

Regeneration and Economic Development Department

APPLICATION NO: 21/00576/FUL

APPLICANT: Mr James Tindale

WARD AFFECTED: Shevington

DEVELOPMENT: ERECTION OF DETACHED GARAGE TO THE REAR OF DWELLING
(RETROSPECTIVE)

LOCATION OF SITE: 8 Sedum Grove, Tower Hill, Kirkby, L33 1SX

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Area

RELEVANT POLICIES

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

ARTICLE 35

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

PLANNING HISTORY

A similar application was refused for the retention of detached garage to the rear of the existing dwelling. (16/00321/FUL – refused 18/07/16). This was dismissed at appeal. (3155508).

The garage was 9.5 metres long, 4 metres wide and 2.67 metres high.

TECHNICAL CONSULTATIONS:

N/A

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 11 neighbours. 1 Objection and 1 representation have been received consisting of the following main points:

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Objection

- We are disappointed that the home owner in questions has ignored previous planning refusal and put this up yet again,
- I am also concerned this is a fire hazard to adjacent / surrounding homes with combustible items being stored in this building. i.e petrol etc. In addition to this, he has recently cut a tree down making this more obvious and unsightly to me and my family. See most recent image with no tree in place.
- I would also like to add that we have no peace from this development as he is working on it all day, everyday - even a Sunday.
- When the weekend arrives the noise continues and you can't sit outside and relax with the noise and the added fact he's on top of the development overlooking the gardens.
- My Neighbour in particular, finds this very intrusive and doesn't wish to look out onto this unsightly 'shed' towering over her fence.
- During our conversation about the noise we wondered what it is being used for as we feel he may be using it to fix cars as this is what we have seen him doing in the past. As you can imagine, the noise from machinery for fixing cars on top on constructing this 'shed' continually for many months if not years has taken its toll on us.

Representation

- We have absolutely no issue at all in regards to the structure next door and find it a lovely garage that is causing absolutely no issue to the area and no bother to the neighbours. The height of the garage is not an issue, nor is the size.

ISSUES AND ASSESSMENT:

PROPOSAL

The application is for the erection of a detached garage to the rear of the dwelling*.

**The garage is currently erected on site and appears to be used for the storage and or undertaking of work on old cars.*

PREVIOUS APPLICATION - 16/00321/FUL

A similar previous application for a detached garage was refused and dismissed at appeal in 2016 on the grounds on impact on the residential amenity of existing occupiers and neighbours. A summary of the measurements of the previous and current applications is provided below. The current application is 17cm shorter and 34 cm wider than the previous application.

	16/00321/FUL	21/00576/FUL
Height	2.67	2.50
Width	4.0	4.34
Length	9.5	9.5

APPEAL DECISION – 3155508

The application was dismissed at appeal on the grounds of the impact on the residential amenity of existing occupiers (from overdevelopment) and impact on the amenity of neighbours.

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Overdevelopment/effect on Existing Occupiers

“6. I consider that the garage building, having regard to its scale and height is disproportionate to the size of the rear garden and dominates the rear of the plot. It significantly reduces the available amenity space for the occupants of the dwelling. Furthermore the garage is sited around 1.3 metres from the rear elevation of the house. In this position I consider it adversely affects the outlook from the rear habitable room windows for the occupants of the dwelling. I accept that it is very common for garages or other outbuildings to be positioned at the end of a driveway in a rear garden. However such buildings are usually much smaller and appropriate to their residential context.

7. I consider therefore that the appeal proposal forms overdevelopment of the site causing harm to the living conditions of the existing occupiers of the dwelling. It conflicts with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016 and Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan (UDP) 2006. These policies amongst other things seek to ensure that development does not adversely affect amenity, does not result in a disproportionate addition to the original dwelling and provides adequate garden space for residents”

Neighbour Amenity

“9. The appeal building has a height of approximately 2.7 metres to the ridge and 2.4 metres to the eaves. The rear garden fence on the boundary of the appeal property and Nos. 5 and 7 Hyacinth Avenue, is approximately 1.8 metres high. The garage building is therefore significantly higher than the rear fence and results in a poor outlook from the rear windows and garden area for the occupiers of the properties to the rear.

10. The neighbouring property No. 6 Sedum Grove is set at a higher level than the appeal site. As a result of the different garden levels, the side boundary fence is over 2 metres in height when viewed from the garden to the appeal property. The appeal building projects above the side boundary fence by around half a metre. As the building extends along the majority of the side garden boundary to No. 6, it results in a poor visual outlook for the occupants of this property.

11. I consider that the development causes harm to the living conditions of the occupants of neighbouring dwellings with regard to outlook. It is therefore contrary to Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy 2016 and saved Policies H5 and H8 of the Knowsley Replacement UDP 2006 which along with other objectives, aim to safeguard the amenities of adjoining occupiers”.

PLANNING POLICY

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 Avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

NPPF para 130 states that Planning policies and decisions should ensure that developments: create places with a high standard of amenity for existing and future users.

UDP Policy H8 states that proposals for outbuildings or garages 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;

c) The proposal would not adversely affect the amenity or privacy of occupiers of adjacent dwellings”;

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RESIDENTIAL AMENITY – MAIN DWELLING (No 8)

The garage due to its large footprint and size dominates the rear garden of number 8 resulting in overdevelopment and a significant loss of amenity space. It also results in an artificial physical separation between parts of the garden and is a dominant and disproportionate feature of the property. The garage is also very close to the rear elevation of the house. This close proximity results in harm to the outlook from the rear habitable room windows for the occupants of the dwelling. (In particular the double doors).

Whilst the height of the building has been slightly reduced since the previous application, this is a minor reduction of 17cm and does not materially reduce the impact on the amenity of number 8. It is also offset by the increase in width from 4 to 4.34 metres which increases the impact of the building.

The changes do not materially alter the inspector's conclusion from the appeal decision that the proposal would result in overdevelopment that would be harmful to the amenity of occupiers of the main dwelling. Overall, the application would cause significant harm to the amenity of existing and future occupiers and is contrary to Core Strategy Policy CS19 NPPF para 130 and UDP Policy H8.

RESIDENTIAL AMENITY – NEIGHBOURS

5 and 7 Hyacinth Avenue

The garage at 2.5 metres high is still significantly larger than the 1.8 metres high rear garden fence on the boundary of no 8 Nos. 5 and 7 Hyacinth Avenue. This results in a poor outlook from the rear windows and garden area for the occupiers of 5 and 7.

6 Sedum Grove

No 6 Sedum Grove is slightly higher than no 8, however the building would still be above 2 metres higher when viewed from the garden of number 6. The building projects above the fence by around 33cm. However, this projection combined with the large width and length of the building result in a poor visual impact along the whole of the garden boundary. The building constitutes a looming presence and result in poor visual outlook for the occupants of no 6.

Whilst the height of the building has been slightly reduced since the previous application, this is a minor reduction of 17cm and does not materially reduce the impact on the amenity of neighbours. It is also offset by the increase in width from 4 to 4.34 metres which increases the impact of the building.

The changes do not materially alter the inspector's conclusion from the appeal decision that the proposal would be harmful to neighbour amenity.

Overall, the application would cause significant harm to the amenity of neighbours and is contrary to Core Strategy Policy CS19 NPPF para 130 and UDP Policy H8.

OTHER MATTERS

In relation to the storage of petrol and other substances, this would not be subject to planning control by itself but would be subject to other safety legislation.

CONCLUSION

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The proposal is a dominant and disproportionate addition to the property and result in unacceptable impacts on the amenity of existing and future occupiers of the main dwelling and neighbouring properties. The application is contrary to Core Strategy Policy CS19 NPPF para 130 and UDP Policy H8.

RECOMMENDATION:

Refusal

That Planning Permission be refused for the following reasons:

- 1) The garage by virtue of its size and mass is overdevelopment leaving insufficient private amenity space for the occupiers of the dwelling and due to its size and location has an unacceptable impact on the visual outlook of the occupiers of the dwelling. The application is therefore contrary to the National Planning Policy Framework, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and saved Policy H5 and H8 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.
- 2) The garage by virtue of its size, mass and proximity to neighbouring properties has a detrimental impact on the visual outlook of the occupiers of the neighbouring properties at 6 Sedum Grove and 11 Hosta Close. The application is therefore contrary to the National Planning Policy Framework, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016, and saved Policy H5 and H8 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

Andrew Hunt

02 November 2021

Alan Kilroe

2 November 2021

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