

Committee: **PLANNING**

Date of Meeting: **12 January 2011**

Title of Report: **S/2010/1575**
Land to the rear of 146 Deyes Lane, Maghull
(Sudell Ward)

Proposal: Erection of a detached two storey dwellinghouse on land to the rear of 146 Deyes Lane with access from Beechfield

Applicant: Mr Steve Pullen

Executive Summary

This application is for a single 2 storey dwelling to be erected in the back garden of a house fronting Deyes Lane. The issues concern the principle of this type of development in this locality and impacts on residential amenity and highway safety.

Recommendation(s) Approval

Justification

Taking all material considerations into account and particularly UDP Policies CS3, DQ1 and H10 the provision of a new dwelling would not be out of character with the area and would not interfere to an unacceptable degree with the amenities of nearby residents.

Conditions

1. T-1 Full Planning Permission Time Limit
2. X1 Compliance
3. R-2 PD removal garages/ extensions/outbuildings
4. R-3 PD removal windows
5. H-2 New vehicular/pedestrian access
6. H-6 Vehicle parking and manoeuvring
7. M-6 Piling
8. M-2 Materials (sample)
9. L5 Landscaping (scheme)
10. L-4 Landscape Implementation

Reasons

1. RT-1
2. RX1
3. RR-2
4. RR-3
5. RH-2

6. RH-6
7. RM-6
8. RM-2
9. RL1
10. RL-4

Drawing Numbers

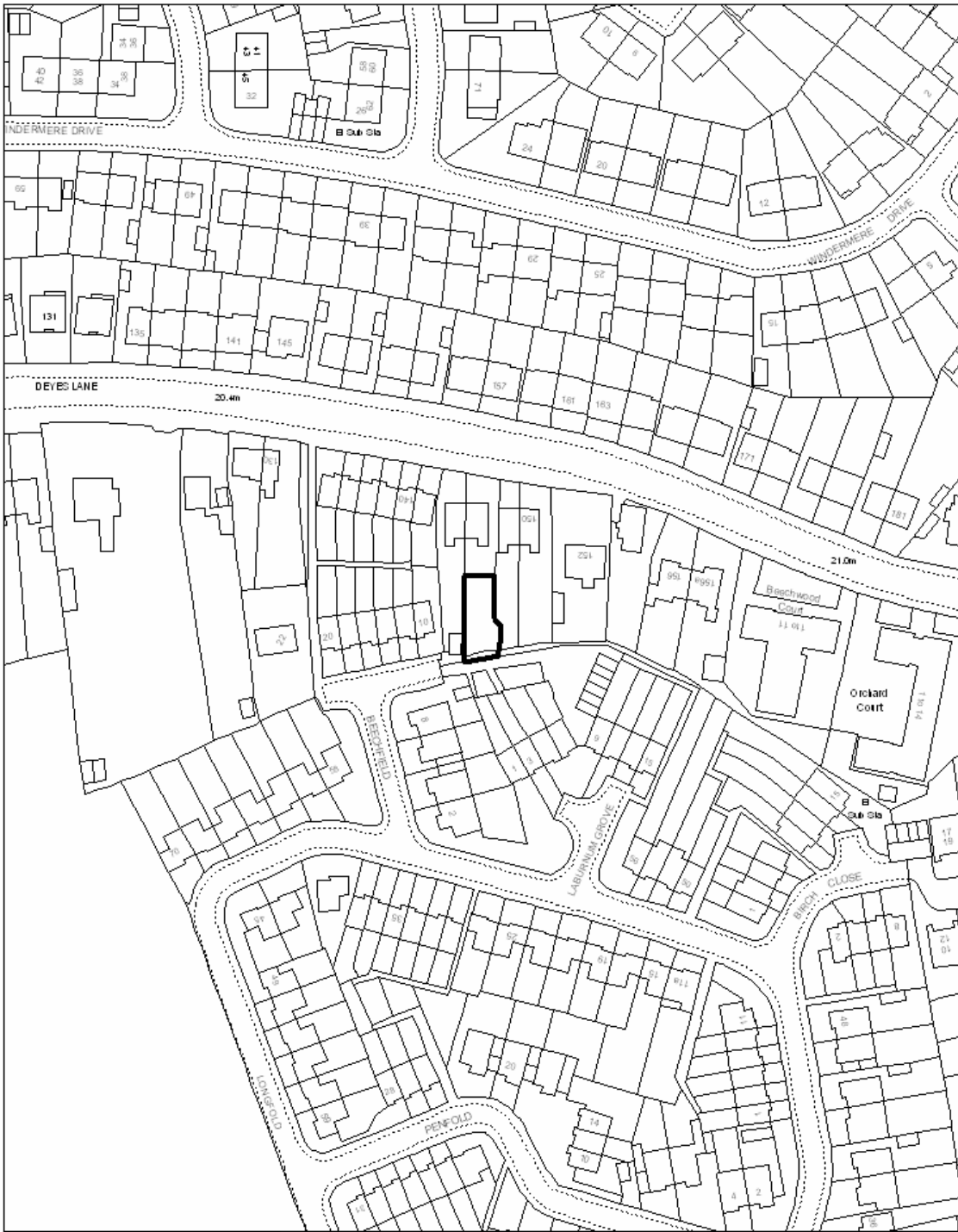
Drawing L31 6DW/LB146/01 A, 02, 03A, 04

Financial Implications

CAPITAL EXPENDITURE	2006/ 2007 £	2007/ 2008 £	2008/ 2009 £	2009/ 2010 £
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
REVENUE IMPLICATIONS				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

List of Background Papers relied upon in the preparation of this report

History referred to
Policy referred to



Sefton Council
Planning & Economic
Regeneration Department
 Andy Wallis - Director
Planning & Economic Regeneration is part of the
 Regeneration & Environmental Services Directorate

S/2010/1575
 Land to the rear of
 146 Deyes Lane
 Maghull
 L31 6DW
 OSGR: 338483, 402449 Sheet(s): 1948 Area: 175 sqm

Standard Site Plan
 Scale: 1:1250
 Date: 29/12/2010
 Drawn By: BBERTON

Ward(s): Sudell
 Postcode Sector(s): L31 6
 Polling District(s): A3
 Parish(es): Maghull Cp

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The Site

This application concerns part of the rear garden of a semidetached property which fronts Deyes Lane. The access to the proposed house is from a private unmade lane leading off Beechfield which serves a number of garages.

Proposal

Erection of a detached two storey dwellinghouse on land to the rear of 146 Deyes Lane with access from Beechfield

History

None.

Consultations

Highways Development Control - The proposed site plan shows the plot being split in such a way that all vehicular and pedestrian access will be from the existing narrow accessway which serves the block of lock-up garages. This accessway is not part of the adopted public highway and as such the applicant should be advised to ascertain whether they have a legal right of access (vehicular and pedestrian) along this accessway.

It should also be noted that the narrowness of the existing accessway will make it difficult to manoeuvre in and out of the proposed driveway. However, this is not considered to be a matter which would detrimentally affect highway safety.

In view of the above, there are no objections to the proposal as there are no highway safety implications. Conditions and informatives should be added to any approval notice:-

Environmental Protection – no objections. Standard condition concerning piling should be added.

Neighbour Representations

A petition of 33 signatures opposing the development, endorsed by Councillor Mainey has been received.

Individual letters of objection have been received from occupiers of 1,3,5,9,13 Laburnum Grove, 140,142, 148 Deyes Lane, 4,10 Beechfield on grounds of

- loss of light and privacy to gardens and patio
- the existing access track is unsuitable and development would restrict access for emergency vehicles and to garages at rear. Objectors point out that the access track is not adopted and is very narrow (2.8m). Heavy traffic may damage drains. Boundaries have changed to make this more restricted than shown on the out of date location plan. There is no street lighting. Track is not suitable for wheelchair access.

- lack of parking in the area
- disruption during building – traffic, dust and dirt, noise
- insufficient space on site - proposal out of character and scale
- loss of light and outlook
- boundary walls/fences/hedges cannot be removed as they are party boundaries; accuracy of plans is questioned.

Policy

The application site is situated in an area allocated as residential on the Council's Adopted Unitary Development Plan.

CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas

Comments

The issues raised by this application concern the principle of the development in this location; impact on residential amenities of neighbours including any potential overlooking; the safety and practicality of the access and design and landscaping including tree retention and new tree planting.

Principle

The site is presently part of an existing garden. Annex B of National Planning Policy Statement 3 'Housing', amended on 9th June 2010 reclassifies garden sites as Greenfield land. This is intended to remove the in-built presumption in favour of development that was applied to all 'brownfield' land under the previous version of the guidance.

It should be noted however that this change in status does not mean that development on garden sites is now prohibited. Planning permission can still be granted on suitable 'greenfield sites', where residential amenity and other planning considerations can be satisfactorily addressed. A site's greenfield status is a consideration that will be taken into account when determining a planning application, but will need to be balanced against all other relevant considerations

Whilst inappropriate garden developments will continue to be resisted, suitable developments can be achieved on certain sites. It is noteworthy that Sefton is increasingly in a position where suitable urban sites are becoming scarcer, and we face a housing land shortfall in the medium to long term. Whilst garden sites have historically made only a limited contribution to Sefton's housing supply, the complete choking off this element of supply would potentially bring forward the date at which we may need to explore urban extensions.

In this case the issues to consider are whether this type of development is in character with the local area and whether its impacts, particularly with regard to overshadowing/overlooking and access are acceptable.

Character

This is a relatively high density residential area and numbers 10-22 Beechfield are located to the rear of houses in Deyes Lane in a similar relationship to the proposed plot. However it should be recognised that the proposal is for an isolated dwelling and not part of a planned group and the relationship of the proposed house to the existing properties in Deyes Lane is different. It would be difficult to argue that a dwelling here is out of character provided that the required detailed planning requirements can be met.

The proposals leave garden areas in excess of the required 70m² for both existing and proposed dwellings

Residential amenity

Given the tight location of the plot, the impact on existing occupiers, both in Deyes Lane and Laburnum Grove, need to be considered.

The neighbour at 148 Deyes Lane has queried the precise dimensions of the plot – particularly the ownership of the area at the front of the hedge and the relationship of the proposed house location to the side boundary. The applicant has been asked to confirm that the submitted plans are fully accurate.

In relation to the house at 146 Deyes Lane, the proposal provides 21m to the main rear wall but there is a projecting kitchen at ground floor which has a window facing the new house at a reduced distance. The neighbour at 148 Deyes Lane points out that he has an existing conservatory and the distance from that to the first floor windows of the proposed house is less than 21m although any overlooking would be slightly offset. This has been made worse by the amendment which places a bedroom window in the nearest part of the proposed house rather than a bathroom which was required in order to reduce overlooking to Laburnum Grove. The occupier of 148 Deyes Lane is also concerned about overshadowing as the proposed house is to the south west of his house. Objections have also been received from 142 Deyes Lane, but the distance to this property well exceeds the required standards,

In relation to Laburnum Grove, the properties have now incorporated the land up to the access track into their gardens. This leaves a distance of approximately 6m from the front elevation of the house to the back gardens of those properties. The plans have been amended to remove any overlooking windows from that elevation (first floor windows would be restricted to bathroom and landing and be obscure glazed). There is now no overlooking to these gardens and as the proposed house lies to the north of these properties, overshadowing is not an issue.

Access

Access to the proposed dwelling would be from an unadopted, narrow access track which gives access to a block of garages and access to some rear gardens in Deyes

Lane. Neighbours are concerned about the adequacy of this and the potential for congestion. However, the proposal includes parking space for two cars and parking on the access track would not be practicable. The Highways Development Control team raise no objections to the proposal on highway safety grounds but comment that the applicant would have to ensure that he has right of access and point out that manoeuvring into the drive would not be easy. These issues and any issues concerning the strength/condition of the roadway and its suitability for construction traffic are for the applicant to resolve. Whereas the road width is less than the normal minimum for new development, it is an existing vehicular route which provides access to garages and it is difficult to argue on either highway safety or amenity grounds that it is not suitable to serve a new dwelling with two parking spaces.

Design, landscaping and other site planning considerations

The proposed dwelling is a two storey house of unexceptional design. It is however quite appropriate to this location and is tucked away with limited public view.

The proposal involves removal of one small fir tree, 2 small trees adjoining the site would remain. Proposals for planting 5 trees 2 to replace the fir tree removed and the normal requirement for 3 additional trees for a new dwelling.







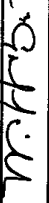

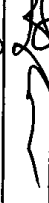




Conclusion

This is a very tight site and there is clearly a good deal of local opposition to this proposal. The access already exists and the provision of a house in this position would not be out of character with the pattern of development in the area. Overlooking to the rear gardens of Laburnum Grove has been removed by the amended plan and the impact on the amenity of 146 Deyes Lane is acceptable. The main impact would be on 148 Deyes Lane where there is the potential for some oblique overlooking to the conservatory and some overshadowing of part of the garden but these are not considered sufficient to justify refusal of permission in this case.

Contact Officer:

Mrs S Tyldesley Telephone 0151 934 3569

PETITION AGAINST THE BUILDING OF A TWO STORY DWELLING TO THE LAND AT THE REAR OF 146 DEVES LANE, MAGHILL REFS/2010/1575

NAME (PRINT)	ADDRESS	SIGNATURE
COLIN MASHER	1 LABURNUM GROVE MAGHILL L31 6AW	
PAT FRENCH	3 LABURNUM GROVE MAGHILL L31 6AW	
PAUL FRENCH	3 LABURNUM GROVE MAGHILL L31 6AW	
M. German	5 LABURNUM GROVE L31 6AW	M. German
P. German	5 LABURNUM GROVE L31 6AW	P. German
I. Dickey	9 LABURNUM GROVE L31 6AW	
M. Dickey	9 LABURNUM GROVE L31 6AW	
G. Nolan	11 LABURNUM GROVE L31 6AW	
S. SOOTNER	11 LABURNUM GROVE L31 6AW	S. SOOTNER
C. GAVRETTIS	2 BEECHFIELD L31 6AP	
A. GAVRETTIS	2 BEECHFIELD L31 6AP	
P. P. P. P. P.	4. BEECHFIELD	
M. P. M. P. P.	4. BEECHFIELD	M. P. M. P. P.
S. A. C. A. L. A. C. H. I. Z. O. N.	20 BEECHFIELD	
S. O. S. I. E. G. A. C. C. A. R. D.	4	
JANE THOMAS	18 BEECHFIELD L31 6AP	
DAVE STARGED	16 BEECHFIELD L31 6AP	
SARAH NICHOLSON	14 BEECHFIELD L31 6AP	S. Nicholson
BERNARD COURT	10 BEECHFIELD L31 6AP	