
Report to: [Planning Committee](#) **Date of Meeting:** [08 February 2012](#)

Subject: [S/2011/1572](#)
[Land adjacent 52 Freshfield Road, Formby](#)

Proposal: [Erection of a detached two storey dwellinghouse with accommodation in the roofspace on land to be severed from 52 Freshfield Road. \(Alternative to S/2011/1029 approved 22/09/2011\)](#)

Applicant: [Mrs Karen Lewis](#) **Agent:** [D K Architects](#)

Report of: [Head of Planning Services](#) **Wards Affected:** [\(Harington Ward\)](#)

Is this a Key Decision? [No](#) **Is it included in the Forward Plan?** [No](#)

Exempt/Confidential [No](#)

Summary

The proposal seeks approval for the erection of a two-storey detached dwelling, with accommodation in the roofspace, within land to be severed from the side garden of Number 52 Freshfield Road, Formby.

The key issues to consider are the impact of the proposal upon the character of the area, neighbouring residential amenity and upon the existing dwelling at Number 52.

Recommendation(s)

Approval

Reasons for the Recommendation:

When assessed against the Unitary Development Plan and all other material considerations, particularly policies AD2, CS3, DQ1, DQ3, H10, Supplementary Planning Guidance 'New Housing Development' and Supplementary Planning Document 'Green space, trees and development' the proposal will not cause harm to the amenity of residential properties outside the control of the applicant and will be a positive addition to the character of Freshfield Road. The proposal is therefore acceptable.

Implementation Date for the Decision

Immediately following the Committee meeting

Contact Officer: [Mrs S Tyldesley](#) Telephone 0151 934 **3569**

Case Officer: [Neil Mackie](#) Telephone 0151 934 **3606**

Email: planning.department@sefton.gov.uk

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

Land to be severed from the side and rear garden of a detached dwellinghouse on Freshfield Road within a primarily residential area of Formby.

This site benefits from an extant permission, S/2011/1029, for the erection of a detached two-storey dwellinghouse that was granted by Committee on 21st September 2011 with decision notice dated 22nd September 2011.

Proposal

Erection of a detached two storey dwellinghouse with accommodation in the roofspace on land to be severed from 52 Freshfield Road. (Alternative to S/2011/1029 approved 22/09/2011)

History

S/2011/1029 - Erection of a two storey detached dwelling. Approved 22nd September 2011.

N/2004/0623 – Erection of a two storey extension to the rear of the dwellinghouse and detached garage to the rear. Approved 3rd September 2004.

N/2003/1153 – Erection of a two-storey extension to the rear of the dwellinghouse. Approved 17th December 2003.

N/2003/0263 – Erection of two detached two-storey dwellings and two detached double garages (Alternative to N/2002/0988 granted 19/12/2002). Approved 12th November 2003.

N/2002/0652 – Outline application for the erection of 3 detached dwellings. Withdrawn 20th August 2002.

N/2002/0988 – Outline application for the erection of two detached dwellinghouses. Approved 19th December 2002.

Consultations

Highways Development Control – No objections in principle to the proposal as there are no highway safety implications, subject to conditions relating to the creation of the vehicle access and an area off off-street parking being attached to any approval. Some minor works to the highway will be necessary to construct a new footway crossing to tie-in with the location of the proposed vehicular access.

Environment Head of Service – No objection in principle to the proposal subject to a condition being attached to any approval in respect of piling/ground compaction works.

Neighbour Representations

Last date for replies: 30th January 2012.

Representations received: Two letters of objection from Numbers 57 and 57a Freshfield Road (facing the application site).

Points of objection are concerned with the scale of the proposed dwelling within its plot, its prominent position within the site, overlooking of private amenity spaces and habitable rooms arising from first-floor habitable room windows to the front elevation of the proposed property, overshadowing of habitable room windows to properties on the west side of Freshfield Road and impacts on highway safety due to the absence of a garage to the property and the proximity of the site to Formby High School.

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

Comments

Principle of Development

As the application site lies within a Primarily Residential Area then when considered against Unitary Development Plan policy H10 residential development is acceptable in principle subject to it conforming to all other aspects of the Plan.

As this site benefits from an extant planning permission granted by Planning Committee on 21st September 2011 the key issues to consider are the differences between that scheme and this proposal, and the points of objection raised by neighbouring properties. All other matters are in line with the extant permission and are therefore acceptable.

Impact on neighbouring residential amenity

Objections from neighbouring properties have expressed concerns as to the overlooking of front gardens and habitable room windows to front elevations to the detriment of residential amenity, in addition to the dwelling overshadowing their properties to the detriment of their amenity.

As a result of the separation between the proposed dwelling and those that it faces, the proposal will not cause harm to the amenity of facing properties as the proposal complies fully with the interface distances set out within Supplementary Planning Guidance 'New Housing Development' and in this regard the proposal is acceptable.

With regards to overshadowing, given the separation distances between the properties the proposed dwelling would not cause any significant detrimental harm to amenity through overshadowing.

Highway Safety

Other points of objection focus on the impact of the proposed dwelling on highway safety,

particularly with regards to the existing traffic problems stated by the objectors that are generated by the nearby secondary school. As is evident from the comments received by Highways, this proposal will not cause any harm to highway safety and in this regard the proposal is acceptable.

Differences over extant permission

A key difference between the scheme granted consent and this is its siting further from the applicant's property at Number 52 Freshfield Road.

The committee report for application S/2011/1029 stated that: "At its closest point, the distance between the proposed dwelling and the conservatory at no. 52 is 2 metres. The maximum distance between the two properties is 5 metres. In respect of the windows in the south elevation of 52 Freshfield Road, the first-floor windows to the projecting bay are the only windows to a bedroom, but there are windows to each of the splays, which provides outlook to the east and west beyond the extent of the proposed dwelling. Windows to either end are secondary windows to serve two additional bedrooms. The bay to the ground floor provides three windows to serve a lounge/living area, and the conservatory provides additional amenity.

While the siting of the proposal would cause some harm to the amenity of the occupants of Number 52, this harm is to the applicant's property and would be apparent to any future occupier. On balance, as this harm is being caused to the applicant's property by their proposal this is not considered reason enough to warrant a refusal of the planning application."

As this proposal is sited further from the applicant's property, the closest points is now 4 metres (an increase of 2.0 metres), it is considered that the resiting reduces the potential for any harm being imposed upon the applicant and any future occupier and that this application represents an improvement in this regard over the extant permission.

While extent of the two-storey side elevation towards the existing dwelling has also reduced in length by less than half a metre, to include a flat roof rather than a hipped roof, the ridge height of the proposed dwelling has increased by 0.6 metres. As a result of the increased separation from the boundary to the applicant's property, it is considered that this increase in height is acceptable as it will not cause significant detrimental harm to the amenity of current and future occupiers of Number 52.

Detailed matters

As the windows to the right hand side elevation overlook an access road and not areas of private amenity it is not necessary for a condition to be attached to approval to require these to be obscurely glazed or fixed shut.

So as to safeguard the amenity of current and future occupiers of Number 52 it is considered reasonable to attach a condition to approval to prevent the use of the flat roof above the single-storey ground floor projection as a terrace or balcony with the problems of overlooking that would arise.

Given that the proposal sits comfortably within the Freshfield Road streetscene, does not cause harm to third party amenity and is otherwise acceptable it is considered that the proposal complies with policy and is therefore recommended for approval with conditions.

Conditions

1. T-1 Full Planning Permission Time Limit
2. H-2 New vehicular access
3. H-6 Vehicle parking and manoeuvring
4. L-4 Landscape Implementation
5. M-6 Piling
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent Order or statutory provision revoking or re-enacting the provisions of that Order), no window or door shall be added to the property to enable access to the flat roof elements of the dwellings unless expressly authorised.
7. X1 Compliance

Reasons

1. RT-1
2. RH-2
3. RH-6
4. RL-4
5. RM-6
6. In order to protect the character and amenities of surrounding property and to comply with Sefton UDP Policies DQ1 and H10.
7. RX1

Notes


1. 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.
2. 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 property number.
3. 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 for further information.

Drawing Numbers

975.100 A, 975.103 C, 975.104.1 C, 975.104.2 C, 975.105 A, 975.202, 975.203

Existing site plan



Sefton Council  Department of the Built Environment Jane Gowing Head of Planning Services	S/2011/1572 Land adjacent Freshfield Road Formby	Standard Site Plan Scale: 1:1250 Date: 24/1/2012 Drawn By: ROBID on
	OSGR: 329285, 40763	Sheet(s) 285A Area: 499 sqm

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Proposed site plan

