

<u>APPLICATION NO:</u>	23/01346/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Swanside	<u>PARISH:</u>	
<u>LOCATION:</u>	5 Evercroft Road, Roby, Knowsley, L14 7AF		
<u>PROPOSAL:</u>	ERECTION OF TWO STOREY SIDE EXTENSION (DEMOLITION OF DETACHED GARAGE)		

Site Description

The application property is a semi-detached dwelling and accommodates a gable roof. It is of modern design and is predominantly brick facing with the exception of the triangular front facing gable arrangement which is rendered in a cream finish.

The property includes white UPVC windows and blue door. The property has been previously extended at the rear in the form of a single storey extension which is predominantly glazed.

The property benefits from a detached garage located at the rear which partially provides the common law boundary with the neighbouring dwelling. In total the application property has parking provision to accommodate at least 3no. vehicles.

Proposal

The application proposals seek the erection of a two storey side extension following the demolition of the existing garage located at the rear.

The ground floor aspect would span 2.81m in width and a depth of 8.31m. The first floor aspect would measure the same width but accommodates a 1m set back resulting in a depth of 7.32m.

The proposals include a garage and utility room to the ground floor together with an additional bedroom and en-suite to the first floor together with internal alterations to provide a new office in lieu of an existing bedroom.

The existing garage will be demolished to provide a larger private amenity space.

Consultations

Highways – No objection to the proposed development.

Environmental Health – No objections in principle subject to conditions.

Representations

This application has been publicised following two rounds of public consultation by letters sent to 7 neighbours. In total 5 letters of objection were received from the same objector. Given

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that the objections stem from the same objector it is considered that this application should still be dealt with under delegated powers.

The objections raised on the application as originally submitted are outlined as follows:

1. The width of the extension is 2.84m meaning the brickwork face is directly on the party wall line. The proposed foundations would extend onto my curtilage and should be wholly within their boundary and not used as a new boundary structure including foundations.
2. The finished floor level of my property is 525mm higher than no.5. No.5's proposed foundations will reside lower whilst also being in close proximity to the gable end of the neighbouring property. Ground conditions in the area mean that proposed extension requires piling. This will need to be positioned within 1.2m of my property. This means a 6.5.1 insurance and party wall agreement will be required.
3. Insufficient set back provided at the side and first floor level as per the Householder Development SPD.
4. Window located in gable end facing the neighbouring property is not compliant with the Householder Development SPD.
5. Requests what precedent exists on the Summerhill Park development whereby an existing detached property sits 1.2m away from adjoining neighbour as a result of two storey side extension as guidance indicates that the extension should leave adequate room around the dwelling to avoid a cramped appearance within the plot.
6. The creation of 1.2m precedence between properties constitutes an overbearing effect in a detached dwelling and is considered undesirable spacing in an area consisting of detached and semi-detached properties. This reduces the openness and special quality.
7. Current level difference means that there would need to be some form of aco channel/drainage system to prevent pooling and an aco drain was installed on the side elevation of no.5 retrospectively to address this upon build.
8. All proposed works should be wholly within no.5's curtilage. The roof overhang (soffit, barge board and dry verge) on gable end encroaches on to my property by 200mm. As such, aerial space will sit at .8m apart. Is this considered acceptable and what precedence exists excluding tv/satellite aerials.
9. Potential damage to my property as a result of the proposed works including significant concerns on foundations.
10. Access to property and how that will be considered as access to land will be required and is not granted. This includes the build and future maintenance.

Further comments were received following further consultation on receipt of revised plans. These are outlined as follows:

11. The width of revised proposal has reduced the footprint of the face brickwork by 27mm from the boundary to eliminate the overhang in aerial space. However, this does not prevent overhang as the bargeboard tight to brickwork is 36mm deep using the same material type on existing property. The dry verge roof system overhangs a further 52mm using the same materials. Total overhang would be 80mm from face of brick work means there would still be 60mm overhang to my property.
12. The proposed reduction does not satisfy an acceptable distance for ponding concerns and does not account for this. All works should be within curtilage of no. 5.
13. The proposed design (barge board and soffit) is not in keeping with the rest of the property and approved extensions across the estate.
14. Clarity on 1m set back as objections calculations are 990mm.

Local Planning Authority's response

The Local Planning Authority have considered the above matters thoroughly in the

determination of the application proposals. The application proposals have been reduced from 2840mm width to 2813mm width so that the extension is located within the curtilage of the application property. In addition, the window located on the gable end of the property serving a non-habitable room has been removed in an effort to resolve some of the objector's concerns. Following further consultation on the revised proposals the objector recognises that this reduction has been made to eliminate the roof overhang from the aerial space between properties but considers that this does not prevent the overhang as the bargeboard is 36mm deep using the same material type of the existing property and dry verge roof system overhangs 52mm again using the same materials. The objector considers this would continue to overhang approximately 60mm over the common law boundary. However, the proposed development does not require the same material type and sizes to be used as the existing dwelling house and after accurately measuring the proposed site plan and elevations the side extension would be approximately 2887mm whilst also accounting for any overhang. The proposed site location plan demonstrates that the works will be wholly located within the application property's curtilage and therefore no overhang would occur as a result of the proposed works.

The objector also cites potential damage to their property through the development work together with concerns surrounding their foundations/footings, access and drainage. Whilst it is acknowledged that there is a slight level difference of 525mm and that foundations are therefore lower, these are civil matters which would be subject to separate legal procedures under the Party Wall Act and fall outside the scope of planning. Notwithstanding this, whilst these concerns are recognised issues surrounding foundations and drainage would be addressed through subsequent building control applications.

The objector considers that the creation of a 1.2m separation distance between properties would constitute an overbearing affect and reduces the openness and special quality of the area. This officer undertook a wider site visit of the Summerhill Estate and there are a number of detached properties which are located closer together than the application property separated by either a single timber door or 2no. timber doors serving those properties. In addition, revised plans have been received which provides a 1m set back at first floor level and therefore complies with the Householder Development SPD which avoids the creation of a terracing effect. Whilst the development would be located alongside the common law boundary it is considered that this would be unacceptable to the degree to warrant planning refusal and is an acceptable distance.

The proposed barge board and soffit appears to be similar to the existing features of the application property and would not appear out of keeping with the wider area.

Taking the above matters into account, whilst the Local Planning Authority recognise the concerns raised by the objector, the proposals have been revised in light of these to ensure that development is undertaken within the curtilage of the application property. In addition, matters are raised that fall outside the scope of planning and would be dealt with by building control and/or party wall agreement which is a civil matter.

Planning History

A number of applications have been submitted in respect of the wider housing estate. In addition, 1no. application has been previously received for the application property details are set out below:

Ref: 20/00025/FUL - Erection of single storey lean to conservatory. Granted 2nd April 2020.

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

SHD04 – Sites Allocated for Housing Development

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 identified as land allocated for housing development within the adopted Development Plan. As such, the extension to a domestic 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 policy 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 should be designed to avoid having an overbearing effect or causing unacceptable loss of light or privacy for neighbours.

The existing dwelling house is brick facing with a partial rendered finish, black UPVC rainwater goods and white UPVC windows. The proposed development would also be brick facing and include materials to match that of the existing dwelling house which are in keeping with the features found at the application property. The proposed development would accommodate a gable roof which would sit lower than the existing ridge height and would therefore appear subservient to the original dwelling house.

The proposed development would be built alongside the common law boundary and has been slightly reduced during the course of the application so that the footprint of the development is located within the confines of the curtilage of the residential property. Whilst it would be sited close proximity to the common law boundary it is not considered that this development would result in the cramped appearance of the plot as there would still remain some degree of separation between the application property and neighbouring property. Indeed, there are examples located within the s (no. 6 and no. 8) where development is located closer together separated by 2no. single leaf doors as are similar examples found locally off Holly Bank Avenue and interconnecting roads such as Sandown Avenue where properties are separated by single doors. As such, whilst the proposed development would be sited closer to the property boundary it is not considered that this would be out of keeping with the vernacular of the wider housing estate sufficient to warrant a reason for refusal.

During the course of this application revised proposals were submitted to increase the level of set back at first floor level as originally proposed. Given the proximity to the property boundary a 1m set back at first floor level is required to avoid the creation of a terracing affect. As such, the application proposals are in compliance with the Householder Development SPD in this respect.

Overall, the proposal is considered a subordinate addition to the dwelling and would not cause adverse effects the character of the dwelling or street scene.

Ground Protection Measures

From the information available to the Local Planning Authority and the previous remediation undertaken as this site, there is potential that some contamination may exist below the hardstanding of the patio area and beneath the 600mm within the garden. The responsibility to properly address contaminated land lies with the owner of the property.

The application property is located on land which was previously used as a former landfill. As part the previous application under application reference 09/00556/OUT, earthworks were undertaken and remediation measures were put into place to ensure the site is suitable for residential use.

The applicant has provided information to support the application and has been reviewed by

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Environmental Health who confirm that this complies with the British Standard BS 8485:2015 +A1 2019 and that the specification is equal to that already installed at the property.

As the garage is to be demolished then it is expected that contaminated material will be present beneath the garage footprint and a clean cover system will be required within that area to be used as a garden. Environmental Health have therefore requested conditions to be placed on this application to ensure risks concerning contaminated land are minimised. These conditions have been agreed by the applicant. Subject to these conditions there would not be a risk of contaminated land or gaseous emissions to escape from the application site.

Residential Amenity

No. 7 Evercroft Road

No. 7 is the neighbouring detached dwelling house. It features a front facing bay window nearest the common law boundary which is roughly parallel to the front elevation of the application property. It appears that the existing garage located at the rear of the application property provides the common law boundary which then connects to the timber fencing.

No. 7 features a blank gable elevation facing the application property. The proposed development would run parallel to the existing front and rear elevation. Whilst a new window would be cited within close proximity to the common law boundary it would serve an en-suite bathroom which is considered a non-habitable room. Revised plans were submitted to include obscure glazing to protect the amenities of occupants at neighbouring properties. However, the changes were so minor that they did not require further consultation. As such, it is not considered that the proposed development would adversely affect the residential amenity of existing and future occupants of no. 7 to a significant degree to warrant refusal of this planning application.

Notwithstanding the above, following the demolition of the existing garage this will result in combination of the private amenity spaces of these properties. As such, a condition is placed on this application to install a timber fencing to connect to the existing timber fencing at the rear to ensure the private amenity spaces are retained following the demolition of the outbuilding.

No. 3 Evercroft Road

The above property would not be adversely affected by the proposed development due to the location of proposals at the side of the dwelling house which would not extend passed the existing rear elevation.

No. 6 Derwent Way

No. 6 is located at the rear of the application property. Due to the juxtaposition of properties its gable end faces the rear elevation of no. 5. As such, there would be no adverse effects to residential amenity in relation to this property.

Highways

The proposed development would retain 3no. bedrooms. However, the internal alterations would provide an office/study which could theoretically be used as an additional bedroom. The

proposed development would involve the loss of the existing garage and parking at the side of the property. However, the proposed development provides a replacement garage albeit marginally below the minimum dimensions usually accepted for such. In addition, the proposals provide space for 2no. vehicles on an extended drive and further land is available within the properties curtilage to extend the parking provision further. Accordingly, the application proposals provide the required number of parking spaces for a 4no. bedroom property in accordance with the Ensuring a Choice for Travel SPD. As such, there would be no adverse impacts to highways safety as a result of the proposed development.

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.

- 4) Prior to the works being undertaken an implementation plan shall be submitted to and approved in writing by the Local Planning Authority, setting out details in respect of the following matters:

- Gas/vapour protection membrane. The measures to be installed must comply with the British Standard BS 8485:2015 +a1:2019:

- i. The name of the competent persons/company installing the membrane.
- ii. How the installation of the membrane will be validated.

- Cover system:

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i. How material excavated for the foundations and other earthworks from beneath the existing patio and/or beneath the high visibility membrane will be removed and disposed of offsite and will not impact the clean cover system in place at the property.

The agreed implementation plan must be carried out by a competent person.

Reason: To safeguard the amenities of existing and future occupants located in the host property in the interest of safety and to comply with saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 5) Upon completion of the works, a validation statement must be submitted to the Local Planning Authority. The statement shall demonstrate that the works have been carried out in accordance with the agreed methodology detailed in condition 4 above.

Reason: To safeguard the amenities of existing and future occupants located in the host property in the interest of safety and to comply with saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 6) Water suppression shall be used, as required, to ensure there are no dust emissions from the excavated materials whilst being moved or being stored on site.

Reason: To safeguard the amenities of existing and future occupants located in the host property in the interest of safety and to comply with saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 7) Following the demolition of the existing outbuilding, new fencing shall be provided from the rear elevation of no. 5 Evercroft Road spanning 6m in length to the fence post located at the rear of the existing outbuilding. New fencing should be implemented prior to the occupation of use and should be of close boarded design no lower than 1.8m and no greater than 2.0m in height and should be retained in perpetuity.

Reason: To protect the privacy of the occupants of adjacent residential property and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy (adopted January 2016), Saved Policies H8 and DQ2 of the Knowsley Replacement Unitary Development Plan (adopted 2006).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
16.06.2023	ER5/PD/01		LOCATION PLAN
15.09.2023	ER5/PD/03	REV C	PROPOSED FLOOR PLAN & ELEVATIONS
16.06.2023	--		GAS PROTECTION DETAILS

Signed Case Officer: John Fleming

Signed Authorising Officer: K Foster

Date: 2 September 2023

Appendix 1: Site visit photographs



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Examples of properties across wider estate regarding separation.



INFORMATIVES

Environmental Health

It should be noted that this property is located on a former landfill which was investigated and monitored under planning approval 09/00556/OUT. As part of the planning permission, earthworks were undertaken, and remediation measures were put into place to ensure that the site is suitable for a residential end use. The condition suggested below details the information we require.

For information, at each property the following build phase remediation and validation was undertaken:

- Installation of a gas/vapour protection membrane (Visqueen GX). Following installation each plot was visually inspected for compliance with the specification including the subfloor void and airbricks, protection membrane type and installation validation. Independent integrity testing of the membrane was undertaken at 1 in 3 properties.
- Provision of a 600mm clean cover soil system underlain by a high visibility geotextile membrane in all areas of soft landscaping including gardens.

Based on the information available to this division and the previous remediation undertaken at this site, in relation to contaminated land, there is the potential that some contamination may still exist below the hard standing of the patio area and beneath 600mm within the garden. The responsibility to properly address contaminated land issues lies with the owner/developer of the site, irrespective of any involvement by this Authority. The applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should contamination be encountered during the development of the site.