

APPLICATION NO:	20/00053/REM
LOCATION:	Land To The East Of 137 Runcorn Road, Moore, Warrington, Cheshire, WA4 6UQ
PROPOSAL:	Application for approval of Reserved Matters (Appearance, Landscaping, Layout and Scale) of outline permission 17/00602/OUT
WARD:	Daresbury
PARISH:	Moore
AGENT(S)/APPLICATN(S):	Confident Construction Ltd
DEVELOPMENT PLAN:	National Planning Policy Framework (2019) Halton Unitary Development Plan (2005) Halton Core Strategy (2013)
DEPARTURE:	No
REPRESENTATIONS:	At the time of writing the report, objections have been received from two neighbouring properties, Moore Parish Council and Councillor Bradshaw.
KEY ISSUES:	Layout, Scale, Appearance, Landscaping, neighbour amenity
RECOMMENDATION:	Approve subject to conditions

SITE MAP:



## 1. APPLICATION SITE

### 1.1 The Site

The site subject of the application is a parcel of land which currently forms the side garden of No.137 Runcorn Road.

The site is currently identified as Green Belt in the Halton Unitary Development Plan and sits within a small ribbon of 4 houses backing onto the railway line which is in a cutting. It adjoins the edge of the built form before it gives way to open fields on the south side of Runcorn Road and ribbon development on the north side.

It appears as falling within a distinct residential area formed by residential areas including Lindfield Close, Hollybank, Six Acre Lane and Gardens and also including Moore Primary School. These are considered to form part of the Village of Moore.

### 1.2 Planning History and Background

- 17/00602/OUT - Application for Outline Planning Permission (with all matters other than Access reserved) for division of site, creation of new vehicular access and erection of 1 no. dwelling in the side garden area.  
**Permitted 07.02.2018**

## 2. THE APPLICATION

### 2.1 The Proposal

This is a reserved matters application which provides detail following the grant of outline permission for 1no. dwelling.

## 3. POLICY CONTEXT

### 3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was updated in June 2019 to set out the Government's planning policies for England and how these should be applied.

Paragraph 47 states that "planning law requires for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on application should be made as quickly as possible and within statutory timescale unless a longer period has been agreed by the applicant in writing".

Paragraph 11 and paragraph 38 state that “plans and decisions should apply a presumption in favour of sustainable development and that local planning authorities should work in a positive and creative way, working pro-actively with applicants to secure developments that will improve economic, social and environmental conditions of their areas.”

### 3.2 Halton Unitary Development Plan (UDP) 2005

The site is identified as Green Belt in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance:

- BE1 General Requirements for Development
- BE2 Quality of Design
- BE22 Boundary Walls and Fences
- TP12 Car Parking

### 3.3 Halton Core Strategy (2013)

The following policies contained within the Core Strategy Local Plan are of particular relevance:

- CS2 Presumption in Favour of Sustainable Development
- CS18 High Quality Design

### 3.4 Supplementary Planning Documents

- Design of Residential Development

## 4. CONSULTATIONS

4.1 The application has been advertised via the following methods: site notice posted near to the site and on the Council Website. Surrounding residents have also been notified by letter.

4.2 The following organisations have been consulted and, where relevant, any comments received have been summarised below in the assessment section of the report:

- **HBC Highways and Transport**  
No objection
- **HBC Contaminated Land**  
No comments received – Contaminated Land elements have been dealt with through the outline planning application and an associated condition attached to it.

- **HBC Open Spaces**  
This reserved matters application does not require comment from Open Spaces Team. Issues regarding trees on site have been dealt with through the outline planning application. See below landscaping section for further discussion
- **Moore Parish Council**  
Objection – see sections below
- **Network Rail**  
No objection in principle - requirements which must be met as the proposal includes works within 10m of the railway boundary.

## **5. REPRESENTATIONS**

5.1 The application was originally advertised by six neighbour notification letters sent on 13.02.20 and again on 21.02.20 due to an amendment to the site address and a site notice posted on 13.02.2020. Following amendments to the scheme the application was re-advertised by another 6 neighbour notification letters sent on 30.06.20 to the original 6 neighbouring properties which included the two properties which had already made representations.

5.2 At the time of writing the report, representations have been received from two addresses, Moore Parish Council and Councillor Bradshaw. The comments are summarised below:

- The new dwelling is only 4.8m from the gable of the existing dwelling (137 Runcorn Road) which has three windows all servicing habitable rooms. This will compromise the privacy, levels of daylight and sunlight of the existing property. Minimum separation distance should be 13m.
- The drawings show a dwelling of three stories with a ridge height significantly above the surrounding properties. This is contrary to documents cited in the outline planning consent which show a two storey dwelling.
- The plans show a bedroom created in the loft space and to achieve this the roof line of the proposed building is raised to an excessive height.
- The roof of the proposed is very dominant in its visual effect making the building look top heavy and ugly. As a result the building will appear incongruous, unduly prominent and out of character with the street scene.

- No consideration has been given as to how the development will affect the mature tree which sits within the curtilage. Should the tree survive, the roots could become problematic for the new dwelling.
- The application site is graded with the rear being over 1m higher than the front. Much of the rear land was designated as non-constructible land however the drawings show that the new dwelling will be built on over 2m of this non-constructible land. No provision has been made to stabilize the adjoining land should excavation take place.
- Provision of outdoor space for the new dwelling does not comply with the minimum requirements in the Design of Residential Development SPD.
- The proposed driveway for the existing property shows two car parking spaces which are 4.8m in length. In addition they are shown adjacent to the house making it impossible to get in/out of a vehicle
- A new vehicular crossing to Runcorn Road is to be provided as stated in the outline permission but this has been omitted from the plans.
- The proposed driveway for the new dwelling shows spaces for three vehicles, one of these is to the front of the house and would create an unattractive frontage and the street scene would be dominated by the view of cars.
- The boundary distance of 4m from the existing house stated in the outline application has been completely ignored and is shown as 3.8m on the submitted drawing.

Amended drawings have been submitted reducing the height of the roof of the dwelling. The following comments were received relating to the amended plans:

- Only minimal changes have been made to the application, it continues to over develop the site with a house of a proposed height and massing that remains oppressive and disproportionate, has a negative impact on the amenity of adjoining property, is out of character to the local street scene and would result in the loss of the mature tree situated in the adjoining plot 131 Runcorn Road.
- The proposal is still taller than the surrounding properties and is still showing as three stories. This is still out of character with the existing street scene.
- Section 7 of the outline planning permission states “prior to commencement of development, plans of the existing ground levels

and proposed ground levels and finished floor levels shall be submitted and approved by the Local Authority. This clause does not appear to have been addressed in the plans submitted for reserved matters.

- Previous comments are still relevant.
- The garage on site has been demolished without any fencing to protect the roots of retained trees.

5.3 Moore Parish Council have objected to the planning application providing the following comments:

*The Parish Council wish to make the following observations to this application:*

- *Number 137 Runcorn Road, the neighbouring and closest property has 3 side windows (all in habitable rooms) which will be directly overlooked by the proposed dwelling.*
- *The gable wall of the proposed dwelling is a mere 4.8 metres away from the neighbouring windows of 137 Runcorn Road. **Halton Borough Council's own policy states that habitable windows facing a blank wall/gable wall should have a 13 metre separation. The window to window separation is even greater.***
- *There will be a significant impact on the Right to Light of 137 Runcorn Road and irrespective of the adjoining owners right to seek an injunction on such grounds, the Council should not, we consider be granting consent for schemes that so adversely affect existing, established windows.*
- *Any windows on the gable wall must be obscured glass.*
- *The proposed development is very heavy for the size of the plot and as a consequence does not meet the minimum requirement for outside space. In fact the whole of the plot is only some 350m<sup>2</sup>.*
- *The scale and massing of the proposed build, as effectively a 3 storey dwelling are inconsistent with the streetscape in this area.*
- *There is a mature tree on the boundary (but actually within the grounds of number 137 Runcorn Road) which has not been factored into the*

*plans. It is evident that the proposed works will be injurious to this tree and therefore this needs consideration.*

- *The proposal for parking 3 cars will result in cars reversing out into a main road which is both a bus route and very close to a school; this is a highway safety issue.*

*Moore Parish Council urges Halton Borough Council to refuse this planning application because of the overwhelming problems given above; which when considered cumulatively would result in a problematic property.*

Following the submission of amended plans, Moore Parish Council have provided further comments/objections:

*The Parish Council has reviewed the amended proposal for the development of the land to the east of 137 Runcorn Road.*

*The Applicant has not addressed the scale of the building within the streetscape and the 3 storey building will dominate the 2 storey adjacent buildings. If this site is to be developed it should be limited to a 2 storey scheme to maintain the character of the area and streetscape. The Parish Council would ask for a strict condition that the ridge height must not exceed, at any point the existing ridge height on 137 Runcorn Road being 24.79 as detailed on the submission plans.*

*The new proposals do not address the breach of Halton Borough Councils SPD for Residential Development para 6.23 in that the spacing between a habitable window and a gable wall should not be less than 13m and on these grounds alone the Application should be refused.*

*The Parish Council would re-iterate our concerns that the Council is considering an Application that causes a breach of a right to light of an existing window opening. Whilst the Adjoining Owner may choose to exercise their legal right to seek an injunction with respect to the proposal, the Council should not create a position whereby they have to consider such given the clear policy standards the Council Residential SPD sets for daylight and sunlight.*

5.4 Councillor Bradshaw has provided the following comments:

*I can see how the proposed property is considered to be extremely large for the size of the plot and the exiting from it could be dangerous in view of it being on a through road with the proximity of a junior school. I have also noticed the discrepancy in that the size of the plot in the Outline Permission granted is quoted as 760 square metres, which is more than double the actual size of the plot in the Full Application?*

*Furthermore, the Full Application states that no pre-application consultation was done, which is incorrect as they are ignoring that done for the Outline under Reference 17/07067/PREAPP.*

*I have been copied in to the Parish Council's objections on this application and after looking at it all in detail myself, have to agree that the application is not acceptable in aesthetic and indeed Planning Terms. I would therefore ask that if there is any Council decision to pass the application, I am asking to call it in Before the Planning Committee.*

## **6. ASSESSMENT**

### **6.1 Principle of Development**

The principle of locating 1no. dwelling on this site has been established by the granting of 17/00602/OUT. The purpose of this application is to consider the suitability of the detail for the 1no. dwelling.

### **6.2 Layout**

In terms of siting, the proposed dwelling is located in a logical position within the plot in terms of its alignment with No.137 and No.139 Runcorn Road which would result in an appropriate relationship in the Runcorn Road street scene. The proposed dwelling would be slightly greater in depth than the adjacent properties, however this would not be visible from the street scene and would not result in any significant detrimental impact on the character or appearance of Runcorn Road or the wider area.

Site levels have been provided which demonstrate acceptable relationships with adjoining properties. It is considered appropriate to attach a condition which secures implementation in accordance with the proposed levels.

There are a number of windows on the gable elevation of neighbouring property No.137 Runcorn Road that have been considered throughout the assessment of the planning application and have been highlighted within neighbour objections to the proposal. On the ground floor there is a kitchen/dining room window that would have a separation distance of 4.9m between the blank gable of the proposed new dwelling. A kitchen is not considered to be a habitable room however a dining room is. There is a second window on the rear elevation which serves this room, which is also larger than the window on the gable elevation. It is considered that the window on the rear elevation is the principle window and the window on the side elevation is a secondary window. The main source of light access and outlook is provided by the window on the rear elevation.

There is also a lounge room window on the ground floor of No.137 and a small bedroom window on the first floor side elevation. A distance of 8.8m

would be maintained between the lounge window. Both are considered habitable rooms however they both benefit from a second window on the rear elevation which are larger than the windows on the gable elevation. It is therefore considered that the principle windows are located on the rear elevation and provide the main source of light and outlook, and that the windows on the gable elevation of No.137 Runcorn Road are secondary windows.

It is considered that given there are secondary windows serving the above mentioned rooms, the proposed development would not result in a substantial detrimental impact on the outlook, provision of light, privacy and overall residential amenity enjoyed by No.137 Runcorn Road sufficient to justify a refusal of the application. In addition to this, the positioning of the dwelling in terms of the footprint of the dwelling and the distance from the existing 137 Runcorn Road is as indicated within the plans for the original outline planning permission 17/00602/OUT.

Comments raised in the received objections regarding the boundary distance of 4m from the existing house being ignored are not accurate. The layout on the proposed plans has been checked and shows a distance of 4m between the gable of the existing dwelling 137 Runcorn Road and the proposed boundary fence along the site boundary.

The layout provides off road parking space for three vehicles, as well as soft landscaping which is considered to be appropriate. With regards to private outdoor space, the Design of Residential Development Supplementary Planning Document indicates that houses having 4+ bedrooms shall have a minimum private outdoor space of 90sqm per unit. This property would have a private outdoor space which exceeds 90sqm.

The layout of the proposed development is considered to be acceptable and compliant with Policies BE1 and BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

### 6.3 Access

The principle of an access to a proposed dwelling from Runcorn Road has already been accepted by the granting of outline planning permission. The detailing shown in terms of parking provision and the ability to enter and exit the site is considered appropriate. A condition securing the implementation of the parking provision shown and its subsequent maintenance is considered reasonable.

From an access perspective, the proposal is considered to be acceptable in compliance with Policy BE1 of the Halton Unitary Development Plan.

A comment included in the received objection states that the new vehicular crossing to Runcorn Road has been omitted from the plans. The implementation of this access has been conditioned within the approved outline permission. The access to 137 Runcorn Road sits outside of the red line plan for the reserved matters application however these comments have been fed back to the agent who has amended the proposed block plan to show a dropped kerb and vehicle access to 137 Runcorn Road although outside of the red line boundary.

The proposed driveway for the existing property also shows two car parking spaces which are directly adjacent to the building. Concerns raised in the received objection highlight that it would be impossible to get in/out of a vehicle. Car parking spaces are sized at 2.5mx5m which are in accordance with standard parking space sizes and includes allowance for accessing the vehicle.. The indicated spaces are not considered to be so constrained as to prevent proper use.

The Council's Highway Authority have raised no objections to the reserved matters application and it is therefore considered that the proposal would not result in a detrimental impact on highway safety.

#### 6.4 Scale

The proposed dwelling would appear as two storey in height but with the addition of utilizing the roof space (2.5 storey). Originally, the initial submitted plans showed the proposed dwelling with a ridge height significantly higher than the neighbouring properties.

Amended plans have been submitted with a reduced ridge height which creates a better visual relationship with the neighbouring properties and has address the concerns initially raised by planning officers. The proposed dwelling is still slightly taller than the surrounding properties however the change in land levels along the street scene of Runcorn Road benefits the way the property is viewed along Runcorn Road.

The wider area is characterised by significant variety in the scale and design of properties. It is not considered that the proposed building would appear dominant or incongruous within the street scene. It would not result in a detrimental impact on the character or appearance of the surrounding area. The proposal is considered to be acceptable in terms of scale compliant with Policy BE1 of the Halton Unitary Development Plan.

#### 6.5 Appearance

The proposed dwelling would be constructed of appropriate materials given the nature of the surrounding area. Proposed materials have been indicated

on the submitted plans as a mix of red brick and slate roof tiles however the specific colour/brand/specification details and samples have not been confirmed or supplied. Submission and agreement of detailed materials has been conditioned to be submitted under the outline planning application and will therefore be secured and agreed via future discharge of conditions application. The suggested materials types shown on the proposed plans are considered to be appropriate in principle. This would ensure that the development is compliant with Policy BE1 of the Halton Unitary Development Plan in respect of appearance.

The proposed boundary details are considered to be acceptable.

## 6.6 Landscaping

The scheme provides sufficient detailing with regard to landscaping with the proposed hard and soft landscaping resulting in a satisfactory appearance. The proposal is considered to be compliant with Policy BE1 of the Halton Unitary Development Plan.

Concerns have also been raised via an objection to the application regarding the mature tree that is present within the application site. Issues regarding the trees and tree protection have been dealt with under the outline planning application.

Under the Outline planning application 17/00602/OUT the Council's Open Spaces Officer confirmed that there are no formal tree constraints within the site. A detailed Arboricultural Impact Assessment was submitted with the outline application. It was considered that tree protection could be adequately secured by appropriately worded planning conditions which were attached to the outline planning permission.

It is considered that issues regarding the trees on site have been dealt with under the outline planning application, and in addition to this, the footprint of the proposed dwelling accords with that indicated by the outline planning application with appropriate root protection being maintained. A number of conditions attached to the outline planning permission are considered to secure adequate protection for the trees potentially affected by the development.

## 7. Conclusion

Based on the above, the detail provided as part of this reserved matters application is considered to be acceptable. The proposal is considered to be compliant with Policy BE1 and BE2 of the Halton Unitary Development Plan and Policy CS18 of the Halton Core Strategy Local Plan.

## **8. Recommendation**

The application is recommended for approval subject to conditions relating to the following:

1. Approved plans
2. Parking provision
3. Site levels

## **9. Informative**

1. Network Rail

## **10. Sustainability Statement**

The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out above. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).