

REGENERATION AND ECONOMIC DEVELOPMENT DEPARTMENT

APPLICATION NO: 22/00440/FUL

APPLICANT: Miss Linda Marston

WARD AFFECTED: St Gabriels

DEVELOPMENT: ERECTION OF 1NO. DETACHED DWELLING (RETROSPECTIVE APPLICATION FOR CHANGES MADE DURING THE CONSTRUCTION PHASE TO PREVIOUSLY APPROVED APPLICATION 20/00282/REM PURSUANT TO OUTLINE PERMISSION 18/00530/OUT)

LOCATION OF SITE: Land To Rear Of 113 Tarbock Road, Huyton, Knowsley, L36 5TE

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Area

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles
CS3 - Housing Supply, Delivery and Distribution
CS7 - Transport Networks
CS17 - Housing Sizes and Design Standards
CS19 - Design Quality and Accessibility in New Development
CS21 - Greenspaces and Trees

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas
DQ4 - Trees and Development

ARTICLE 35

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

PLANNING HISTORY

An outline application for one dwelling was previously approved at the site. (18/00530/OUT - approved 18/3/19), a reserved matters application was approved (20/00282/REM – approved 21/07/2020).

TECHNICAL CONSULTATIONS:

Arboriculture Officer – No response.

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Environmental Health – No objection.

Highways – No Objection subject to a condition to secure visibility splays.

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 7 neighbours. 6 objections has been received consisting of the following main points:

- Concerned about of light to our garden.
- The previous application was further away from our boundary.
- The first floor Juliet balcony will cause loss of privacy.
- The balcony would cause significant loss of privacy.
- The size of the building will severely impact on light.
- The proposal contravenes the 45 degree rule.
- The size of the dwelling creates a dead space between it and the fence to the side of the property which will create a space for pests.
- This property was very big on original plans but they have been ignored and made a lot bigger. It is now overbearing and overshadowing surrounding property.
- The proposal will severely effect the value of my property
- This is a very large 3 bedroom house and we are concerned how many people will eventually live there. Noise/traffic problems.
- The Property has increased in size from the original plans. The width by 90 cms The height by 45cms But what concerns me most of all the length by 2.150m. This means it goes past the bungalow by 2.36m.
- This would seem it goes over a waste water culvert for a distance of 11.6m which could be a major problem if the culvert collapses. This would create flooding.
- I am concerned about windows looking into my toilet/shower room. The first floor windows are to eb frosted but are still open and my toilet/shower room can be seen.
- The size of the dwelling will overshadow the bungalow and is over bearing.
- There will be loss of light to my bathroom.
- I object to the proposal as it is over sized.
- The dwelling appears to build over a culvert which may cause issues.
- Contactors have illegally parked on the pavement during construction.

ISSUES AND ASSESSMENT:

PROPOSAL

The site is a backland site set within a plot consisting of a semi-detached dwelling set within a long residential garden. There are existing backland dwellings close by to the west (2a and 2b The Park) and dwellings close by to the north (Number 4 The Park).

The application is for the erection of 1 no detached dwelling (retrospective application for changes made during the construction phase to previously approved application 20/00282/REM pursuant to outline permission 18/00530/OUT).

PRINCIPLE OF DEVELOPMENT

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The application site is situated within a Primarily Residential Area. Previous applications for 1 dwelling have been approved at the site. Therefore, housing development is acceptable in principle in this location.

DIFFERENCES TO PREVIOUS APPLICATION

The most recent approval at the site is 20/00282/REM. The main changes from this application are the following.

- An increase in width of the building from 11.2 to 11.47 m.
- An increase in length of the building from 10.55 to 12.69m.
- An increase in height of the building from 6.8 to 7.25 metres.
- The addition of windows to the side of the dwelling.
- The addition of a proposed Juliette balcony.
- An increase of 1.9 metres at the front and 1.1 metres at the rear beyond 2B. (Previously they extended the same length)
- An increased distance of 2.6 metres away from 2b compared to 1.3 metres.
- The extension would extend closer to no 4 The Park (3.1 metres from the boundary, compared to 3.9 metres away), it would also be 27cm taller and would extend 2.6 metres further across than the previously approved scheme.

Application	20/00282/REM	22/00440/FUL
Height	11.2	11.47
Length	10.55	12.69
Width	11.2	11.47



Most recent approved scheme (20/00282/REM) left, and current scheme (22/00440/FUL) right.

DESIGN AND APPERANCE

The detailed appearance of the proposed dwelling would be acceptable and similar to the previous approvals. Overall, the design would comply with policy CS19 in relation to design. The development would also comply with UDP policy H5.

CHARACTER OF THE AREA

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Part 1 a) of Core Strategy policy CS19 requires that new development responds to and integrates positively with its immediate surrounding in relation to local materials, scale, mass, form, layout, alignment and density of the existing built environment.

NPPF para 130 c) states that Planning policies and decisions should ensure that developments: are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

NPPF para 135 states that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

The area around Tarbock Road is characterised by semi detached dwellings with long residential plots and gardens, with some of these properties having small scale dwellings at the rear Including 2a and 2b The Park nearby.

The original proposal was similar in footprint to the other properties of 2a and 2b (albeit with a higher roof than 2b which is a bungalow), nevertheless it was proportionate in scale to the other backland dwellings and subordinate to the main dwelling of 113. With the increases in height, length and width and significant reduction in garden space, the dwelling is now considered to be disproportionately large compared to the other backland dwellings (2a and 2b). The dwelling would also be larger in footprint than the original dwelling of 113 (not including any extension). It would therefore no longer be a subordinate backland development. The dwelling would also be too large for the plot is which it sits.

Overall, the proposed dwelling would appear as a cramped and incongruous addition to the area. It would appear as a large dwelling squeezed into a small plot. It is therefore contrary to the character of the area. The therefore would be contrary to Core Strategy policy CS19, UDP policy H5 the Design Quality in New Development and New Residential Development SPD's, and NPPF paras 130 and 135.

AMENITY

Core Strategy Policy CS19 states that to maintain a good standard of amenity for all existing and future occupants of land and buildings, development proposals will be required to: *"a) Avoid unacceptable impacts on existing residents, business occupiers, and future occupiers"*;

NPPF para 130 states that Planning policies and decisions should ensure that developments: *"f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*;

Neighbour Amenity

2B The Park

2B the Park is located immediately to the west of the site a few metres away from the boundary. In relation to 2B The Park, there would be an increase in size of the building near the boundary, with the front extending around 1.9 and the rear around 1.1 metres beyond 2B and the building being higher. However, the building would be set back further from the boundary with 2B (by approximately 2.6 metres compared to 1.3 metres previously. This combined with the relatively modest projections of

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less than 2 metres means that there would not be significant harm to amenity compared to the previous approval. There are side windows within the proposed plans that could affect the privacy of 2B by allowing views into their bathroom. However, It is considered that privacy issues could be addressed by conditions to make any side windows obscure glazed and non-opening.

4 The Park

Number 4 the park is located immediately to the north of the site. The orientation of 4 is towards the south east meaning that the proposed dwelling impacts the rear kitchen and garden areas. In relation to no 4 The Park, the extension would extend closer to no 4 (3.1 metres from the boundary, compared to 3.9 metres away), it would also be 27cm taller and would extend further across than the previously approved scheme (9.7 metres across from the side boundary compared to 7.1 metres).

There is a rear kitchen window on 4 in the middle of the main rear part of the dwelling. This is the only window for this habitable room. The dwelling would now breach the 45 degree rule in relation to this window (unlike the previous scheme).

The changes taken together would result in the dwelling would constituting a looming and overbearing and presence over number 4, it would lead to significant loss of light and outlook for the rear kitchen of 4, which is the only window that serves this room. It would also result in loss of light to and outlook from the garden of 4. Due to the reduced distance between the dwellings, and increased height and width, the dwelling would be an overbearing presence and would physically dominate the bungalow of no 4.

Overall, the proposal would cause severe harm to the amenity of 4 through loss of light and outlook and loss of privacy from the proposed balcony.

115 Tarbock Road

The dwelling of 115 Tarbock Road is located to the south of the site adjacent to 113 Tarbock Road. It has a long garden though which is immediately to the east of the site.

In relation to loss of light/outlook, whilst the dwelling would be larger it would still be sufficiently far away as not to cause significant harm from loss of light/outlook.

In relation to privacy, the proposed balcony would not be a Juliette Balcony as it would contain a small external platform to stand on. This would enable residents to stand outside the dwelling and overlook the garden of 115, there would be no screening proposed to mitigate any impact. The balcony would be closer to 115 than the previous approval by around 2.5 metres.

The balcony would be around 9 metres away from the boundary of 115, however it would directly face 115 and would significantly erode any existing privacy. Therefore, there would be significant loss of privacy for no 115.

Other Properties

It is considered that due to their greater distance away from the dwelling, other properties would not be significantly impacted by the proposal.

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Overall, the development would be contrary to part 2 of Core Strategy policy CS19 which requires development to ensure a good standard of amenity of existing and future occupiers. The development would also be contrary to UDP policy H5, the New Residential Development SPD, and NPPF para 130.

Private Amenity Space

In relation to the private amenity space for future occupiers, this has been significantly reduced compared to the previous application. However, there are similar amounts of amenity space nearby with other similar background dwellings, therefore, the size of the amenity space would not be out of character for the area.

HIGHWAYS

In relation to highways matters, it is considered that the current proposal will not result in any significant change compared to the previous approval. It is considered that there would not be harm to highway safety from the proposal. This is supported by the views of the council's highways team who have no objection to the proposals subject to a condition. Overall, the application complies with Core Strategy Policy CS7.

TREES

It is considered that the application will not lead to an unacceptable impact on trees.

HOUSING SUPPLY

Knowsley currently has well in excess of a 5 year supply of housing. The council's Core Strategy was recently adopted in 2016. Therefore, the development plan policies for the area are up to date. As a result, these policies should be given substantial weight in decision making.

OTHER MATTERS

In relation to the dwelling potentially impacting access to drains and watercourses, this is a legal matter for the relevant owner of the land and not the Local Planning Authority. Loss of property values is also not a material planning consideration that can be taken into account. In relation to contractors breaching parking regulations, this is not a planning consideration but would be a matter for the local highway authority.

INTENTIONAL UNAUTHORISED DEVELOPMENT

During the previous reserved matters application (20/00282/REM), a larger building was proposed initially that was not consistent with the original outline approval. This agent was informed of this and it was requested (on an email on the 2nd July 2020) that they reduce the size of the building in line with the original outline approval. This was done and the application was later approved.

The site was subject to an enforcement complaint and during subsequent site visits, the applicant was requested to cease works, however works have since continued.

The written ministerial statement (Green Belt protection and intentional unauthorised development Statement made on 17 December 2015) makes intentional unauthorised development a material planning consideration that can be taken into account. Whilst the statement refers to harm to the Green

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Belt it applies to all proposals whether in the Green Belt or not, this should carry some limited weight against the proposed development.

CONCLUSION

The application would cause significant harm in relation to the character of the area and the amenity of existing occupiers. The development is therefore contrary to the Core Strategy (2016), UDP (2006), the New Residential Development SPD, and NPPF.

RECOMMENDATION:

Refusal

That Planning Permission be refused for the following reasons:

- 1) The size, scale and massing of the proposed dwelling would be dominant and disproportionate addition to the plot in which it sits, causing significant harm to the character and appearance of the area. The development is therefore contrary to Core Strategy policies CS19, UDP policy H5, the New Residential Development SPD, and NPPF para 130.
- 2) The development would cause significant harm to the amenity of neighbouring occupiers. The development would also lead to severe loss of light and outlook to no 4 The Park, by causing substantial loss of light to a main habitable room window, to the detriment of their amenity. The development would also lead to a significant loss of privacy for the occupiers of 115 Tarbock Road from the proposed balcony. The development is therefore contrary to Core Strategy policy CS19, UDP policy H5, the New Residential Development SPD, and NPPF para 130.

Andrew Hunt
3 October 2022

Alan Kilroe
6 October 2022

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