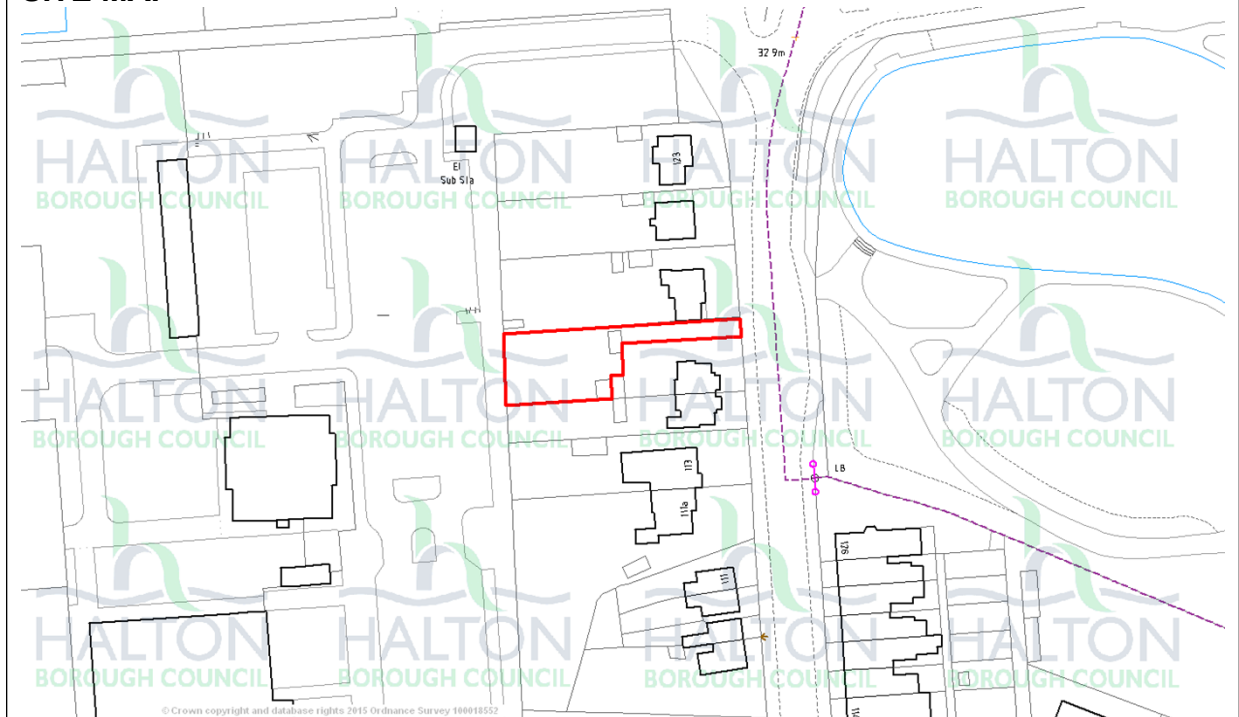


APPLICATION NO:	15/00427/FUL
LOCATION:	117 Birchfield Road, Widnes
PROPOSAL:	Proposed construction of 1 no. detached bungalow suitable for occupation by disabled person (s) (DDA Compliant) with associated landscaping and access on part of rear garden.
WARD:	Kingsway
PARISH:	N/A
CASE OFFICER:	Glen Henry
AGENT(S) / APPLICANT(S):	Mr T Wakefield
DEVELOPMENT PLAN ALLOCATION:	
Halton Unitary Development Plan (2005)	Primarily Residential Area
DEPARTURE REPRESENTATIONS:	No 3
RECOMMENDATION:	Refuse

SITE MAP



1. APPLICATION SITE

1.1 The Site and Surroundings

Site is located to the side and rear of 117 Birchfield Road in Widnes. To the rear of the Site is Wade Deacon School.

1.2 Planning History

Pre-application advice was sought prior to the original submission under pre-application ref. 14/07510/PREAPP. This stated that whilst the principle of residential development in the area would likely be acceptable, based on the impact the proposal would have on the character of the area, advised against the submission of a planning application.

Planning application (ref. 15/00073/FUL) for the proposed construction of 1 no. detached dormer bungalow with associated landscaping and access was withdrawn. A subsequent planning application (ref. 15/00290/FUL) for the proposed construction of 1 no. detached bungalow with associated landscaping and access (resubmission of withdrawn application 15/00073/FUL) was refused under delegated powers.

2. **THE APPLICATION**

2.1 Proposal Description

The application seeks permission for the erection of a single-storey detached bungalow within the rear garden of an existing semi-detached house. The proposals include provision for an attached single garage linking to an existing detached outbuilding retained to the rear of the parent property.

2.2 Documentation

The planning application is supported by reports labelled as Planning Statement, Design and Access Statement and a Phase 1 Site/ Ground Investigation Report.

3. **POLICY CONTEXT**

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant

policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

3.2 Halton Unitary Development Plan (UDP) (2005)

The site is identified as falling within a Primarily Residential Area in the Halton Unitary Development Plan. The use of the site for residential purposes is therefore considered to be acceptable in principle.

The following National and Council Unitary Development Plan policies and policy documents are of particular relevance: -

BE1 General Requirements for Development
BE2 Quality of Design
TP12 Car Parking
PR14 Contaminated Land
TP17 Safe Travel for All

3.3 Halton Core Strategy (2012)

CS2 Presumption in Favour of Sustainable Development
CS12 Housing Mix
CS18 High Quality Design
CS19 Sustainable Development and Climate Change

3.4 Relevant SPDs

New Residential Development SPD is of particular relevance

4. CONSULTATIONS

- 4.1 HBC Highways– No objection in principle
- 4.2 HBC Contaminated Land – No objection in principle

5. REPRESENTATIONS

- 5.1 Councillor Horabin has written to state her support for the residents in their objections to this application.

Two letters of objection have been received stating the following:

- As much as the applicant has tried to sugar coat this application by stating that it is suitable for occupation by disabled person(s), in my opinion there is absolutely no difference between this and the previous applications 15/00073/FUL and 15/00290/FUL for the site.
- The applicant has once again shown complete disregard for the reasons stated in the Notice of Refusal of Full Planning Permission (15/00290/FUL)

- This application should be refused as it contravenes the policies and guidelines - in common with previous applications 15/00073/FUL and 15/00290/FUL - for the site.
- In addition, my concerns from my objection to planning application 15/00290/FUL still remain, given that the applicant could achieve a loft conversion through Permitted Development rights - thus giving the applicant their original intentions for the site.
- Referencing the previous reasons for refusal of planning application (ref 15/00290/FUL) for an extremely similar development, from the same developer, for the same site.
- Raising suspicion regarding the developer's intention to convert this development with the addition of dormer windows which will significantly increase the negative impact on the privacy of the surrounding properties. This being based on reference within the Planning Statement to a detached DORMER bungalow and by virtue that proposed plans indicate a higher than usual ridge.
- Raising a number of questions over statements contained within the submitted documents including as follows:
 - That the current application still contains this misleading claim that pre application advice was positive.
 - That there are no similar properties and the scale of the proposed development completely dominates the view from all surrounding properties.
 - Statements that the height of the proposed bungalow has been reduced is a miss representation and from the information provided, an estimate would be it has been reduced by only 30/40 cm
 - The height of the ridge is approximately 6 meters, which when viewed from neighbouring properties against the existing open aspect the property would appear dominant and excessive.
 - The intention to utilise the existing rear garden for off road parking means the cars and the associated noise and fume pollution will intrude on privacy and impact use of gardens and existing amenities. To gain access to the proposed garage requires a difficult turning manoeuvre increasing both noise and fume pollution and nuisance to the adjoining properties. Due to the lack of a turning area it would be necessary to reverse the whole length of the proposed driveway onto Birchfield Road which is a very busy road especially when the school children are on their way to and from school.
 - Whether the proposed access route provides adequate access for emergency services.
 - That the tree on the north west corner is the only remaining mature tree after the developer had removed several mature trees prior to the application. Was a full Tree Survey submitted and will the tree be protected from root damage and be protected from damage?
 - While the revised proposal may be appropriate for disabled and ambulant occupation we fail to see how these changes address any of the previous objections and concerns raised and highlighted by the planning authorities.
 - Have United Utilities confirmed the existing 1920's drainage can cope with another dwelling being added to the existing house drainage.

- That the proposed development is in direct conflict with the current Government guidelines against “Garden Grabbing” and if permitted would be out of character with all the neighbouring properties.
- That the development represents poor design and will constitute a gross over-development of the site and totally out of character with the neighbouring properties.
- That there is a lack of need for the development
- The developer’s surveyors have provided extracts from National Planning Policy and tried to suggest that the proposed development somehow fits within these guides lines. However they do not offer any accurate or substantiated reasoning why the proposed development should be allowed.

5. ASSESSMENT

The application seeks permission for the erection of a single-storey detached bungalow within the rear garden of an existing semi-detached house. The proposals include provision for an attached single garage linking to an existing detached outbuilding retained to the rear of the parent property.

The preceding planning application (ref. 15/00290/FUL) which was refused under delegated powers had been amended from an earlier withdrawn planning application (ref. 15/00073/FUL) to remove first floor living accommodation with roof light and dormer windows in an attempt to overcome officer concern regarding the resultant overlooking, loss of privacy and overall impact on the rear gardens and amenity of adjoining residents resulting from the massing and height of the proposed bungalow. Those amendments have removed all roof light and dormer windows and it is therefore considered that previous concerns regarding overlooking and loss of privacy as a result of those elements have therefore been resolved. Concerns of objectors regarding the potential for future conversion of the roof space to living accommodation are noted but it is considered that any future insertion of roof windows can be adequately be controlled by appropriately worded planning condition and therefore a significant degree of control maintained by the Local Planning Authority in this regard.

The current planning application has been further amended to include the following:

1. The application description has been amended to state that the proposed bungalow would be “suitable for occupation by disabled person(s) (DDA compliant)”
2. The front door is show to be level access
3. A ramped access has been provided to the rear door
4. The bathroom has been replaced by a wet room
5. An en-suite has been altered to open outwards
6. The bungalow is now show to be fully rendered with feature header and sill courses whereas the original included a brickwork feature wall.

Notwithstanding such amendments no statement has been supplied that the dwelling is intended for any specific relative or other person and, whilst it is acknowledged that the proposed dwelling may be capable of occupation by a disabled person no such restriction on the property is proposed nor is it considered that any such restriction would be appropriate or justifiable in this case. The proposed dwelling is considered to offer very little more in terms of disabled adaptation appearing limited to an additional ramped access and a wet room over and above the minimum provision required by Part M of current Building Regulations. As such it is considered that the proposed dwelling could not be reasonably argued to differ much from any open market housing and it is considered that only limited weight can be given to such merits.

The application site is set within the rear garden of a relatively large semi-detached traditional dwelling on a busy main road. There is a degree of variation within the wider area including some interwar council housing to the north east and traditional terraced properties to the southeast on the opposite side of the road and noticeably smaller semi-detached houses directly to the south. Notwithstanding this and a degree of variation in the nearest properties, those properties (most notably 111a to 123 Birchfield Road) are characteristically larger detached and semi-detached properties set within relatively large plots of uniform depth. Wade Deacon High School lies to the rear (west) of the application site but with the main buildings being somewhat separated by an existing wide car park and school grounds. Whilst there are a number of detached single storey out-buildings within the rear of the application parent property and adjoining properties they all have generously long but relatively narrow rear gardens with a generally open feel and perspective. It is against this context that it is considered that the application should be judged.

It is recognised that the development would make efficient use of the site in a sustainable location. Whilst the sizeable rear gardens are not considered to be readily visible from any significant public vantage point it is considered that the insertion of a bungalow relatively central within the rear gardens of this group of properties would appear to have been shoe-horned in and therefore appear incongruous and wholly out of character with the prevailing spacious character of the group of properties and relatively open character of the rear garden areas. The recent, ongoing construction of a single story side extension to the parent dwelling commenced since the previous refusal of planning permission is considered to further emphasise this. It is therefore considered that such a development would result in significant harm to the established character and appearance of the area and I do not consider that the marginal reduction in scale and removal of roof dormers has sufficiently mitigated this impact.

The proposed bungalow would be only approximately 3.1m and 2.7m from the boundaries of the site with the rear private gardens of the properties directly either side. No levels information is supplied with the application. Although it is considered that final finished floor and site levels could be controlled by appropriate planning condition, assuming a level site as indicated in the drawings and the proposed would be approximately 2.5m to eaves and 5.3m

to ridge. It is considered that at such a scale and at such proximity and location relative to adjoining properties such a structure of approximately 12m in length for the main dwelling mass would have an unacceptable impact on the outlook, daylight and sunlight enjoyed by occupiers of those adjoining dwellings to the detriment of their residential amenity.

Given the proximity of the proposed to the side boundaries it is also considered that the proposed living conditions for future residents of the bungalow, if approved, would also be poor given that side facing bedroom windows at ground floor would be only approximately 2.7m and 3.1m from the existing/ proposed boundaries which could be up to 2m in height. This is considered to add weight to the opinion that the proposed is considered to appear like it has been shoe-horned into the available space. Furthermore, whilst it is considered that sufficient garden area is provided in terms of a purely area based approach the rear of the dwelling would be only approximately 6m from the rear boundary of the site which is considered to add further to this view.

With respect to highways servicing and parking it is considered that adequate provision can be made for parking for both the proposed and existing dwelling. Whilst the proposed access road serving the new dwelling would be somewhat restricted (especially taking into account the single storey side extension and rear orangery approved at the parent dwelling by planning permission 15/00005/FUL) provision is made within the scheme for cars to turn and exit in a forward gear subject to appropriate management by the future occupiers. It is considered that provision for bin storage can be made within 30m of the main highway and likely collection point. Whilst it is acknowledged that Birchfield Road is busy at school drop off and collection times it is not considered that the addition of this single dwelling would add substantially to levels of traffic or such manoeuvres as to justify refusal of planning permission on highway safety grounds.

Issues have arisen with regard to protection of a tree shown to be retained within the scheme. Advice is being sought from the Council's Tree Officer in this regard and members will be updated as required.

It is also considered that to allow such development would make it difficult to resist future proposals for similar forms of development at nearby properties most notably numbers 111a, 113, 119 and 123 Birchfield Road which benefit from similar sized rear gardens with similar driveway and access arrangements.

Pre-application advice was sought prior to the original submission under pre-application ref. 14/07510/PREAPP. This stated that whilst the principle of residential development in the area would likely be acceptable but that, based on the impact the proposal would have on the character of the area, advised against the submission of a planning application.

For the above reasons it is considered that the proposals would be contrary to Policies BE1 and BE2 of the Halton Unitary Development Plan, CS18 of the

Halton Core Strategy and Policy 1 (Character and Context) and Policy 5 (Privacy, Outlook, Daylight and Sunlight) of the Design of Residential Development SPD (2012). In addition it is considered that the proposals would be contrary to the National Planning Policy Framework having particular regard to paragraphs 17 and 64 which seek to ensure that new development maintains or enhances the character, quality and appearance of an area.

6. RECOMMENDATIONS

Planning permission be refused for the following reason (s):

1. The proposed bungalow would represent backland development resulting in development that would appear to have been shoe-horned in and therefore appear incongruous and wholly out of character with the prevailing spacious character of the group of properties and relatively open character of the rear garden areas. It is therefore considered that such a development would result in significant harm to the established character and appearance of the area.

2. The proposed bungalow would be of such a scale and at such proximity and location relative to adjoining properties that it would have an unacceptable impact on the outlook, daylight and sunlight enjoyed by occupiers of those adjoining dwellings to the detriment of their residential amenity.

3. The proposed living conditions for future residents of the bungalow would be poor given that side facing bedroom windows at ground floor would be only approximately 2.7m and 3.1m from the existing/ proposed site boundaries.

4. To allow such development would make it difficult to resist future proposals for similar forms of development at nearby properties most notably numbers 111a, 113, 119 and 123 Birchfield Road which benefit from similar sized rear gardens with similar driveway and access arrangements.

For the above reasons it is considered that the proposals would be contrary to Policies BE1 and BE2 of the Halton Unitary Development Plan, CS18 of the Halton Core Strategy and Policy 1 (Character and Context) and Policy 5 (Privacy, Outlook, Daylight and Sunlight) of the Design of Residential Development SPD (2012). In addition it is considered that the proposals would be contrary to the National Planning Policy Framework having particular regard to paragraphs 17 and 64 which seek to ensure that new development maintains or enhances the character, quality and appearance of an area.

7. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and

- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.