

Report to: PLANNING COMMITTEE **Date of Meeting:** 1 June 2022

Subject: [DC/2021/01739](#)
[102 The Serpentine North, Blundellsands, L23 6TJ](#)

Proposal: Erection of a two storey extension to one side, a part two storey/part single storey extension to the opposite side, a two storey extension to the rear, single storey extensions to the front and rear of the dwellinghouse, a roof terrace and partial conversion of the existing garages.

Applicant: Mr & Mrs. Paul & Holly Finnegan **Agent:** Diaz Associates

Ward: Blundellsands Ward **Type:** Householder application

Reason for Committee Determination: Petition endorsed by Councillor Roscoe

Summary

The proposal is for various extensions to the dwelling in an Art Deco style. The property lies within Blundellsands Park Conservation Area, therefore the main issues to consider are design and impacts on heritage alongside matters relating to living conditions of existing neighbours. The existing post-war property makes a neutral contribution to the character and appearance of the Conservation Area.

The proposed extensions would substantially alter the appearance of the dwelling and give rise to a considerably greater overall footprint. However, considerable works would also take place to the existing dwelling and it would read as a single, coherent form, such that the extensions would not appear disproportionate in visual terms to the original post war dwelling. It would also reflect a number of other recent additions identified both within and outside the conservation area. The proposals confirm no harm to surrounding tree cover and have also been assessed in relation to the impacts on ecology (most notably, sand lizard habitat).

The proposal would preserve the character and appearance of the Conservation Area in line with local and national policy requirements. No harm arises to heritage assets and given the design is acceptable, and there is no significant harm to the living conditions of neighbouring residents, the application is recommended for approval.

Recommendation: Approve with Conditions

Case Officer Steven Faulkner

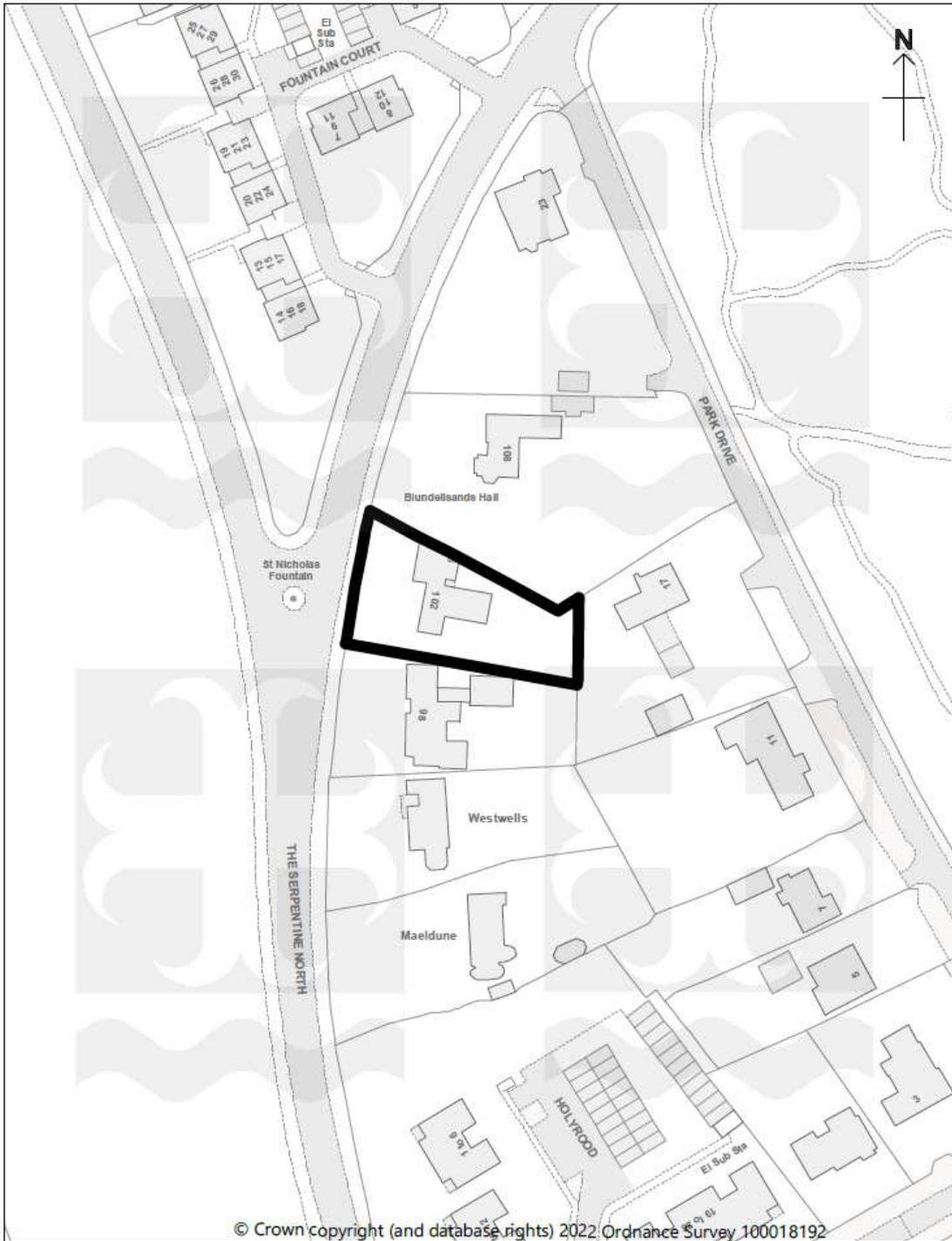
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QVRVPUNW08800>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 23/05/2022
Scale: Scale: 1:1250
Created by: Initials

The Site

The application site comprises a detached 1960s two-storey dwellinghouse with east-facing garden located at 102 The Serpentine North within Blundellsands Park Conservation Area.

History - None

Consultations

Conservation Officer

Impact on Heritage Assets

As set out, the application is for extensions to the existing property at 102 The Serpentine North. However the proposal would in effect create the appearance of an entirely new dwelling. The proposed style has been described as contemporary Art Deco within the Design and Access Statement. Although this is not characteristic of Blundellsands Park Conservation Area, it is a style found elsewhere along Sefton's coast contributing positively to the respective localities. Modern materials proposed such as render do feature on some older properties within the Conservation Area such as Baringo, 61 Burbo Bank Road, as well as on more recent additions such as the nearby Admirals Quay apartments and 55 Burbo Bank Road, also located within the Conservation Area.

The proposal does make a number of substantial changes to the existing property which would have a significant visual impact on the Conservation Area. However, the changes are such that they would have the potential to enhance the existing property which is of neutral interest. In terms of plot to dwelling ratio, visually at least, the proposal would maintain the spacious character which defines the Conservation Area, the first floor and terrace being notably set in from either side, this maintaining the existing rhythm of the streetscape.

In spatial terms, it is noted that the extensions would take up a large portion of the plot, although it and its closest modern neighbours already occupy a large portion of their plots which themselves are smaller than historic plots which are identified in the Conservation Area Appraisal to contribute to the character of the conservation area. Indeed, the application site forms part of a previous subdivision dating back to the 1950s with the loss of 'Seacroft'. The existing plot does not therefore contribute positively to the character of the Conservation Area, as it does not have any historic significance by contrast with those larger plots that remain which do contribute positively.

Concerns have been raised over impacts on views in and out of the Conservation Area. Given existing built form and boundary treatment at ground level and the setting in of the building at first floor level, the proposed works would have no greater impact than the existing dwelling which does not allow for important views through the Conservation Area. There are longer distance views from the coastal path looking north and east towards the dwelling, but these are not considered to materially obscure existing views of 108 Blundellsands Hall, or the adjoining neighbour to the north, which is

set a substantial distance from the southern boundary. These views also contain a number of modern buildings as highlighted on Plan 6 of the Conservation Area Appraisal showing relative ages of buildings. The number of modern buildings seen within the view from the coast is also highlighted in Section 4.3 Views and Vistas Within the Conservation Area.

Views of the Conservation Area obtained from within the Key Park would also have no greater impact than existing, with long distance views still perceptible with no material difference through mature woodland and foliage.

Overall while it is clear that there are concerns regarding the style of the proposed works being out of character with the Conservation Area, it is considered that the unique design would as a minimum preserve the character and appearance of Blundellsands Park Conservation Area as required by policies NH9 and NH12.

There are a variety of modern properties of different ages and designs within the Conservation Area as it stands. Although it would clearly contrast in style with historic neighbouring properties such as 108 Blundellsands Hall, it is not considered that this extension would compete in a harmful manner which detracts from those buildings which make a positive contribution to the appearance and character of the Conservation Area. In terms of the St Nicholas fountain, the extended dwelling would present a different backdrop when viewed front on, but the fountain is already seen within the setting of the existing 1960s property and other substantial modern residential development along the Serpentine and Burbo Bank Road North. As such there is no harm resulting to the fountain or its setting, and the proposal does not harm the significance of the fountain or affect its character as a building of special architectural or historic interest.

A number of residents in their objections have also referred to applications refused and dismissed on appeal within Blundellsands Park Conservation Area, including at 'Emrow' and more recently at 'Hawkstone'. Both of these involved the subdivision of historic plots to create new dwellinghouses and thus cannot be directly compared to the current application as these historic buildings positively contribute to the Conservation Area and retain the character of large houses set in large spacious plots, an important element of the Conservation Area and of buildings which contribute to its significance.

Recognised Non-Designated Heritage Assets (NDHA)

Dating from 1963, a property known as Maeldune stands further along at No.90 Serpentine North and is of sufficient significance to be included on the Merseyside Historic Environment Record and is therefore classed as a NDHA under reference MME18544 with MEAS. The distance between this property and the application site is as such as to have no impact upon the setting of the NDHA which itself stands within its own spacious plot adjacent to substantial modern residential development known as Holyrood Apartments which were constructed in the late 20th century.

The application property is not a recognised NDHA, nor are any of its immediate neighbours. The planning authority identifies recognised NDHAs through the Merseyside Historic Environment

Record and makes accessible to the public their location and relevant information in accordance with Paragraph 40 of the Planning Practice Guidance Note 'Conserving and Enhancing the Historic Environment'. The property does not feature on the Historic Environment Record and is therefore not considered to be an NDHA. The building is not described in the Appraisal as being the work of any notable architect, but the Appraisal does describe the building as a Secondary Landmark. However, this does not automatically bestow the building NDHA status.

It is noted that objectors consider 108 The Serpentine North (Blundellsands Hall) to be an NDHA and they have made a request that the property be considered an NDHA. Whilst the Conservation Area Appraisal describes the property as a secondary landmark building, the intention here is outlined in the Appraisal for such properties to provide a visual point of reference to visitors, adding interest to the streetscene and are important as landmarks. The Appraisal also does not identify the dwelling in Section 6.2 Leading Architects, which details prominent designers whose work within the Conservation Area may add to the architectural significance of the Conservation Area.

Local planning authorities may identify NDHA as part of the decision-making process on planning applications, for example, following archaeological investigations, and equally, MEAS would also consider all evidence-based requests for NDHA classification for any building across the region. There are no archaeological implications for this site and to consider a new NDHA would require clear and convincing research and justification.

Without having the detailed heritage assessment and justification for inclusion of 108 The Serpentine North as a NDHA, it would be difficult to discern what the essential significance of the asset would be in order to discern how its significance is harmed, and as a result weigh a balanced judgement against it as set out in NPPF paragraph 203.

Through a 2020 appeal also within this Conservation Area, the Planning Inspectorate stated that NDHAs may be identified through the planning process, if accompanied by sufficient evidence of merit to do so. A positive contribution to a Conservation Area alone is not enough:

Appeal Ref: APP/M4320/W/20/3252390 23 Park Drive, Blundellsands L23 6TN
Decision date: 17 September 2020

11. The PPG does state that "in some cases" NDHAs may be identified during the application process, for example, following archaeological investigations. Based on the evidence submitted, the planning application was not accompanied by any assessment of historical significance and nothing of that nature has been presented by the Council. Consequently, the process by which the Council has arrived at its conclusion regarding the NDHA is not transparent. Thus, whilst the property makes a positive contribution to the area and its design as well as its origins of a gate lodge are of interest, it is questionable whether it should be considered as a NDHA.

No evidence to advocate that 108 Blundellsands Hall merited NDHA status was supplied at the time of submission or since, and the application was assessed accordingly against policy on the known facts. This approach is supported by the findings of the Inspector in the above appeal.

If it was determined that 108 Blundellsands Hall is worthy of NDHA status, then Policy NH15 Non-Designated Heritage Assets would be relevant. It states:

“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.”

Without supporting evidence, the prima facie aspects which contribute to the significance of 108 Blundellsands Hall appear to be found within its exterior materiality and setting within a large and spacious plot. The proposed development at 102 The Serpentine North would have no impact on the materiality of 108 Blundellsands Hall, nor would the proposed development impact upon the setting of the building which would retain its large and spacious plot. The development would therefore conserve those aspects which contribute to the significance of 108 Blundellsands Hall and would be compliant with the aims of policy NH15 (if applied).

Assessment of impacts on Heritage Assets

As noted above, though the application is for extensions to the existing property, the proposal would in effect create the appearance of an entirely new dwelling. The proposed style has been described as contemporary Art Deco within the Design and Access Statement. Although this is not characteristic of Blundellsands Park Conservation Area, it is a style found elsewhere along Sefton’s coast, where it contributes positively to the respective localities.

While the proposal would have a significant visual impact on the Conservation Area, it would not in turn give rise to a negative impact on its character and appearance. In terms of plot to dwelling ratio, visually at least, the proposal would maintain the spacious character which defines the Conservation Area, the first floor and terrace being notably set in from either side, thus maintaining the existing rhythm of the streetscape. In spatial terms, the extensions would give rise to a more significant building to plot ratio, but the dwelling already assumes a large part of what is already a much smaller plot following its previous subdivision as set out above. As such, the key characteristics of the conservation area as identified by the appraisal are not undermined as a result of the extensions as proposed.

The applicant has amended the scheme to omit painted render (i.e. not in white) and glazed balustrades which were considered to be uncharacteristically modern given the style of the dwelling. A large rooftop pergola has also been omitted from the original proposals.

The applicant has also submitted a street scene elevational drawing which shows the development sitting comfortably within the context of the height, scale and massing of neighbouring dwellings. While the extensions are substantial and do not complement the style of the existing dwellinghouse, given the total re-design the proposals are deemed acceptable.

The existing building and boundary treatment of the application site does not allow for significant views through the CA and any potential importance of views of the adjacent 108 Serpentine North is not mentioned in the Conservation Appraisal in Section 4.3. Views of 108 The Serpentine North will not be obscured by the proposal so its value as a visual reference will not be diminished. 108 The Serpentine North is also set within its own large plot with a substantial garden between it and the application boundary.

The existing boundary treatment will not be affected by the proposal, so any views from ground level will be preserved. Above a large double garage, the existing building features a substantial terrace at first-floor level bordered by timber fencing. The proposal seeks to build up the terrace, however the first-floor level is proposed to be set in further than the existing terrace. This will preserve the existing long-range views through the site obtained from the coastal path.

There are longer distance views from the coastal path looking north and east towards the dwelling, but these are not considered to materially impact on existing views of 108 The Serpentine North, or the adjoining neighbour to the north, which is set a substantial distance from the southern boundary. These views also contain a number of modern buildings as highlighted on Plan 6 of the Conservation Area Appraisal showing relative ages of buildings. The number of modern buildings seen within the view from the coast is also highlighted in Section 4.3 of the CAA: Views and Vistas Within the Conservation Area.

Overall while it is clear that there are concerns regarding the style of the proposed works being out of character with the Conservation Area, it is considered that the unique design provides a betterment which would not have a negative impact on the character and appearance of the conservation area. Given the neutral interest and contribution of the existing dwelling it is considered that the proposal would as a minimum preserve the character and appearance of Blundellsands Park Conservation Area as required by policies NH9 and NH12. The proposal is of a high-quality design which responds positively to the local area in terms of its scale, height, form and massing. It also has no adverse impact on the layout and historic pattern of development in the Conservation Area.

Although it would clearly contrast in style with historic neighbouring properties such as Blundellsands Hall, on balance it is not considered that this would compete in a harmful manner which detracts from the buildings which do make a positive contribution to the appearance and character of the Conservation Area. This is in part due to the variation brought by taller, bulkier, and more modern approaches to design within the immediate vicinity.

The proposal would not harm the setting of the Grade II listed drinking fountain, which is already undermined by the application property, which does not possess any historic interest relative to the fountain. This dates back to 1881 and its listing description confirms it to be of Ashlar sandstone on polished granite base, of vaguely Gothic style and square plan with bowls on each side. It has an admonitory biblical inscription round base.

The fountain is situated in the middle of a busy 3-way road junction between The Serpentine, The Serpentine North and Burbo Bank Road North, sitting approximately 12 metres in front of the application site. The fountain is surrounded by tarmac and road markings on all sides, with any historic interest or character limited to the fountain itself. There is a significant distance between the fountain and the proposed building which will sit back further still beyond the existing boundary fence. The proposal would not harm the setting of the listed drinking fountain, which is already undermined by the host property and modern boundary treatment, which does not possess any historic interest relative to the fountain.

Given these reasons, it is not considered that the proposal will affect the special architectural or historic interest of the listed fountain or impact upon its setting. The proposal complies with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The proposal has been given careful consideration with regard to the desirability of preserving or enhancing the character or appearance of that area. It is considered that the proposal will preserve the neutral contribution this site makes to the conservation area and preserve aspects of the conservation area which contribute to its character and appearance. As such the proposal complies with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In summary, it is considered that there is no harm to heritage assets that would require consideration of the wider public benefits brought by the proposal. There is no conflict with the provisions of the National Planning Policy Framework, or relevant Local Plan policies set out above.

Merseyside Environmental Advisory Service

Consultation response dated 6 September 2021

The development site is near to the following European sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy NC2 applies:

- Sefton Coast SAC;
- Ribble and Alt Estuaries SPA; and
- Ribble and Alt Estuaries Ramsar site;

I have considered the proposals and the possibility of likely significant effects on European national and international sites using the source-pathway-receptor model. I advise that there is no pathway that could result in likely significant effects on the European sites and the proposals do not warrant a detailed Habitats Regulations Assessment for the following reasons:

- The development is contained within the curtilage of an existing dwelling. There will be no land take;
- The site is separated from the European sites by a road and expanse of amenity grassland that is subject to high levels of recreational disturbance. Qualifying features using the

European sites are exposed to high levels of disturbance closer to them than the development site. Any noise or human activity within the development site is highly unlikely to disturb them over the 150 metre distance as it is unlikely to significantly increase existing levels of disturbance. In addition, the development site is well screened by fences and tall vegetation; and

- It is highly unlikely the proposals would generate pollution that would reach the European sites (dust, run-off) due to separation by a road and the amenity grassland.

Protected Species

Bats

The applicant has advised that bat emergence /re-entry surveys are underway and the final report will be submitted to the Council to support the application. Bats are protected species and a material consideration. Local Plan policy NH2 applies. I advise that the report is required prior to determination.

Reptiles

Sand Lizard has been recorded within the nearby Key Park LWS, this species is protected and Local Plan policy NH2 applies. Slow worm and common lizard have also been recorded within the LWS boundary. The proposed works on site have potential to impact reptile species if they are present. I recommend that an ecologist with experience of sand lizard is commissioned to assess the site and to determine likely potential impacts on sand lizard and other reptile species. The survey and report are required prior to determination.

Red Squirrel

The application site is within the Sefton Coast Red Squirrel Refuge and Buffer Zone which has been adopted by the Council. I advise that any landscaping is with small seed-bearing species which encourage red squirrels and discourage grey squirrels, in accordance with Local Plan policy NH2. Details of tree planting can be provided within a landscaping / planting plan for the site which can be secured by a suitably worded planning condition. Part Two provides further details.

Breeding Birds

Built features or vegetation on site may provide nesting opportunities for breeding birds, which are protected and Local Plan policy NC2 applies. The following planning condition is required.

CONDITION

No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub,

hedgerows, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted for approval.

Archaeology

The focus of the Heritage Assessment (Landor Planning July 2021) is the history and impact to the Blundellsands Park Conservation Area. There are no heritage assets recorded on the Merseyside Historic Environment Record within the proposed development.

The proposed development site is considered to have negligible archaeological potential. I advise that archaeology does not need to be considered further for this application.

Sand Lizard

The site contains habitats that could support Sand Lizard, and this species is known to be present on the adjacent Key Park LWS site. A suitably qualified ecologist should be commissioned to produce a report detailing potential impacts of the proposals on this species. The report should include:

- Assessment of the value of habitats on site for reptiles
- Any further survey requirements
- Mitigation/compensation measures

If the report deems that further surveys for reptiles are required, then these are time restricted (optimum survey period April/May and September) and this may have an impact on determination timescales.

Red Squirrel

Suitable tree species for red squirrel include:

- Scots pine (*Pinus sylvestris*);
- Willow (*Salix* spp.);
- Rowan (*Sorbus aucuparia*);
- Birch (*Betula pendula* or *B. pubescens*);
- Hawthorn (*Crataegus monogyna*);
- Blackthorn (*Prunus spinosa*);
- Alder (*Alnus glutinosa*); and
- Holly (*Ilex aquifolium*).

Waste

The proposals comprise householder development which is unlikely to generate significant volumes of waste. The Merseyside and Halton Joint Waste Local Plan (WLP) Policy WM8 Waste Prevention and Resource Management, National Planning Policy for Waste (paragraph 8) and Planning Practice

Guidance (paragraph 49) require the use of construction and demolition methods that minimise waste production and maximise re-use, recycling of materials on-site and minimise off-site disposal where practicable. I advise the use of waste audits or a similar mechanism such as a site waste management plan to monitor waste minimisation, recycling, management, and disposal.

Consultation response dated 1 November 2021

The applicant has submitted the following reports in accordance with Local Plan policy NC2 which meet BS42020:2013:

- *Inspection and Assessment in relation to Bats, Breeding Birds and Sand Lizards, Tyrer Ecological Consultants, October 2021; and*
- *Dusk Survey Results, Tyrer Ecological Partnership, October 2021.*

The bat emergence survey has minor limitations in that the surveys were carried out during September. However, the report provides adequate explanation as to why this does not affect the conclusions and the report is accepted.

Protected Species

Bats and Sand Lizard

The report states that no evidence of bats or Sand lizard use or presence was found. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

Previous comments regarding the Habitats Regulations, Red squirrel, breeding birds, archaeology and waste remain valid.

Consultation response dated 31 March 2022

The application has received objections from neighbours for several reasons. Objections regarding ecology matters are as follows:

- The objector believes Sand lizard, Natterjack toad and Bats may be harmed by the proposals as these species are said to be present in the neighbouring property;
- The ecological reports submitted to support the application do not do justice to the significance of ecological assets; and
- Tree removal will result in damage to ecological corridors, bat foraging habitat and dune grassland;

In response to these comments the applicant has submitted further information as requested *Letter from Tyrer Ecological Consultants Ltd to T Diaz, 30 March 2022*. The additional information states the following:

The report states that no evidence of Natterjack toad and Sand Lizard use or presence was found. The nearest confirmed records of these species are beyond 1 km of the site and there is no suitable habitat for these species within or immediately surrounding the site and no habitat connectivity between the nearest records and the proposed development site. The Council **does not** need to consider the proposals against the three tests (Habitats Regulations).

The report recommends replanting of native woody species, which will add to the local commuting lines, to be planted along the boundary features, particularly along the eastern boundary. This is accepted and native species can be included within a landscape planting plan that should be submitted to the Council for approval. Any planting plan should be in accordance with previous comments regarding Red squirrel. This can be secured by a suitably worded planning condition.

As stated within the report, habitats on site or adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with NPPF (paragraph 180). This can be secured by a suitably worded planning condition. It would be helpful for the applicant to refer to *Bat Conservation Trust website* <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting> All previous comments regarding Red Squirrel, Breeding birds, Archaeology and Waste remain valid.

Tree Officer

No objection following receipt of revised plans and tree survey details, subject to conditions.

Neighbour Representations

A petition of 80 signatures endorsed by Councillor Roscoe has been received by Planning Services opposing the development on the grounds of inappropriate design within a Conservation Area, conflicts with the Council's heritage policies and potential to set a precedence.

Objections received from 26 individual addresses on the following grounds.

Design and Character

- Proposal would conflict with heritage policies as it would not preserve or enhance the Conservation Area
- Harm to Blundellsands Park Conservation Area and reduce characteristic openness, interrupt rhythm and density which generally sees dwellings take up 10-15% of plots
- Proposal is contrary to all the qualities which contribute to the Conservation Area as identified within the 2008 appraisal
- Advisory leaflet for Conservation Area states original features and materials should be retained
- Height and flat roof are detrimental to Conservation Area as identified within appraisal
- Design does not respond positively to its surrounding
- Heritage Statement does not fully consider nearby assets
- Applicant incorrectly states a similar property, Maeldune, is listed
- Impact on and loss of trees and vegetation
- Proposal would impact on listed drinking fountain
- Proposal would block views into Conservation Area from the Serpentine
- Similar schemes have been refused in the vicinity at Emrow and Hawkstone
- Uncertainty regarding boundary treatment
- Large scale, height and massing of proposal would dominate the area
- Modern incongruous design, extent of glazing and style out of keeping
- Unsuitable choice of materials
- Conflicting architectural style would harm setting of historic properties and compete with heritage assets in terms of visual dominance
- Proposals incorrectly described as extensions

Residential Amenity

- Terrace would overlook neighbouring gardens and windows, there is no existing terrace
- Potential damage to boundary wall and existing planting which protects privacy
- Loss of light and overshadowing
- Loss of view

Other Matters

- No benefits to development aside from personal gain
- Lack of notification

- Proposal does not constitute permitted development as alleged
- Proposal would set a precedent for further inappropriate development
- Disturbance during construction
- Development encroaches on neighbouring land and incorrect ownership certificate has been signed
- The behaviour of the local planning authority does open itself up to potential challenge through Judicial Review.

The proposal has also given rise to 17 letters of support, which generally support investment in the property and comment that the design is exciting, interesting and would improve its overall appearance. It is also commented that the existing building would not be a significant or important loss and overall modernising is welcomed.

Policy Context

The application site lies within a Primarily Residential Area as designated by the Sefton Local Plan which was adopted by the Council in April 2017. The National Planning Policy Framework (revised July 2021) is also a relevant material consideration.

Key relevant policies are explained during the course of the report.

Assessment of the Proposal

The proposal is to fundamentally remodel the existing dwelling by constructing two storey extensions to the sides and rear, with single storey extensions and a roof terrace also included. While the extensions are significant and would result in the appearance of a new-build dwelling, the applicant has submitted a plan indicating that the majority of existing load bearing and exterior walls would be retained. As such, the main issues to consider are the impacts on heritage assets, design, tree, and ecology matters and impacts on the living conditions of existing neighbours.

Heritage - Statutory Tests Applicable to Heritage Assets

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising its planning functions local Councils must pay special attention to the desirability of preserving or enhancing the character or appearance of the affected Conservation Area. Similarly, Section 66 of the Act contains a general duty to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.

R (**Forge Field Society**) v Sevenoaks DC [2014] EWHC 1895 (Admin) paragraphs 48 and 49 set out as follows:

48. ...the duties in sections 66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.
49. This does not mean that an authority's assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognize, as the Court of Appeal emphasized in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

National Planning Policy Framework (NPPF) (revised July 2021) – Relevant Heritage Considerations

Paragraph 194 requires local planning authorities to ask an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.

Paragraph 195 requires Local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 203 states that the effect of an application on the significance of a Non-Designated Heritage Asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect Non-Designated Heritage Assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Heritage - Relevant Local Plan Policies

There are a number of Local Plan policies which apply to the proposed development in terms of heritage.

Policy NH9 (Heritage Assets) states:- ‘Key elements which contribute to the distinctive identity of Sefton, and which will therefore be a strategic priority for safeguarding and enhancing into the future, include the spacious planned character of Victorian and Edwardian suburban conservation areas such as those in Birkdale, Blundellsands, Christ Church, Moor Park and Waterloo Park’.

Policy NH11 (Works Affecting Listed Buildings) states, amongst other things: - ‘Works affecting a Listed Building or its setting will only be permitted where: any alterations preserve the historic fabric and features of the building and/or its setting which contribute to its significance; and new development affecting the building’s setting respects and conserves historic and positive existing relationships between the listed building and its surroundings’.

Policy NH12 (Conservation Areas) states: - ‘Development within conservation areas will only be permitted where the proposal is of high-quality design and preserves or enhances the character or appearance of the conservation area. Development must ensure that:

- a) Replacement or new features are of an appropriate style and use materials which are sympathetic to the age, architecture and features of the affected property,
- b) Extensions, alterations or additions respect the layout and historic pattern of development in the conservation area affected,
- c) Hard and soft landscape features which contribute to the historic value of the site to the conservation area are retained (including historically significant features from previous uses),
- d) The character of historic boundary treatments, patterns of trees and planting in the conservation area are retained and enhanced.’

Policy NH15 (Non-Designated Heritage Assets) 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.

Impact of proposals on Heritage Assets

The Conservation Officer has commented in considerable depth regarding matters relating to heritage assets and in doing so is aware of the various objections relating to the impact on these.

With regard to the importance of views into and out of the Conservation Area, the extension is not considered to give rise to adverse impacts. Though the first floor extension does increase the extent of first floor development fronting The Serpentine North, it is well set back in the street scene and set in from the side boundary to no. 108 such that views of the neighbouring property from the coastal path to the south and west of the site would remain, which is further emphasised by the substantial distance between the side elevation of no. 108 to the site boundary. These views also take in the three storey flat blocks at Fountain Court, to the junction of The Serpentine North / Burbo Bank Road North, which are adjacent to the conservation area and are considered to impact starkly on no. 108.

From front on, there would remain views across the frontage towards the treed setting of Blundellsands Park to the rear. Heading southward from The Serpentine North towards the site, the buildings of Fountain Court are again experienced within views of no. 108 The Serpentine North to the left hand side, and it is only once past this property that the application site comes into view, due to the gentle inward curvature of the road away from the seafront. The bulk and mass of the extension is not therefore considered to disrupt these key views both into and out from the conservation area.

The Conservation Officer has accepted that the design approach would have a significant impact on the character and appearance of the conservation area, and this is agreed. However, this proposal gives rise to the remodelling building identified to be of neutral interest, and whilst the resulting appearance will prove more eye catching following completion of development, the new building would on completion offer a neutral contribution to the CA, as does the existing building today. It is agreed that the remodelled building will present no. 108 within the setting of a more contemporary, Art Deco influenced design. However, it will not do so in a manner that causes harm to its setting given the physical distance between the application property to no. 108 and the clear interspersing of traditional and more modern development prevalent both within and adjacent to the conservation area.

With regard to the adjacent St Nicholas Fountain (Grade II listed), the Conservation Officer concludes that there is adequate distance between the proposed development and the fountain (in excess of 12 metres) such that whilst the proposed works will fall within the setting of the monument, the works will not have an adverse impact on its setting. Fountain Court, a three storey flatted development of no discernible merit, also serves as an additional backdrop to the monument when viewed from the south. As has been highlighted by the conservation officer, the key interest relates to the actual monument itself rather than its wider setting. There is as such no adverse impact on this heritage asset.

As is stated by the conservation officer, no. 108 is not considered to be an NDHA for the purpose of assessing this application, as such assets are identified by the Historic Environment Record maintained by the Merseyside Environmental Advisory Service (MEAS). However, notwithstanding the lack of informed analysis, even were this to be the case, the proposal would not cause harm to its setting for the reasons listed above, notably, the distance of the main property from the

development proposed and the particular features of interest relating primarily to no. 108's external construction.

Having regard to the above considerations, there are no objections to the proposal in respect of its impact on heritage assets, and thereby no conflict with the statutory tests set out by Sections 66 and 72 respectively of the Planning (Listed Buildings and Conservation Areas) Act 1990, and Policies NH11, NH12 or NH15 of the Sefton Local Plan. Nor does conflict arise with the relevant paragraphs of the National Planning Policy Framework.

Design and appearance

The following policies are of most relevance in respect of design and appearance.

Policy HC4 (House Extensions) states:- 'Extensions and alterations to dwelling houses will be approved where they are of a high quality of design that matches or complements the style of the dwelling and the surrounding area and the size, scale and materials of development are in keeping with the original dwelling and the surrounding area'.

Policy EQ2 (Design) criterion 1(a) states:- 'In relation to the design of buildings and structures: proposals make a positive contribution to their surroundings through the quality of their design in terms of scale, height, form, massing, style, detailing, landscaping and use of materials'.

With regard to Policy HC4, it is worth noting that the extensions are in addition to a complete remodelling of the existing dwelling, and whilst the existing property is for the large part retained, the proposal will largely resemble a replacement dwelling in appearance once various works to the existing exterior take place. The building would not therefore take on the appearance of an extended dwelling and there would be no discernible impression of a building that does not complement the style of the existing dwelling.

As such, whilst the ground floor footprint of the built form is around 75% greater than the existing, and the first floor close to doubling the overall footprint, the appearance viewed from the frontage will not be of a dominant, overbearing built form. There is ample space remaining to no. 108 to the north, and little perception of additional bulk to the adjoining southern boundary.

The majority of the additional footprint is contained to the side and rear of the existing property and, in pure design terms, the footprint is not disproportionate to the plot within which it sits, maintaining more than acceptable outdoor spaces to front and rear. The design approach is informed by a preference for an Art Deco design.

Turning to Policy EQ2, the existing dwelling is an attractive property of its time, dating back to the 1960s, but it is not of such merit that there would be harm resulting from a wholesale remodelling. There are other similar design examples within range of the application site, notably, fronting Burbo Bank Road to the north, and in respect of nearby works to 'Maeldune', to the south, which are similarly influenced.

The proposal does comprise a series of balconies, but these are already widely present across other nearby properties too. The general variation in design prevalent across a range of properties is such that this approach can be considered to comfortably sit within its general context, providing a positive enhancement to the area's general character, and there are no objections having regard to the provisions of these policies. A number of letters supporting the application have also offered support for the chosen design approach.

As such there are no objections to the proposal in respect of its design and appearance, and no conflict with Policies HC4 or EQ2.

Impact on Living Conditions of Neighbours

The proposal has the potential to impact on a number of neighbouring properties. The closest is 98 The Serpentine North to the south, which features numerous later side and rear extensions. The proposed extensions to the application dwelling at first floor level would not harm the living conditions of no. 98. There would be fewer side-facing windows, with only two serving non-habitable rooms which would look onto the blank side gable of number 98. The rear extensions would be blank to the side and at a distance so as to not cause a loss of outlook or overshadowing to the rear and side-facing windows of no. 98.

At ground floor level the extensive pool room/gym/guest room would run along the boundary for over 26m. The main room within number 98 which would be impacted is a glazed conservatory, however its outlook is already restricted by boundary treatment and dense vegetation. Although the latter would most likely be removed, the applicant amended the ground floor side extension to introduce a pitched roof which slopes away from number 98 with an eaves height of 2.5m and maximum height of 3.3m. Taking these factors into account it is not considered that significant harm would be caused to the occupiers of number 98.

In considering the impacts on number 108 The Serpentine North, there would only be one side-facing window at first floor level serving a non-habitable room – at a distance of over 19m from the dwelling at number 108. The side extension at first floor level would come close to the boundary of number 108 however there is an extensive garden area which separates the application dwelling from the dwelling at number 108. It is also noted that there is a substantial roof terrace on the current building affording clear, open views across no. 108, which could be used lawfully in a manner resulting in significant loss of privacy to this property. The proposals would remove this terrace.

Given these factors it is not considered that significant harm would arise as a result of a poor outlook or overshadowing of either garden or internal areas. To the rear the first-floor extension would be almost 21m from the boundary of 17 Park Drive so as to not cause harm to the living conditions of this property either.

The second-floor roof terrace is positioned central to the dwellinghouse at a distance of around 28m from the rear boundary. The internal staircase which leads to the terrace would shield 108 The

Serpentine North and prevent overlooking of their garden area. The terrace would also be over 10m from the boundary to number 98 and the small patio area which separates the abovementioned conservatory. Given these separation distances it is not considered there would be an unacceptable loss of privacy. However due to the extensive areas of flat roof it is necessary to attach a condition ensuring that it is only the hatched second floor terrace shown on the submitted plans that is used as amenity space for the occupiers.

Environmental Matters

Trees and Landscaping

The proposal does not include any changes to the existing built boundary treatments but will involve the pruning or felling of a number of trees. The applicant has submitted a Tree Survey which has been subject to detailed review by the Council's Tree Officer. Though it has been noted that the original tree survey contained certain errors, for example, referring to inaccurate tree species, and identifying trees to be taller than they are in reality, these inaccuracies have been addressed and acknowledged and the errors identified do not materially affect the conclusion that there is no unacceptable tree loss. No trees were identified in the applicant's tree survey to be Category 'A' (of the highest standard) and these findings are endorsed by the Council's Tree Officer.

The Tree Protection Plan, which would form one of the approved documents to be adhered to throughout the construction period, details the following:

- Root Protection Areas (RPAs) of the retained trees to be measured out and marked up.
- 'Heras' fencing should be installed around the front and rear areas prior to demolition and be retained for the duration of the construction.
- The demolition and removal of the existing garage and internal walls should be brought back through a designated area
- Specialised Temporary Surface is to be installed upon any exposed RPAs.
- The incurred RPAs must be excavated with hand tools only to ascertain no roots greater than 25mm are to be damaged. This should then be lined with a non-permeable membrane.
- Pile foundation along the norther boundary of the proposed development.
- The RPAs of the retained trees are a Construction Exclusion Zone (CEZ) unless protected by the aforementioned.
- Specialised containers and/or sandbags can prevent building materials from contaminating the soil profile.

In addition, further clarification has been supplied in relation to foundation design, and this falls within the parameters of the Tree Officer's required specification which ensures that the below ground intervention does not give rise to extensive damage to tree roots. To further assist, the applicant has agreed that no works will take place to boundaries involving the construction of walls (and associated foundations) and will therefore retain existing boundary treatments.

As such, should the application be recommended for approval a planning condition is attached, requesting the submission and approval of an arboricultural method statement which includes site supervision for the tree related aspects of the construction. In respect of tree matters, there will be some tree loss but this would not adversely affect wider visual amenity and subject to replacement planting on a 1:1 basis, which can be secured by planning condition, there can be no objection sustained having regard to the provisions of Local Plan policy EQ9.

Ecology

The applicant has submitted various ecology reports which have been reviewed by the Council's ecological advisors, MEAS. At an advanced stage of the process, a representation received from a neighbouring property, supported by a recognised ecological professional, pointed to the possibility of further affected habitat, notably, sand lizard, common lizard and Slow worm, Natterjack toad and roosting/hibernating bats in a nearby air raid shelter. This resulted in the applicant being asked to undertake further survey work.

The applicant had approached the objector with a view to completing the work but was unable to obtain access to undertake the survey, so the required surveys were carried out on a limited basis from the application site. Following review of these surveys, and accepting their limitations, MEAS have accepted the conclusions set out in the applicant's latest report that no evidence of Natterjack toad and Sand Lizard use or presence was found. The nearest confirmed records of these species are beyond 1 km of the site and there is no suitable habitat for these species within or immediately surrounding the site and no habitat connectivity between the nearest records and the proposed development site. The Council does not therefore need to consider the proposals against the three tests (Habitats Regulations).

The report recommends replanting of native woody species, which will add to the local commuting lines, to be planted along the boundary features, particularly along the eastern boundary. This is accepted and native species can be included within a landscape planting plan that should be submitted to the Council for approval. Any planting plan should be in accordance with previous comments regarding Red squirrel. It is agreed that a planning condition should be attached to secure further planting along the eastern boundary.

As stated within the report, habitats on site or adjacent to the site may provide roosting, foraging, commuting habitat for bats. Lighting for the development may affect the use of these areas. A lighting scheme can be designed so that it protects ecology and does not result in excessive light spill onto the habitats, areas in line with the National Planning Policy Framework (paragraph 180). This is also capable of being secured by a suitably worded planning condition.

MEAS has ruled out likely significant effects on designated sites, in this case the Sefton Coast. Protective measures are recommended during the construction phase in relation to breeding birds which is reasonable and can be secured by condition.

Other Matters

Neighbour Comments

Objectors have raised detailed concerns in multiple representations, of substantial volume, over the accuracy of certain statements across a range of professional documents. For example, there is clear disagreement between the applicant and the objector's own tree survey as to the value of certain trees, their true height, and the actual species.

The occupiers of 108 The Serpentine North consider their property to be a non-designated heritage asset (NDHA) and believes that this lends greater impact to the significance of the development proposed in respect of the setting of their property. The LPA currently identifies recognised NDHAs through the sound evidence provided from the Merseyside Historic Environment Record (maintained by MEAS) and makes accessible to the public their location and relevant information in accordance with Paragraph 40 of the Planning Practice Guidance Note 'Conserving and Enhancing the Historic Environment'.

As part of this planning application, a request has been submitted to include 108 Blundellsands Hall as a NDHA. Planning authorities may identify NDHA as part of the decision-making process on planning applications, for example, following archaeological investigations. There are no archaeological implications for this site and to consider a new NDHA would require clear and convincing research and justification.

However, if such justification was provided and accepted, then Policy NH15 would be applicable. Without having the detailed heritage assessment and justification for inclusion as a NDHA as part of this planning application, it would be difficult to discern what the essential significance of the asset would be in order to discern how its significance is harmed, and as a result weigh a balanced judgement against it as set out in NPPF paragraph 203.

Whilst the Conservation Area Appraisal describes the property as a secondary landmark building, the intention here is outlined in the Appraisal for such properties to provide a visual point of reference to visitors, adding interest to the streetscene and are important as landmarks. The Appraisal also does not identify the dwelling in Section 6.2 'Leading Architects', which details prominent designers whose work within the Conservation Area may add to the architectural significance of the Conservation Area.

There is also objection to sustained reference to a "high stone wall" around the site which is stated to minimise the accessibility of wildlife to various habitats. It has clearly been established via site inspection by several officers that this is not the case, and again, whilst the reports could be corrected accordingly, there is no question of any party being misled. The applicant has provided additional ecological survey work directly responding to the objections raised, which clearly demonstrates no adverse impacts on protected species or habitats.

By way of further example, objectors are also critical of reference in the Design and Access Statement to the nearby property 'Maeldune' being a listed building, when in practice it is confirmed to be a non-designated heritage asset. However, a correction of this error would simply serve to reduce the significance of that asset, and the failure to do so is not considered to weigh against the application proposal. The applicant was invited by officers to undertake an inspection of the Historic Environment Record (HER) and has done so, following criticism of the initial failure to have regard to the adjacent St Nicholas Fountain, which has been identified as a Grade II listed fountain. It can therefore be demonstrated that officers have intervened only where issues of significance, which might have been potentially material to the application's outcome, have been identified.

Residents in their objections have also referred to applications refused and dismissed on appeal within Blundellsands Park Conservation Area, including at 'Emrow' and more recently at 'Hawkstone'. However, both of these proposals involved the subdivision of plots to create a new dwellinghouse which were found to adversely affect the character and appearance of the Conservation Area and are not comparable to the current application.

Overall, whilst a comprehensive exercise could, in theory, give rise to the correction of certain errors, it is felt that doing so would not remove the fundamental objections raised to the scheme, nor would it materially affect the point that the application, on its plain face, proposes extensions to the dwelling which have been fully assessed against the relevant provisions of the NPPF and the Local Plan, and the proposals would be compliant with their various aims, objectives and requirements. This is particularly following more detailed review and analysis of various matters relating to heritage assets, ecology, and tree preservation.

The majority of neighbour comments are addressed elsewhere within the above report. Concerns have been raised over a purported lack of notification of local residents, however the Council has notified in accordance with the adopted Statement of Community Involvement with the addition of Site and Press Notices.

Concerns have been raised over potential damage to neighbouring properties, however if this did occur it would be a civil matter between the relevant parties. The applicant has amended the elevational drawings where the eaves of the extension were shown to be oversailing the neighbouring property. It has been confirmed that all works are within the curtilage of the application site. While concerns regarding setting a precedent are noted, each planning application is required to be assessed on its own merits as is the case in this instance.

Finally, although construction works often create noise and disturbance this is only ever short term. Should 'Best Practicable Means' not be implemented during the construction phase, there are powers under Environmental Health legislation to address harmful issues.

Planning Balance and Conclusion

The proposal would result in a significant change to the appearance of the existing dwellinghouse, although it is clear from the walls to be retained that the development can be considered to constitute extensions as opposed to a new build.

The application site lies within Blundellsands Park Conservation Area, and the existing 1960s dwelling is identified within the Conservation Area's appraisal as making a neutral contribution. The proposed amendments while not of a prevailing Arts and Crafts or Gothic style, are of high-quality design which would not harm but preserve the character of the Conservation Area given the existing building's neutral interest. This is a matter of planning judgement and officers are satisfied that special attention has been given to the desirability of preserving or enhancing the character or appearance of the encompassing Conservation Area.

The proposal would not harm the setting of nearby Listed Buildings nor result in an unacceptable loss of tree coverage. The submitted plans have been amended at the request of Planning Services in order to minimise impacts on existing neighbours and what is now proposed is not considered likely to cause significant harm to local amenity. It is understood that there is significant opposition to the scheme locally, largely due to what is perceived to be a jarring architectural style. However, taking into account other design criteria such as massing, height and footprint, it is not considered that the proposal harms the Conservation Area or requires public benefit to be demonstrated which outweighs harm. Overall and on balance the proposal is considered acceptable and is recommended for approval.

Recommendation - Approve with Conditions

Conditions

Time Limit for Commencement

- 1) The development hereby permitted shall be commenced before the expiration of three 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: Site Plans (686-01-B), Proposed Ground Floor Plan (686-03-D), Proposed First Floor Plan (686-04-D), Proposed Roof Plan (689-09 C), Existing and Proposed West Street View (686-08-C), Proposed North & South Elevations (686-07-D), Proposed East & West Elevations

(686-06-D), Treestyle Consultancy Survey updated 11 March 2022, Letter from Tyrer Ecological Consultants Ltd to T Diaz, 30 March 2022.

Reason: For the avoidance of doubt.

Pre-Commencement Condition

- 3) Notwithstanding the details contained in the approved Arboricultural Report, no development shall take place (including the pre-construction delivery of equipment or materials, or the creation of site access) until an Arboricultural Method Statement (AMS) and tree protection plan setting out measures for the protection of retained trees has been submitted to and approved in writing by the Local Planning Authority. The submission must as a minimum include the following:
- i. Tree protection fencing details and location;
 - ii. Removal of existing structures and hard surfacing;
 - iii. Installation of temporary ground protection;
 - iv. Retaining structures to facilitate changes in ground levels;
 - v. Preparatory works for new landscaping;
 - vi. Auditable system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision including reporting to LPA at appropriate timings.

The AMS must be carried out by a competent arboriculturist in line with BS5837:2012 (Trees in relation to design, demolition, and construction – Recommendations). Any protection measures detailed in the method statement such as fencing and/or ground protection must be in place prior to the commencement of the works on site and shall be retained in place until the development hereby permitted is complete.

Reason: The condition is required prior to commencement as it will ensure there is no unacceptable tree damage or loss and is placed to safeguard interest of visual amenity of the area.

During Building Works

- 4) No tree felling, scrub clearance, hedgerow removal, vegetation management, ground clearance and/or building works is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all buildings, trees, scrub, hedgerows, and vegetation are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected are required to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent harm to protected species.

Pre-Occupation Conditions

- 5) No part of the development shall be occupied until a scheme detailing the planting of 15 trees on site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of their species, size, and location.

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

- 6) Samples of the facing materials to be used in the external construction of this development shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the development.

Reason: In the interest of visual amenity and in order to preserve the character and appearance of Blundellsands Park Conservation Area.

- 7) A lighting scheme ensuring the protection of ecology and avoidance of excessive light spill onto existing the habitats shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and retained at all times thereafter.

Reason: To prevent instances of light pollution and to safeguard existing identified habitats.

Ongoing Conditions

- 8) 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.

- 9) With the exception of the hatched areas indicated on the approved roof plan (689-09 C) no part of the dwellings flat roof(s) shall be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.

Reason: In order to protect the privacy of adjoining neighbours.

Informatives

- 1) The applicant, their advisers and contractors should be made aware that if any European protected species are found, then as a legal requirement, work must cease and advice must be sought from a licensed specialist.
- 2) The applicant is advised that in respect of condition 5, the detailed submission should consider the provision of woody species and other species conducive to Red Squirrel population, along the eastern (rear) boundary of the site.