

<u>APPLICATION NO:</u>	23/02776/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	St Michael's	<u>PARISH:</u>	
<u>LOCATION:</u>	26 Essex Road, Huyton, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF OUT-BUILDING IN REAR GARDEN (RETROSPECTIVE APPLICATION)		

Site Description

The application site is located at 26 Essex Road, Huyton and is situated in an area designated as a Primarily Residential Area in the Development Plan. The application property is a mid-terraced property and is render facing on its front and rear elevations, together with white UPVC openings and grey, interlocking roof tiles.

The front garden area is partially enclosed by a low, brick-built wall and the property is West / South-West facing. The application site is bounded by other residential dwellings and the rear elevation faces the rear elevations of the adjacent building row at an approximate interface distance of 20.5m. The rear garden area is surfaced by a mixture of astroturf and patio paving slabs with an outbuilding of moderate size to the rear curtilage of the plot boundary.

Proposal

This application seeks planning permission for the erection of an existing, detached outbuilding to the rear of the dwelling.

The application was submitted following a request from Planning Enforcement to obtain Planning Permission after a complaint from a neighbouring residence was received.

The outbuilding is currently erected on site. The proposal has seen amendments near completing the construction of the proposed development. The application is to ascertain whether the proposal would be acceptable in its completed state.

The proposed development is a rectangular outbuilding, with a flat roof that measured a height of 2.48m, following alterations (measurements taken from the site visit completed 25.04.2024.) and a depth of 2.1m. The outbuilding is faced in white UPVC cladding and includes features a set of patio doors on its front elevation with two windows.

Previously, the proposed development was served by a mono-pitched roof, with the eaves having measured 2.5m and the tallest point measured 2.76m. At the of the initial site visit and noted from Planning Enforcement from their site visit, the outbuilding was not fully completed and was visibly unfinished, this was at the request of Planning Enforcement to suspend further construction until Planning Permission was obtained.

The applicant has submitted photos and two site visits completed before and after the amendments being implemented.

As outlined previously, the proposed development on site has been amended and is now completed; this was to reduce any unacceptable harm on residential amenities.

Consultations

None Required.

Representations

This application has been publicised by letters sent to 5 neighbours.

There have been 1 letters of objection, 0 letters of support and 0 letters of comment. The representations are summarised as follows:-

36 Essex Road – Objection – on grounds of visual amenity.

Issues raised include:

- Damages to the boundary walls between the properties.
- The applicants have excavated and dug for the purpose of the proposed development it has made the wall unstable.
- Understood that the proposal could be constructed to a maximum height of 2.5m but as they have dug down it may be that the total height is greater than this.
- Learned that this outbuilding may be used for dogs and a potential dog grooming business. Already liaised with the Council regarding issues around sound and noise issues and concerns to residential amenity.
- The building is ugly and an eyesore due to its unfinished state.

Planning History

No recorded planning history.

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.

The site is identified as a site allocated for housing development in the adopted Unitary Development Plan. As such, a domestic outbuilding within the curtilage of 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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

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

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.

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

Saved Policy H8 in the Replacement Unitary Development Plan states that proposals for extensions to dwellings will be permitted provided that:

- a) The proposals would not (due to their scale and massing) result in a disproportionate addition to the original dwelling
- b) The design and materials used would reflect those used on the original dwelling
- c) The proposal would not adversely affect the amenity or privacy of occupiers of adjacent dwellings
- d) The proposal would not create potential hazards for highway users by obstructing visibility for pedestrians or drivers of motor vehicles; and
- e) Adequate parking and garden space would remain in use by the residents of the extended property

The Householder Development SPD states that for garages, sheds and other detached buildings, they should normally be behind the building line or be well screened by hedging or similar landscape treatment. The proposed amended development is situated behind the building line and not visible from the street scene.

Design

The proposed development is faced with white UPVC cladding boards on all elevations, together with white UPVC openings and is served now by a flat roof following the amendments being implemented. The outbuilding is finished and requires no further construction or modifications. The proposal has seen a reduction in the height to mitigate and reduce the visually obtrusive and unduly domineering appearance. This has helped to ensure that the proposal, through its scale and massing, would be acceptable and not have an unacceptable design.

Following the amendments, and reduction in height, it is considered that the proposal would have an acceptable design and would not appear significantly harmful in the context of the residential area. Moreover, the design appears a lot less harmful having been completed and faced in a cohesive external material, which creates a more harmonious proposal and prevents any adverse harm through its design.

Overall, the proposed development would have an acceptable design and would be in accord with the Householder Development SPD and Saved Policy H8.

Residential Amenity

The outbuilding as originally constructed was served by a mono-pitched roof, which sloped towards the application property and left the bulk and mass of the structure to the rear elevation. Given that it is sited to the rear curtilage of the boundary it held a prominent view for the opposite neighbour. The original outbuilding was erected to a height of 2.5m at the front elevation and 2.76m at the tallest point.

Due to the height of the outbuilding and its proximity to the boundary, it was considered to appear obtrusive and to have an adverse impact on the residential amenity of occupiers of adjacent dwellings. Adjacent boundary treatment is at a height of approximately 1.8m and at its tallest point, the outbuilding was 2.76m in height, which given the proximity to the rear boundary, exacerbated the harm.

However, the proposed development through its amendments, would not be deemed to result in such adverse impacts to residential amenities.

It is important to acknowledge also that Permitted Development Rights remain intact for the site and there is no record of them being removed. The outbuilding would now be within the parameters of the Order, which permits outbuildings to be erected to a maximum height of 2.5m, within 2m of the boundary of the curtilage of the house. The amended structure when measured was 2.48m in height at its tallest point. Therefore, this complies with Class E of Part 1, Schedule 2 under Permitted Development Rights.

Following these amendments, the proposed development would be lower than what would be permitted under the relevant Class, this should hold significant weight in assessing that the impact of the proposed development would not be detrimental to residential amenities and due to the amendments, would be acceptable.

Overall, it is considered that the amendments incorporated into the proposal, would mitigate the impact of the existing outbuilding and their residential amenities. The amendments would be sufficient and subsequently, the proposal would be acceptable and would not be considered to significantly have an adverse impact on the amenities and privacy of the occupants of nearby adjacent dwellings and would be in accord with Saved Policy H8.

24 Essex Road

No.24 is the adjacent dwelling and situated to the North / North-West. The original front and rear elevations sit uniform to one another. No.24 benefits from a single storey rear extension.

The outbuilding is sited approximately adjacent the party boundary shared with No.24. This boundary treatment is approximately 1.8m in height.

It is considered that following the amendments and reduction in height, it would be acceptable and would not be considered to cause any significant harm to residential amenities or privacy of the occupants of No.24.

28 Essex Road

No 28 is the other, adjoining property and is located to the end of the terrace row, to the South / South-West from the application site. The original front and rear elevations sit uniform to one another. No.28 benefits from a single storey rear extension as well as a detached outbuilding situated to the rear of the garden.

The outbuilding is sited to the opposite side of the curtilage of the boundary and roughly 2.1m away from the party boundary shared with No.28.

It is considered that the proposed development would have little impact on residential amenities for No.28. Following amendments secured and a reduction in height it would be acceptable and not considered to cause any significant harm to amenity or privacy for the occupants of No.28.

36 Essex Road

No.36 is situated to the rear of the application site as the rear garden backs onto the garden of No.26. No.36 benefits from a rear conservatory.

As mentioned previously throughout the report and more specifically in representations, an objection to the proposal was received for the reasons outlined. It was considered that the original structure did not respect neighbouring amenities and given the position of it and the interface distance between the two properties, the structure appeared unduly dominant and not sympathetic to residential amenities. This was largely due to its height and was considered out of scale when observed in context.

As outlined in the report, following discussions with the applicant it was agreed that the height would be reduced to a level that would be more sympathetic to other properties and their amenities. As this has been implemented and the height is in line with Permitted Development parameters, this provides a benchmark for ensuring development would not pose an unacceptable impact on amenity. The outbuilding is complete and following a final site visit to obtain measurements, it is deemed satisfactory and acceptable.

Other issues raised in the representation form a mixture of material and non-material planning considerations. I will address the reasons in the objection that form material planning considerations.

For the consideration of whether the applicants have excavated and that the structure may be taller than what would be allowed under Permitted Development (2.5m). When observed on site, the ground levels appear to be level, consistent and do not feature any obvious steep gradients or changes. The applicants stated that there was a sub-base underneath the structure for support, however, height is measured from ground level, which appears consistent on site; ground level is the surface of the ground immediately adjacent to the building in question. Therefore, the height is considered 2.48m from ground level to the highest point.

The objection also referenced that the building was ugly and an eyesore and therefore referenced poor design and visual amenity issues. The applicant were informed to suspend building whilst the application was submitted and await further instructions. Subsequently, they had paused building works. Following the site visit by the Planning Officer, it was observed that the outbuilding in situ appeared to have a poor design, however, this was temporary and following discussions with the Planning Officer regarding design and external facing materials, acceptable choices for the proposal were made. As observed from the final site visit, the design and materials are suitable and appear to have an improved design which is not visually harmful.

The point in reference to noise complaints and dogs is understood to be a civil matter predominantly, and a matter that is seemingly being investigated with by Environmental Health. However, the application or applicants have made no statement that the outbuilding would be used for these purposes and would not be considered a material planning consideration. It is acknowledgeable, however, that this does not permit the applicant any consent for this and that any substantiated complaints may be investigated further by Environmental Health, Planning Enforcement etc.

The final point to raise relates to boundary treatment between the application site and No.36. These do not form material planning considerations and are a civil matter, furthermore, are covered under separate legislation, the Party Wall Act 1996. This is not a matter for Planning and the objector would be advised to look further into the Explanatory Booklet and further resources and contact a property solicitor who specialises to aid in resolving issues relating to this.

It is considered overall, that following the amendments and reduction in height, it would be acceptable and would not be considered to cause any significant harm to residential amenities or privacy of the occupants of no.36.

Highways

The proposed development is a detached outbuilding to the rear of the application site, situated adjacent to the rear curtilage of the dwelling. It would not impact on any existing parking provisions currently utilised by the occupants of the dwelling and would not cause any change to no. of habitable rooms at the property.

Overall, it would not be considered that the proposed development would cause any adverse impact on highway safety or motorists.

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 be granted subject to the following Condition(s):-

- 1) 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
25/01/2024	-	-	LOCATION PLAN
21/04/2024	-	-	PHOTO'S OF (AMENDED) OUT-BUILDING RECIEVED 21.04.2024.
05/12/2023	-	-	GARDEN MEASUREMENTS
21/04/2024	-	-	EMAIL WITH INFO - CONFIRMING AGREED AMENDMENTS

Signed Case Officer¹: **Reece Black**

Signed Authorising Officer²: **K Foster**

Date: **2 May 2024**

Informatives

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

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

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