

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 24th July 2024

Subject: [DC/2024/00479](#)
[31 Clovelly Drive Birkdale PR8 3AJ](#)

Proposal: Change of use of the existing garage to a short-term holiday let (Retrospective)

Applicant: Mr Jack Leader **Agent:** N/A

Ward: Birkdale Ward **Type:** Full Application

Reason for Committee Determination: Petition endorsed by Cllr Brodie - Browne

Summary

The application seeks planning permission (retrospectively) for the conversion of a former detached garage into single holiday letting accommodation. The accommodation comprises of a small upvc entrance porch, open plan kitchen, sitting and sleeping area, and a bathroom. Externally to the front is a driveway shared with the applicant's main house. To the rear is a small external seating area fenced off from the main garden.

The holiday let is modest in size and can accommodate 2 people, with limited additional comings and goings. The boundary treatments provide a good degree of screening, and the building is separated from the nearest neighbouring property by a public footpath. The development does not cause significant harm to living conditions of neighbouring occupiers, it does not harm the character and appearance of the area, and sufficient off-street parking is provided. The development accords with Sefton's Local Plan and is recommended for approval.

Recommendation: Approve with Conditions

Case Officer Mr Rob Cooper

Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SACFFGNWJRQ00>

Site Location Plan



The Site

The application site is a former domestic garage, associated with the detached dwelling at 31 Clovelly Drive, Birkdale. To the side of the property is a pedestrian access linking Clovelly Drive to Southport Rugby Club fields located to the rear of the dwelling. Southport and Ainsdale golf course is located to the southeast on the opposite side of Clovelly Drive.

History

There are no recent relevant planning permissions.

Consultations

Environmental Health

No objection

Highways Manager

No objection

Natural England

No objection

Merseyside Fire and Rescue

No objection, informative recommended

Neighbour Representations

Objections have been received from the occupiers of 5 local residents, raising the following concerns:

Impact on character

- Out of character with residential area
- Lack of storage for bins which are left on view to the road.

Impact on living conditions

- Increase in comings and goings, unsocial hours and noise
- Sound insulation they've heard children crying when left in porch
- Adjacent to a pedestrian walkway used by dog walkers and pedestrians accessing the rugby

Impact on Highway Safety

- Existing occupiers choose to park on the road

- When rugby fields being used vehicles also park on Clovelly Drive causing congestion
- Highways safety, increased development in the area and its effect on Hillside Crossroads
- The drive should be extended to accommodate more cars

Other matters

- Concerns that the main dwelling may also be used as a guest house in the future
- Used as Airbnb without planning permission
- The former garage has been occupied by one family for a prolonged period of time
- Also built an extension to main dwelling and converted the loft without building regulations
- Accuracy of plans and supporting information, plans do not show shrubberies, the garage did not previously have a toilet or shower, it was not dilapidated, and neighbours were not notified by applicant of their intentions.

A petition signed by 42 local residents and endorsed by Cllr Brodie-Browne has also been received on the grounds that this is a strong residential area, and a business of this nature would seriously impact on its charm and character.

Policy Context

The application site lies within an area designated as residential in the Sefton Local Plan which was adopted by the Council in April 2017.

Assessment of the Proposal

1. The main issues for consideration are the principle of development, effects of the development on the character of the area, living conditions of neighbouring occupiers, living conditions of occupiers of the development, and highways safety.

2. Principle of Development

2.1 The application site is situated within a Primarily Residential Area subject to adopted Local Plan Policy HC3 (Primarily Residential Areas), which only permits non-residential development when it can be demonstrated that it would not have an unacceptable impact on the living conditions of neighbouring occupiers and that the character of the area will not be harmed.

2.2 The principle of the development in land use terms is therefore acceptable. Matters in relation to the impact character and living conditions are addressed below.

3. Character of the area

3.1 The holiday let accommodation comprises of a small upvc entrance porch, open plan kitchen, sitting and sleeping area, and a bathroom. Externally to the front, there is room for one car parking space on the existing driveway shared with the applicant's house, whilst to the rear is a small external seating area fenced off from the main garden. The rendered finish and tiled roof and overall domestic appearance of the building has been retained, which is in keeping with the main dwelling, and the surrounding residential area.

3.2 Concerns have been raised in relation to the residents of the property storing their bins to the front of their house, which are visible from the road. There are no planning restrictions preventing them or any other residents in the street from doing this. However, the applicant has retained access to the side of the main dwelling, and to the side of the holiday let that does allow for bins to be stored behind the building line.

3.3 The overall scale, layout and appearance of the development is appropriate and in keeping with the residential character of the area and would not harm the street scene. The proposal therefore complies with Policy EQ2 (Design) of the Sefton Local Plan.

4. Living conditions of neighbouring occupiers and future occupiers

4.1 While holiday let's do not fall under the same Use Class (C3) as a residential dwelling, the holiday let is modest in size and not substantially different to that of a one bed granny annex. It can accommodate 2 people, minimising the number of comings and goings to the property. The existing high level boundary treatment provides a good degree of screening enclosing any activities within, and the building is separated from the nearest neighbouring property by a public footpath.

4.2 It is accepted that the building would introduce transient accommodation, where the nature of comings and goings may be different to that of a traditional house. However, given the small scale of the property and limited number of persons expected to be staying at any one time the impact of this is not significant.

4.3 The Environmental Health Manager has been consulted and notes that Environmental Health have no records of previous complaints in relation to noise and disturbance. They note that the application is retrospective and would have recommended conditions in relation to noise control of plant and equipment and external lighting. Given the development does not involve any plant or machinery and no concerns have been raised in relation to lighting, these conditions are not considered to be necessary.

4.4 With regards to the living conditions of the occupiers of the holiday let, the Council does not have any relevant standards or guidance regarding room sizes, or the provision of private amenity space. However, if it were to be used as a permanent dwelling it would not meet the Council's adopted guidance for new homes. A condition could be attached to ensure that it is only used for short term holiday let and not as a private house.

4.5 Neighbours have raised concerns in relation to the holiday let's proximity to the footpath linking Clovelly Drive to the rugby fields to the rear. There are no windows on the side elevation of the holiday let, adjacent to the footpath. And the small private amenity space is well enclosed. Therefore this is unlikely to cause any significant disturbance to its occupiers.

4.6 The development does not cause significant harm to the living conditions of neighbouring occupiers and does not give rise to concerns associated with the living conditions of future occupiers. In this regard, the development is consistent with Policy EQ2 of the Sefton Local Plan.

5. Highway safety

5.1 The development is accessed via the existing footway crossing and served by the existing driveway shown on the submitting drawings as providing two off-street parking spaces, to be shared by the occupants of the main dwelling and the holiday let. In practice, the dimensions of the driveway would likely allow for parking of three vehicles, and there are no parking restrictions on Clovelly Drive.

5.2 Given the scale of the development, it would not cause any significant increase on traffic on the surrounding highway network. The Highways Manager has been consulted and has no objections, he is satisfied with the parking provision, the proposal would not result in adverse highway safety implications.

5.3 The development meets the aims of Policies EQ2 and EQ3 (Accessibility) and the objectives of the Sustainable Travel and Development Supplementary Planning Document.

7. Other Matters

7.1 Concerns raised with regards to building regulations is a separate matter however it is understood that the applicant has submitted regularisations to the building control department for the holiday let and the rear extension to the main dwelling.

7.2 Objections have been made that the former garage has previously been occupied by one family as residence for a prolonged period, and that the main dwelling may also be used as a guest house in the future. This would be a separate matter and not subject of this application, which must be assessed on its own merits.

7.3 Whilst the former garage has been used as Airbnb without planning permission, this application seeks to regularise this issue.

7.4 As well as this garage conversion, the applicant has previously built an extension to the main dwelling and converted the loft without building regulations approval for works. This is dealt with under separate legislation and is not a planning matter. It is understood that the applicant has applied to regularise this matter.

7.5 With regards to the accuracy of plans and supporting information, sufficient details have been provided to accurately assess the development which has been applied for retrospectively. There is no mandatory requirement for applicants to notify neighbours of their intentions, although it is encouraged.

8. Planning Balance and Conclusion

8.1 The holiday let maintains the residential character and appearance of the area. It's modest in size would generate minimal additional comings and goings. High level boundary treatment provides a good degree of screening around the site, and the footpath to the side provide a good degree of separation from the nearest neighbouring property. The development does not cause significant harm to living conditions of neighbouring occupiers and levels of parking are acceptable. The development complies with Policies HC3, EQ2 and EQ3 of the Sefton Local Plan.

9. Equality Act Consideration

9.1 Section 149(1) of the Equality Act 2010 establishes a duty for the Council as a public authority to have due regard to three identified needs in exercising its functions. These needs are to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between people who share a relevant protected characteristic (age, disability, race, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion and belief, sex and sexual orientation) and people who do not share it;

- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

9.2 The decision to approve this scheme would comply with the requirements of the Equality Act 2010, that no one with a protected characteristic will be unduly disadvantaged by this development.

Recommendation - Approve with Conditions

Approved Plans

- 1) The development shall be carried out in accordance with the following approved plans and documents:
 - Location Plan
 - Site Plan
 - Existing and proposed floor plan

Reason: For the avoidance of doubt.

Ongoing Conditions

- 2) The holiday let (identified as the Airbnb on the approved Site Plan) shall be used as short-term holiday let accommodation only and shall not be used as a person's sole or main place of residence or for any other use falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The holiday accommodation shall not be occupied by the same person(s) for a period exceeding one month continuously, disregarding any interruption in occupation of less than one month.

Reason: In order to prevent the building from being used as a permanent residence, to protect the character of the area, the living conditions of nearby occupiers and the occupiers of the development.

- 3) An up-to-date register containing the names, main addresses and arrival and departure dates of all occupiers shall be kept at the accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request.

Reason: In order to prevent the building from being used as a permanent residence, to protect the character of the area, the living conditions of nearby occupiers and the occupiers of the development.

Informatives

1) Merseyside Fire and Rescue

The plans relating to the above application have been examined and below are the Fire Authority's observations:

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

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

Housing

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

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

2) Building Regulations may also be required.