

Report of: CHIEF PLANNING OFFICER Derek McKenzie

Report to: PLANNING COMMITTEE **Date of Meeting:** 16th October 2024

Subject: [DC/2024/01463](#)
[102 The Serpentine North Blundellsands L23 6TJ](#)

Proposal: Erection of an outbuilding to the rear garden (Part retrospective)

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

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

Reason for Committee Determination: Petition endorsed by Cllr Howard

Summary

Retrospective permission is sought for a detached outbuilding within the rear garden of the residential property. The main issues to consider are the principle of the development, the design and impact on the heritage assets, and amenity matters.

The outbuilding to be used in connection with the existing residential dwelling is acceptable in principle within the primarily residential area. Due to the location and scale of the building, it would not affect the living conditions of the surrounding residents. It would also not be visible within the street scene and would not have any significant effect on the character of the conservation area or the surrounding heritage assets.

The application is therefore recommended for approval.

Recommendation: Approve

Case Officer Louise Everard

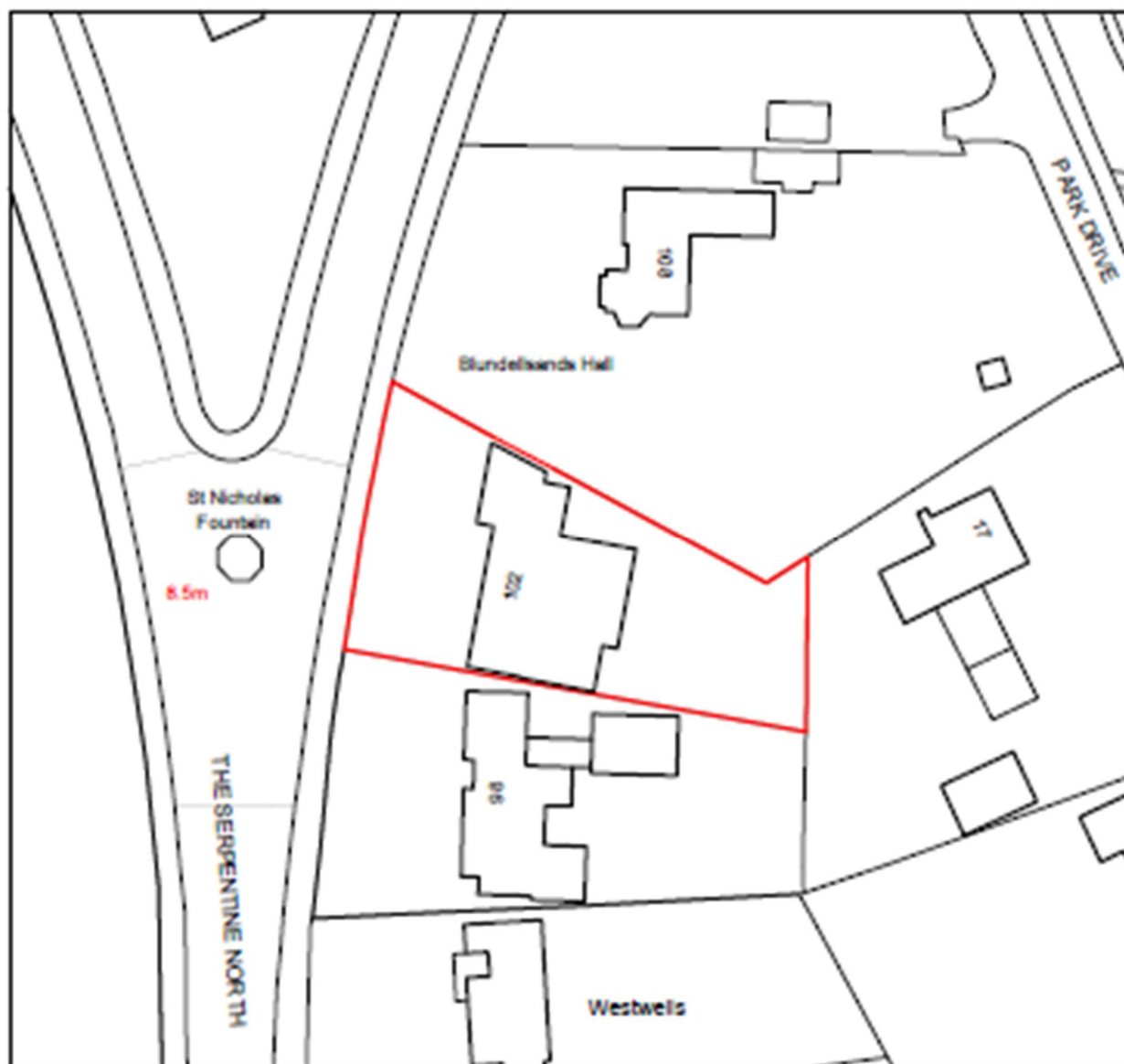
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<https://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SHSE87NW0AB00>

Site Location Plan



The Site

The application relates to a detached dwelling on the eastern side of The Serpentine North, Blundellsands. The site is located within the Blundellsands Park Conservation Area and the grade II Listed St Nicholas Fountain sits directly in front of the site. Blundellsands Hall, a non-designated Heritage Asset is to the north of the property.

The property has been extensively remodeled and modernised following the granting of planning permission DC/2022/01269.

History

DC/2024/01545 - Erection of a new brick wall, fencing and sliding gate to the front of the dwellinghouse (Part Retrospective) – Under consideration

DC/2023/01326 - Certificate of lawfulness for the proposed erection of a single storey garden room to the rear of the dwellinghouse – Refused 23/10/23

DC/2024/01162 - Approval of details reserved by Condition 5 attached to planning permission DC/2022/01269 – Approved 07/08/2024

DC/2022/02374 - Approval of details reserved by conditions 3, 4, 5, and 6 attached to DC/2022/01269 – Approved 23/03/2023

DC/2022/01269 - Erection of a part two storey, part single storey extension to the south and east elevations, part conversion of the existing garage to a habitable room and erection of a first floor extension to the north elevation of the dwellinghouse, plus roof terrace to the front – Approved 21/10/2022

DC/2021/01739 - 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 – Refused 06/06/22

Consultations

Conservation Officer

No objections

Tree Officer

No objections

Neighbour Representations

A petition has been submitted with 30 signatures, endorsed by Cllr Howard. Objections have also been received from 4 individual addresses.

The concerns raised by the petition and objection letters are as follows:

- Sizeable extensions/alterations already permitted to the original dwelling, further additions should be restricted in the interest of amenity and character of Conservation Area.
- Removal of trees on site will mean the structure is exposed and would be detrimental to the street scene, neighbouring heritage property and surrounding houses.
- Prior application for 25% more development to that under construction was refused – the additional structure has the same effects
- Cladding material would be a marked contrast to the prevailing form
- Nearby trees will be damaged due to canopy spread/whipping and restriction/damage to roots
- Size and design not in keeping with the area
- Overlooking and loss of privacy
- Noise disturbance
- Building is not built directly on the swimming pool but nearer to the boundary

Policy Context

The application site lies within an area designated as Primarily Residential in the Sefton Local Plan which was adopted by the Council in April 2017. The site is also located within Blundellsands Park Conservation Area.

Assessment of the Proposal

1. The proposal

- 1.1 Retrospective permission is sought for the erection of a flat roofed outbuilding within the rear garden of the site. The property originally had an outdoor swimming pool, within the south east corner of the site, which was sunken into the ground and had a roughly kidney bean shaped outline. The swimming pool has been filled in to create the base for the outbuilding, which sits directly on top and echoes the kidney bean shape.
- 1.2 The outbuilding has a flat roof, attaining a height of approximately 2.85m. The building is to be finished in black plastic 'wooden effect' vertical cladding, with a black aluminum window and door.

2. Principle of the development

- 2.1 The proposal is located within a primarily residential area and therefore the erection of an outbuilding for use in connection with an existing residential property is considered acceptable in principle, subject to compliance with all other relevant policies.
- 2.2 The site is also located within the Blundellsands Conservation Area and adjacent to a Grade II listed feature and a non-designated heritage building. Therefore, Policies NH9 'Heritage Assets', NH11 'Works Affecting Listed Buildings', NH12 'Conservation Areas' and NH15 'Non-designated Heritage Assets' are also of relevance and will be discussed below.

3. Design and impact on surrounding area

- 3.1 The relevant policies NH9 'Heritage Assets', NH11 'Works Affecting Listed Buildings', NH12 'Conservation Areas' and NH15 'Non-designated Heritage Assets' seek to protect Sefton's heritage assets and their setting. Developments which have the potential to affect these should ensure that the features which contribute to their significance are protected.
- 3.2 The outbuilding is located towards the rear boundary of the residential site, with trees located along much of the common boundaries. The dwelling, following the completion of remodelling works, will span the majority of the site width. The design of the outbuilding involves a flat roof, which limits the overall height of the structure. Given the position and scale of the development, the outbuilding is not visible to public view. It also does not appear within the backdrop of built form in relation to the Listed St Nicholas Fountain. It therefore would not impact on any important views into and around the Conservation Area or the setting of the listed feature.

- 3.3 Blundellsands Hall to the north is identified as a non-designated heritage asset. The dwelling occupies a large spacious plot. The common boundary with the application site is angled and at the closest point the outbuilding would be approximately 7.5m from the boundary and a separation distance in the region of 35m to the dwelling itself. Given the separation distance and relatively small scale of the outbuilding, plus the partial screening from the boundary treatment and vegetation, it is not considered that the structure would significantly affect the character or setting of the non-designated heritage asset.
- 3.4 The outbuilding has a modern appearance to complement the host dwelling, using the same colour palette. The outbuilding will not be visible from the highway so will not impact on the street scene within the conservation area, but viewed within the context of the main dwelling the design and materials proposed are considered acceptable.
- 3.5 The Council's Conservation Officer has concluded that the development would not cause harm to any of the heritage assets and the proposal adheres to Local Plan policies NH9, NH11, NH12 and NH15.

4. Amenity matters

- 4.1 The outbuilding is proposed with one large glazed panel in the side elevation facing towards the boundary with Blundellsands Hall. It would also include one single glazed door facing towards the host property and one further solid door to the garden storage section of the outbuilding.
- 4.2 The opening in the side has been confirmed to be a sliding patio door. The opening would be set approximately 7.5m to the boundaries and over 35m to the side elevation of the neighbouring dwelling to the north, Blundellsands Hall. The Council's House Extensions SPD does not stipulate specific minimum separation distances in relation to outbuildings or single storey extensions. However, in relation to two storey extensions, a minimum distance of 7m is recommended between a habitable room and the boundary of an adjacent dwelling, to avoid overlooking. A window to a habitable room at ground floor level, given the height of the openings, plus the boundary treatment and vegetation along the boundaries, will not offer direct views of the adjoining garden. Given the substantial distance to the side elevation of Blundellsands Hall, it is not considered that the window will have a harmful effect on the privacy of this dwelling. The ability to open this as a patio door would have no greater impact on the living conditions of the surrounding residents.
- 4.3 The outbuilding is also set in from the rear and side boundary with 17 Park Drive and 98 The Serpentine North. The structure will be partially screened by the existing vegetation between the dwellings, together with the single storey extension at no.98, which is located along the boundary.

4.4 Given the height of the structure and its positioning there will be no significant harm to the surrounding dwellings in term of overshadowing or loss of outlook. The distance between the proposed windows and the neighbouring dwellings is substantial. As such it is not considered that the building causes a loss of privacy to any of the surrounding residents. Overall, there would be no significant affect on the living conditions of the occupiers of the neighbouring properties and the proposal complies with Local Plan Policy HC4 'House Extensions, Houses in Multiple Occupation and Flats'.

5. Trees

5.1 The outbuilding has been built on top of the previous swimming pool. The shell of the swimming pool was kept intact, infilled with concrete to form the base of the building. The pool prevented roots growing within the area and acted as sheath to prevent leaching into the soil. Due to this the outbuilding is not within the Root Protection Area (RPA) of the neighbouring trees. There has already been pruning of adjacent shrubs and small trees adjacent the building, which was investigated and concluded that the trees would not have met the criteria of a Tree Preservation Order (TPO) and no further action was taken. As the building has already been built and on the original foundations of the pool and hardstanding, as witnessed by the Councils Tree Officer, an impact assessment was not required. The Tree Officer is content that it is causing no further damage or impacting on surrounding trees and therefore complies with Local Plan Policy EQ9 'Provision of Public Open Space Strategic Paths and Trees'.

6. Other matters

6.1 The previous planning application (DC/2022/01269), which approved the remodelling works of the dwelling, included a condition to remove the permitted development rights for further extensions to the property.

6.2 An application for a lawful development certificate (DC/2023/01326) for the outbuilding was refused by the Council in October 2023, due to the removal of permitted development rights, plus the height of the structure. This decision was then appealed. The planning inspectorate concluded that the permitted development rights were only removed for extensions to the dwelling and permitted development rights remain intact for the erection of outbuildings. The appeal however was ultimately dismissed, as the height exceeded that which was allowed under permitted development, which limits the eaves height of such a structure to 2.5m.

6.3 As a result, the current application was submitted for full planning permission for the outbuilding. The outbuilding has a maximum eaves height of 2.85m, which is 0.35m over that which could be implemented through permitted development rights.

7. Planning Balance and Conclusion

- 7.1 The outbuilding is acceptable in principle within the primarily residential area.
- 7.2 Given the location, the scale of the building would not unduly affect the living conditions of the surrounding residents. In addition, it would not be visible from the street and would not therefore have any significant effect on the character of the conservation area, nor would it have an unacceptable detrimental impact on the surrounding heritage assets.
- 7.3 As the outbuilding only exceeds what could be built under permitted development rights by 0.35m, this additional height would not have a significantly greater impact than what could be lawfully implemented on site.
- 7.4 The proposal is considered to comply with the relevant Local Plan policies and is therefore recommended for approval.

8. Equality Act Consideration

- 8.1 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.
- 8.2 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

- 1) The development is hereby permitted in accordance with the following approved plans and documents:

686-50 - Location Plan

686-52 - Proposed Site Plan

686-53 - Garden Room Proposed Plans and Elevations

Reason: For the avoidance of doubt.