



**Background Papers:**

The following papers are available for inspection by contacting the above officer(s).

History and Policy referred to in the report

## The Site

The site comprises an existing garage court of 12 lock up garages, access road from Lilac Avenue and a partial garden area. The site lies to the rear of properties fronting Lilac Avenue, Woodvale Road and Cherry Road and is within a residential area.

A similar proposal by One Vision Housing for the erection of 4 dwellings is also being assessed at this Planning Committee on land rear of 52-56 Lilac Avenue, which is in very close proximity to this site.

## Proposal

Erection of two pairs of semi detached dwellings following demolition of the existing garages

## History

None

## Consultations

*Highways Development Control* – There are no objections to the principle of erecting 4 houses following demolition of the existing garages as there are no highway safety implications. All vehicular and pedestrian access will be via a shared surface accessway. Each house will have at least one off-street parking space which is an acceptable level of car parking provision. The proposed site boundary encompasses an area that is part of the existing public highway and as such will need to be ‘Stopped-up’. The existing vehicular access to the garages is inappropriate to provide access onto a shared surface and as such it will need to be reconstructed as footway, consistent in width and alignment with the existing footway either side of the site and will incorporate a domestic type vehicle crossing in order to facilitate vehicular access to the shared surface.

*Built Environment Director – Head of Environment* – No objection in principle to this proposal subject to the standard condition for piling (M6).

## Neighbour Representations

Last date for replies: 16<sup>th</sup> January 2012

Received: Letters of objection received from 59; 61; 67 Cherry Road; 70; 72; 74 Lilac Avenue; 53 and 55 Woodvale Road raising the following concerns:

- Would prevent residents having vehicular access to their property through the only route possible. More infirm residents concerned they will become cut off from the community if cannot access their property as they have done for many years.
- Loss of garage currently rented. What alternative arrangements will be offered?
- Will cause problems for people unloading cars and accessing their dwellings.
- Work may unsettle foundations of nearby properties.
- Area already congested and loss of this parking area will cause further problems

- and danger for people crossing roads.
- Dwellings on the 'square' on Cherry Road have no parking and this would further reduce provision. Need garage for overnight keeping of vehicle for insurance purposes.
  - Understand affordable housing is required but not at the detriment of existing neighbours.
  - Would cause loss of privacy, daylight and security. Rear of residents land is secluded and inaccessible and this would not be the case if plans get consent. Would become vulnerable resident.
  - Would cause direct overlooking into neighbour's kitchen, dining room, bathroom, bedroom and garden.
  - Restrict access for emergency vehicles and impact on house values.
  - Legal right of way would be lost – how do we intend to negotiate this same right of way? Should not be removed.
  - Proposal is built on land in other ownership and deny right of access. Certificate A is signed which is incorrect.
  - Proposed dwellings are very close to existing dwellings and therefore cause overlooking.
  - Timing of the application (seeking views over Christmas period) has limited available time people have in seeking advice on the matter.

## Policy

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

AD2	Ensuring Choice of Travel
CS3	Development Principles
DQ1	Design
DQ3	Trees and Development
H10	Development in Primarily Residential Areas
EP6	Noise and Vibration
SPG	New Housing Development

## Comments

The main issues for consideration in the assessment of this application are the principle of development, impact of the proposal on residential amenity, design and the surrounding area.

### Principle

The site lies within a residential area where new residential development is acceptable in principle subject to other policy constraints

### Design and impact on surrounding area

Policy DQ1 requires new development to relate positively to the character and form of the surroundings and make a positive contribution to their surroundings through the quality of their design in terms of scale, form, massing, style, detailing and use of materials.

In this case, the proposed dwellings are on a backland site. However, the form of development in the surrounding area is unusual in that there are some u-shaped areas of housing around a central grassed area which are set back from the road frontage. There are also traditional streets with dwellings fronting onto roads. The backland development proposed here is therefore considered appropriate to the mixed form of development in this locality and meets policy DQ1 in this respect.

The dwellings proposed are two-storey, semi-detached and are of similar proportions to existing dwellings in the surrounding area. The scale, height and massing of the dwellings is therefore considered acceptable in this location. Whilst the maximum ridge height of the proposed dwellings is approximately 0.4m higher than that of 57 Cherry Road adjacent for example, this is not considered to be sufficient to cause harm to amenity or the visual quality of the surrounding area

The materials proposed are a mix of brick and render which is appropriate in this locality. The overall design concept is considered acceptable with projecting front gables to the outermost dwellings and slightly recessed innermost dwellings. This layout creates an interesting design which is appropriate to its location. The simple window style proposed and proportions are also appropriate and the overall scheme is considered to comply with policy DQ1.

### **Impact on residential amenity**

This is assessed in terms of the amenity of potential occupants and also the impact of the proposal on the amenity of existing neighbours.

The proposed dwellings provide a good standard of accommodation and each habitable room has a good outlook. The private amenity space for each dwelling is in line with the 70sq m recommended as a minimum in SPG New Housing Development. The level of amenity for potential occupants is therefore acceptable.

In terms of the impact of the proposals on the amenity of existing neighbours, the following points are relevant. SPG New Housing Development sets out minimum interface distances which are considered acceptable between existing and proposed dwellings without detriment to the surrounding properties. The proposed site layout submitted demonstrates that these minimum distances can be achieved with 10.5m from the proposed first floor habitable room windows to surrounding gardens, 12 metres from a habitable room window to a gable and 21 metres between habitable room windows of existing and proposed dwellings.

The two storey dwellings will be 12 metres from the rear of dwellings fronting Woodvale Road, some of which are bungalows. Whilst the dwellings are two-storey and at fairly close proximity, they are not considered to cause significant detrimental harm on the basis that the proposed eaves height is only 5 metres and the roof is hipped away from this point. This reduces the overall impact and bulk of the dwellings which is considered acceptable in this location.

A number of objections have been received relating to the impact of the dwellings on existing residents in terms of overlooking and a loss of privacy. As stated above, the layout complies with the recommendations in SPG and is therefore not considered to cause significant detrimental harm to amenity. Side windows proposed in the dwellings are to be obscurely glazed to prevent overlooking opportunities and as such the proposal complies with policy H10.

The issue of impact on residents from the proposed stopping up order is addressed below.

### **Access and stopping up of public highway**

SPG New Housing Development requires access roads to backland development to be a minimum width of 4.1m and be a set distance away from windows in the gables of frontage properties. In this case, there are no habitable room windows on the side gables of the frontage dwellings and the access road is shown on the plans to be 5.2m wide. This is considered appropriate and given that the access serves a garage court for 12 garages, the residents are already accustomed to vehicle movements past their dwellings. The noise and disturbance associated with four dwellings is not considered to cause significant detrimental harm to amenity and the access complies with the guidance set out in SPG.

The proposal involves the closure of an existing part of the unadopted highway which provides pedestrian access through from the existing garage court to the front of dwellings set around the grassed area off Cherry Road. A number of objections have been received relating to this proposal due to the impact that this will have on residents as they will suffer a loss of an existing means of access to their properties. It is not the only means of access as the dwellings are accessible from Cherry Road but is an additional and seemingly well used pedestrian access.

One Vision Housing will need to apply for a Section 116 of the Highways Act 1980 'Stopping-up' order to close this access route. This is a procedure which is entirely separate from the planning application procedure and does not therefore form part of the assessment of this application. The application for the 'Stopping-up' order will be made by One Vision and advertised within the local press. Residents will have an opportunity to object and make representations to the Highway Authority regarding this matter at that time which will be assessed by a Magistrate before a decision is made. This stopping-up procedure cannot form part of the assessment of the planning merits of the case.

Objections received relating to land ownership have been considered but the agent has confirmed that all land within the red line boundary is within the ownership of One Vision Housing as stated on the application form Certificate A.

### **Trees and development**

Policy DQ3 requires the provision of 3 new trees to be planted on site per new dwelling created. This proposal therefore requires 12 new trees to be planted which are shown on the plans and as such the scheme complies with policy DQ3.

### **Conclusion**

The proposal to erect 4 dwellings is acceptable in this location in principle and the overall siting and design of the dwellings complies with policy and SPG requirements. The dwellings will not have a significant detrimental impact on the amenity of existing residents and provide a reasonable standard of accommodation for potential occupants. The stopping-up procedure is not a planning matter and the impact of this cannot be taken into consideration for this application. The application therefore complies with policy and is recommended for approval.

## Conditions

1. T-1 Full Planning Permission Time Limit
2. M-2 Materials (sample)
3. M-6 Piling
4. L11 Trees - maintenance
5. H-1 Remove existing vehicular/pedestrian access
6. H-2 New vehicular/pedestrian access
7. H-5 Off-site Highway Improvements
8. H-6 Vehicle parking and manoeuvring
9. X1 Compliance

## Reasons

1. RT-1
2. RM-2
3. RM-6
4. RL1
5. RH-1
6. RH-2
7. RH-5
8. RH-6
9. RX1

## Notes

1. The applicant is advised that the proposal will require the formal allocation of addresses. Contact the Highways Development Control Team on Tel: 0151 934 4175 to apply for a new street name/property number.
2. The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Section on 0151 934 4175 or [development.control@sefton.gov.uk](mailto:development.control@sefton.gov.uk) for further information.
3. The applicant is advised of the requirement for a "stopping up order" to the area shown yellow on the stopping up plan which forms part of the public highway. For further information please contact the Highways Development Control team on 0151 934 4175.
4. There are significant bands of peat deposits in Sefton and this development is in an area where these deposits may be substantial. Peat produces naturally occurring methane and carbon dioxide and if sufficient amounts of these gases are allowed to collect under or within a newly erected or extended building, there is a potential risk to the development and occupants.

## Drawing Numbers

SK/L02/100; 101; 102; 105; 3774/ST/L/01

# Existing site plan



<b>Sefton Council</b> Department of the Built Environment Jane Gowling Head of Planning Services	S/2011/1553 Land to the Rear Lilac Avenue Ainsdale	Standard Site Plan Scale: 1:1250 Date: 24/1/2012 Drawn By: RO BID on	
	OSGR: 331609, 41073	Sheet(s): 347C Area: 1300 sqm	



# Proposed site plan

