

<u>APPLICATION NO:</u>	23/00062/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Prescot South	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	104 Dragon Lane, Whiston, Knowsley, L35 2UH		
<u>PROPOSAL:</u>	ERECTION OF FIRST FLOOR EXTENSION		

Site Description

The application property is a semi-detached dwelling located at 104 Dragon Lane. The application property is finished in a cream render across the front, side and rear elevation with a small brick facing finish found below the front window of the original dwelling house. The doors and openings are white UPVC.

The application property has been previously extended in the form of an attached garage located at the side which has since been converted to a habitable living room.

The property accommodates a gable roof over the original dwelling together with a pitch roof over the existing side extension. Parking is provided by a large hardstanding area occupying the front of the property directly accessed off Dragons Lane.

To the side of the property is adopted highway leading to Hazel Avenue at the rear.

Proposal

As originally submitted, the planning application sought permission for a single storey rear extension together with a first-floor extension located at the side. During the course of the application, the proposals have been altered removing the single storey aspect from the application proposals. It is the applicant's intention to undertake the single storey aspect for the proposed kitchen extension under permitted development rights.

The proposal therefore seeks permission for the erection of a first-floor side extension. The proposal would be set back .75m and span a width of 2.8m and project a depth of 7m. It would include 1no. window at the front and rear elevations respectively. The proposed roof would extend the existing gable roof measuring 5.1m at the eaves and 7.4m at its highest point and would appear subservient to the application property.

The proposals would provide an additional bedroom plus internal alterations to accommodate a W/C and utility room.

Consultations

Highways – No objection raised. Request informative to be added to decision notice.

Representations

This application has been publicised by letters sent to 8 neighbours and displayed by site notice. No representations have been received.

Planning History

Ref: 74/01493/HIST – Erection of garage and kitchen extension. Granted 3rd July 1979.

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

H5 – Development within Primarily Residential Areas

H8 - Extensions and Alterations to Residential Properties

In addition, the Householder Development SPD (2016) is a material consideration for the purposes of this planning application and provides additional guidance in relation to householder development within Knowsley Borough.

The site is located within a Primarily Residential Area. As such, an alteration to the existing residential property is considered acceptable in principle, subject to compliance with local planning policy and guidance.

Regarding the adopted Development Plan policies, the proposed application has regard to policies CS2 and CS19 of the adopted Local Plan Core Strategy (2016) and saved policies H5 and H8 of the Unitary Development Plan (2006), together with the Householder Development SPD (2016).

These policies and guidance require that new development demonstrates a high standard of design, which does not adversely affect the character of the property or street scene; maintains a good standard of amenity for all existing and future occupants; avoiding overlooking and overshadowing, as well as an unacceptable overbearing impact; and that adequate parking and garden space would remain for use by residents of the extended property.

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Design

The Householder Development SPD states that two storey side extensions and first floor extensions should be designed to avoid having an overbearing effect or causing unacceptable loss of light or privacy to neighbours and should avoid the creation of a terracing effect. In this regard, it requires either a minimum space of 1m to be preserved between the extension to the party boundary at the side of the property or the front wall of the first-floor extension should be set back at least 1m from the immediately adjoining wall.

The existing side extension forms the property boundary at the side. The proposed extension provides a setback of .75m. Whilst this falls short of the required 1m set back required by the Householder Development SPD, the property boundary straddles adopted highway which provides an access strip between Dragons Lane and Hazel Avenue. Due to the separation provided by the public footpath to the neighbouring property at no. 102 Dragon Lane together with the set back of .75m it is considered that a terracing effect would not be created.

The proposed development seeks to accommodate a gable roof which is subservient to that of the existing gable roof. As such, the proposed extension is of an appropriate scale to the existing dwelling house and would not look out of place within the street scene given similar developments located within the nearby vicinity.

The proposed extension would be faced in materials to match that of the existing property and would therefore complement the existing character and appearance of the host dwelling.

Accordingly, the proposal is acceptable with regards to design.

Residential Amenity

No. 102 Dragon Lane

No. 102 is the neighbouring detached property. It benefits from a single storey side located along the common law boundary with the public footpath, single storey rear extension and a dormer extension located at the window. No windows are located in its gable elevation.

Whilst the application property is slightly set back from no.102, the proposed development is separated by the public footpath and would be screened by existing trees located in the garden of no. 102. Notwithstanding this, the proposed development would not breach the 45-degree rule nor would its perception appear differently from what is currently in situ given the existing gable wall of the application property.

No adverse effects to residential amenity would occur as a result of the proposed development.

No. 106 Dragon Lane

No. 106 is the adjoining semi-detached dwelling. Due to the siting of the proposed development above the existing side extension it would not harm the residential amenity of no. 106.

No other properties would be affected.

Highways

The existing parking arrangements at the application property allow for 3no parking spaces within the curtilage of the property boundary in accordance with the guidance set out in Ensuring a Choice for Travel SPD in relation to the number of bedrooms proposed. As such, the proposed development would not lead to any adverse impact to highways safety.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways. The proposal also complies with the relevant Core Strategy, Replacement UDP policies and guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission will be granted subject to the following condition(s):-

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) The materials to be used on the external surfaces of the extension hereby permitted shall match those of the existing building in type, size, colour and texture.

Reason: In the interests of visual amenity and to comply with Saved Policy H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
30.03.2022	3	REV A	PROPOSED GROUND FLOOR PLAN

30.03.2022	4	REV A	PROPOSED FIRST FLOOR PLAN
30.03.2022	7	REV A	PROPOSED ELEVATIONS
30.03.2022	8	REV A	LOCATION PLAN

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **4 April 2023**

INFORMATIVE

HIGHWAYS

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. This permission requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Prior to the commencement of any works, the applicant is advised to contact the Council's Maintenance Contractor Tarmac on 0800 023 2334 or Knowsley.highways@tarmac.com

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed.

Appendix 1 – Site Photographs



