the national context". It was also noted that little in the way of original fixtures and fittings was retained and while close to listed buildings (79-83 Roe Lane) "the degree of group value conveyed by this is insufficient to compensate for its lack of intrinsic interest in the national context."

It is important that Historic England noted that the refusing of listing 'should not be taken to undermine its interest in a more local context'. As evident from the representations from the Council's conservation officer and those from third parties that the existing building is recognised as a non-designated heritage asset (NDHA), with its appearance and setting contributing to a sense of place for the area. This has been made clear with an objector stating that the property has been nominated and accepted as a candidate on the new 'Local Heritage List for Sefton'.

In respect of NDHA, Local Plan policy NH15 'Non-Designated Heritage Assets' is directly applicable. This policy states that development affecting a locally listed asset or its setting, or a non-designated heritage asset or its setting, will be permitted where the aspects of the asset which contribute to its significance are conserved or enhanced.

The Council's conservation officer considers that the proposed dwellings and subsequent subdivision of the plot would cause harm to the setting of this NDHA with the integrity of its original curtilage being compromised and that such harm would have to be weighed against the public benefits of the proposal as a whole.

They state that the public benefits could include "that of heritage benefits, removing risks to the heritage asset by its retention, return to sustainable use, repair and reinstatement of historic features. The quantum of development provided should secure the optimum viable use of the building in support of its long-term conservation in line with local and national policy and prevent the building from future complete loss."

Following the receipt of amended plans the conservation officer considers that the side extension to the dwelling (rather than the rear as originally shown) would be detrimental and detract from the character of this building.

However, as is noted within the applicant's design & access statement, and is still applicable here, the extensions are largely shown for information purposes as they could be undertaken as permitted development (i.e. development that does not require formal planning approval) in any case.

Finally, it must be highlighted that, as mentioned in the design & access statement, the demolition of this existing building could be pursued under a prior notification of proposed demolition where the heritage value would not be part of the consideration. Given that a listing request was recently denied it would be unlikely that any further requests for the same would be successful.

As this potential avenue has been made explicit by the applicant then this represents a legitimate 'fallback' in the event that there are concerns raised as to the impacts on this NDHA given that the building could be lost in its entirety with no consideration under the prior approval process given to the heritage value of the building.

In respect of balancing harm, this will be undertaken below.

Living Conditions

Neighbouring Properties

Concern was raised by neighbours and by the Council about the likely impacts of the two backland properties on the outlook from and overshadowing to ground-floor habitable room windows to neighbouring properties plus concern as to the potential impacts of overshadowing the same as well as overshadowing rear gardens.

To address this the applicant amended the proposal to move two-storey elements of the dwellings further away from the shared side boundaries, while also highlighting the presence of neighbouring single-storey buildings running along the boundaries that largely screen windows. In respect of overshadowing the setting in of the two-storey elements will also lessen early and late afternoon overshadowing, which is also caused to a limited degree by the aforementioned neighbouring buildings.

It is agreed that the changes within the amended plans address the concerns in respect of overshadowing and outlook from neighbouring properties and the amended proposal would not cause unacceptable impacts on the living conditions of neighbouring properties.

There is a block of flats to the rear of the site, Claridge Court, where the windows to the side elevations facing the site consist of obscured glazing (as seen on site and as verified in drawings for this development). This will ensure there would not be any issues arising from overlooking or a loss of privacy and with the proposal to the north of this building there will be no issues from overshadowing.

It is therefore considered that the proposal is acceptable in regard to its impacts on neighbouring properties.

Current & Future Occupiers

An objector has highlighted the reduced distances between existing and proposed windows within the development, when compared against the minimum recommended between habitable room windows within the Council's guidance on new housing development, but such an arrangement would be evident to any future occupier. The distances will still ensure good outlook from habitable room windows to the proposed dwellings, and from the existing dwelling to the proposed houses, while the garden sizes proposed to the proposed dwellings and that to the retained dwelling are of an appropriate size to comply with the Council's guidance.

Other Matters

Highways

The Council's highway engineers have not raised any objections to this proposal subject to a number of conditions being attached to any approval relating to the provision of parking and manoeuvring areas for the new dwellings, provision of electric vehicle charging points for the new dwellings and acceptable visibility splays being provided for the access on to Roe Lane.

Flooding & Drainage

No objection was received from the Council's flooding & drainage engineers.

Ecology

The Council's ecologists at the Merseyside Environmental Advisory Service recommended that bat surveys were undertaken of the existing dwelling as well as trees and outbuildings within the site, however this has not been done.

During the determination of the application the single-storey outbuildings to the rear of the site were demolished, which did not require any formal planning approval, and as such at the time of this report there aren't buildings that require surveying.

In respect of surveying of trees, there aren't any trees of note within the site that would be affected by this development (as observed on a site visit).

Surveys for the existing dwelling are also not considered necessary given the minor nature of the single-storey extension to the building and that such works could be undertaken as permitted development. The applicant would still have a responsibility under the wildlife and Countryside Act an informative could be attached to draw the applicants attention to this.

Trees

The Council's tree officer sought an arboricultural impact assessment but the site does not contain any mature trees that would warrant this. Previous streetview images shows there to have been trees on this site but these have been removed. As the site is not governed by a tree preservation order and not within a designated Conservation Area permission was not required for their removal.

The Tree Officer was advised this and confirmed that no further assessments were required.

Planning Balance

At the heart of both the Local Plan and the National Planning Policy Framework (NPPF) is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These roles are interdependent and must be jointly sought to achieve sustainable development.

As seen above, the proposal is appropriate within the area, whilst it has been demonstrated that the proposal would be capable of providing acceptable living conditions for future occupiers, would not cause harm to the living conditions of neighbouring properties or cause harm to highway safety. No weight can be given to these elements as they are policy requirements and must be met as a minimum for any development.

The proposal will provide for a net increase of 2 residential properties, which will contribute to Sefton's housing supply. The Council can currently demonstrate a five year housing supply (currently at 5.1 years, noting it is a reduction from a previous 6.0 year position) but this modest windfall site will be of benefit to this supply. This will meet the social objective set out in paragraph 8 of the NPPF. This matter is afforded modest weight.

Paragraph 81 of the NPPF states that significant weight should be placed on the need to support economic growth. This proposal through the construction of the dwellings and expenditure associated with additional households in the area may provide modest economic benefits to which moderate weight is attached as it will accord with the economic objective set out in para 8 of the NPPF.

Weighing against the proposal is the harm arising from the changes to the curtilage and the setting of the non-designated heritage asset.

The weight to be given to this is difficult to determine. According to paragraph 203 of the NPPF "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset" and this approach is also reflected in the explanatory text to Local Plan policy NH15.

The existing building is not an asset of community value or a designated heritage asset and as such it is not considered that the changes to curtilage and impacts on its setting can be afforded more than very limited weight particularly as the prominence of the building to the streetscene will be largely unchanged, and the appreciation of its curtilage is limited to direct views in front of the building, views that were formerly screened by trees.

If it is deemed that the change in curtilage and subsequent setting of the building does not comply with the environmental objective within para 8 of the NPPF the harm arising could be afforded limited weight.

It is evident that the proposal has positive benefits in relation to two of the three overarching objectives for sustainable development as set out in para 8 of the NPPF, social and economic, but on a cautious approach it could be held to fail the environmental objective.

However, it is considered on balance that the benefits of the scheme outweigh the limited harm arising from the reduction in curtilage and impacts on the setting of the NDHA (noting the extension could be undertaken as permitted development).

The proposal is therefore considered to be sustainable development and is compliant with the aims and objectives of the Local Plan and all other material considerations including the National Planning Policy Framework.

Conclusion

For the reasoning set out above it is considered that on balance the application is acceptable and should be granted consent with the conditions that follow.

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:

A/639/LP-02 'Location and Block Plans'
A/639/P03A 'Proposed Site Plan'
A/639/P04A 'Proposed Cottage Plans and Elevations'
A/639/P05-01A 'Proposed House Plot 1 Floor Plans'
A/639/P05-02A 'Proposed House Plot 1 Elevations'
A/639/P06A 'Proposed House Plot 1 Floor Plans and Elevations'

Reason: For the avoidance of doubt.

Before the Development is Commenced

- 3) No development shall commence, including any works of demolition, 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.

Reason: To safeguard the living conditions of neighbouring occupiers and land users during the construction of the development.

Before the Development is Occupied

- 4) A suitable scheme of acoustic glazing for any habitable room with line of sight to the A5267 must be agreed in writing with the Local Planning Authority. The approved scheme must be installed before the dwelling becomes occupied and retained thereafter.

Reason: In the interests of living conditions.

- 5) A suitable scheme of acoustically treated ventilation for any habitable room with line of sight to the A5267 must be agreed in writing with the Local Planning Authority. The approved scheme must be installed before the dwelling becomes occupied and retained thereafter.

Reason: In the interests of living conditions.

- 6) No dwelling shall be occupied until space has been laid out within the curtilage of that dwelling for cars to be parked and that space shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason: To ensure that enough car parking is provided for the development and to ensure the safety of highway users.

- 7) Neither new dwelling shall be occupied 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 1.0 metres above the footway level of Roe Lane.

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.

- 8) No dwelling shall be occupied until the vehicle access has been constructed to the base course level to enable access to the dwellings.

Reason: To ensure that acceptable access is achieved to the development and to safeguard other highway users at all times.

- 9) Neither new dwelling shall be occupied until at least 1 electric vehicle charging point to serve that dwelling has been installed and is made available for use and retained thereafter.

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

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 4195 or E-Mail snn@sefton.gov.uk to apply for a street name/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 at HDD.Enquiries@sefton.gov.uk for further information.
- 3) 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.