

<u>APPLICATION NO:</u>	23/02269/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Prescot South	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	11 Hazel Avenue, Whiston, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF A SINGLE STOREY REAR EXTENSION		

Site Description

The application site is located at 11 Hazel Avenue, Whiston and is located in an area allocated as a Primarily Residential Area in the Development Plan. The application property is a semi-detached dwellinghouse, is brick facing on its front, side and rear elevations, along with white UPVC openings and flat, interlocking roof tiles.

The front garden area features tiles as hardstanding for parking and is largely a grassed area. The front garden is enclosed by a low, brick boundary wall. The property is on the inside of the curve in the highway and the front elevation is North facing and fronts the highway of Hazel Avenue. The site is encircled by residential dwellings. The property features a two-storey rear projecting gable, which is an architectural design featured on other nearby dwellings in the street scene.

Proposal

The application seeks permission for the erection of a single storey rear extension and originally included, a loft conversion and erection of a rear dormer extension.

This report will focus on the permission of the single storey rear as this is the element of the proposal which require Planning Permission.

Although the rear dormer and loft conversion have been included in this application, it does not come into conflict with any criteria for Permitted Development and therefore it would not require full Planning Permission and subsequently, would be exempt from any relevant guidance and regulation for Planning Permission. The submitted plans annotate that the proposed dormer works are to be undertaken as Permitted Development.

The proposed rear extension would project out by 4.6m on its West facing side elevation and 5.43m on its East facing side elevation. It would have a width of 6.4m. This would be served by a dual pitched roof, that would measure 2.35m at the eaves and 3.52m at the ridgeline (the highest point). The rear elevation would feature bi-folding doors, and 4 rooflights.

The submitted plans have had minor amendments. The eaves of the proposed rear extension have been lowered and the ridgeline raised to mitigate any impact to the adjoining dwelling (no.9)

Consultations

Whiston Town Council - No Comments Received.

Representations

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

Planning History

No relevant 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 extension 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.

**KNOWSLEY LOCAL PLAN: CORE STRATEGY
SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT
PLAN (ADOPTED JUNE 2006)
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

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 rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

Design

The existing dwellinghouse is brick facing on its elevations, with white UPVC openings and tiled roofing. The proposed development would include materials that are in keeping with the existing dwelling. The proposed development would also feature a pitched roof.

Overall, the proposal would have an acceptable design and would be in accordance with the Householder Development SPD and Saved Policy H8.

Residential Amenity

The Householder Development SPD states that a single storey rear extension located on or immediately adjacent to the party boundary with a neighbouring dwelling will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling.

It also states that a single storey rear extension beyond 4m (or in a situation where

the application property has a rear elevation which is set further back than the rear elevation of the neighbouring dwelling) will normally only be permitted if it does not breach the 45-degree rule.

The proposed developments projection would breach the 45-degree rule, when taken from the adjoined, semi-detached dwelling (No.9). However, the Householder Development SPD is guidance with policies that can be relaxed when other material considerations outweigh the harm.

It is considered on this occasion, however, that material considerations would allow the relaxation of the guidance, as this would not result in any unacceptable harm to the amenities of nearby dwellings.

Firstly, it is considered that under Permitted Development Rights for 'larger extensions', for sites not situated on article 2(3) land that and all other properties which are not detached, that single storey rear extensions can be built to a maximum projection of 6m in depth. Given that the property does not appear to have had its Permitted Development Rights withdrawn, is not sited on any restricted designated land (i.e. Article 2(3)) and would be within the projection parameters of the 'larger extensions' Prior Approval, it would be deemed acceptable to allow the relaxation of the Householder Development SPD guidance.

In addition, the height of the eaves of the proposed development have been revised. This has resulted in the eaves being lowered in height, to reduce any visually impact from the bulk and mass of the proposal or any negative impacts to residential amenity from the proposal to the adjoined occupants. Given that this has been incorporated to the scheme, it would mitigate any potentially harmful impacts.

9 Hazel Avenue

No.9 is the paired, semi-detached dwelling, whose front and rear elevations sit in line with the application property. No.9 benefits from a single storey side extension in the form of a garage, that projects slightly beyond its rear elevation.

As stated previously, the proposed development would not be in strict accordance with the Householder Development SPD as it would be in breach of the 45-degree rule when taken from the nearest habitable window of no.9. However, it has been outlined as to the material considerations as to why it would be acceptable to relax the guidance of the SPD on this occasion and it is ultimately considered that this relaxation would not result in any unacceptable harmful impacts to the amenities or privacy on the occupants of no.9.

There is boundary treatment between no.9 and the application site, in the form of timber boundary fencing, which on the submitted plans, measure at a height of 2.05m, which would screen the bulk of the proposal. Given that the revised eaves measure at a height of 2.35m, it would not be considered that this would result in any unacceptable or adverse impact to the amenities or privacy on the occupants of no.9. It would also be situated 0.27m away from the party boundary shared with no.9.

Overall, the proposed development would, for the most part, be in accord with the Householder Development SPD, would accord with Saved Policy H8 and would not be considered to cause any unacceptable harmful impact on the amenities or privacy of the occupants of no.9.

13 Hazel Avenue

No.13 is the adjacent, semi-detached dwellinghouse and the two gable walls of the properties face one another. The elevations of no.13 sit roughly in line with application site, but not in a strict arrangement as the properties curve to accommodate the bend in the highway. No.13 benefits from a detached garage and a detached shed that both are adjacent the party boundary shared with the application property.

The proposed development would not be considered to result in any significantly harmful impacts to the amenities and privacy of the occupants of no.13. The side elevation of the proposal would be sited 1.5m away from the party boundary shared with no.13. The boundary treatment consists of timber fencing, at an approximate height of 1.8m.

Given that the proposed development would be sited 1.5m away from the party boundary, the eaves of the proposal having been reduced and that the detached outbuildings present at no.13 would screen and soften sections of the proposal, it would not be considered that the proposed development would cause any unacceptable harm to the amenities and privacy of the occupants of no.13.

Overall, the proposed development would, for the most part, be in accord with the Householder Development SPD, would accord with Saved Policy H8 and would not be considered to cause any unacceptable harmful impact on the amenities or privacy of the occupants of no 13.

No other nearby residential dwellings are considered to be adversely affected as a result of the proposed development.

Highways

The proposed development would not be considered to cause any significant impact on highway safety. This is due to the fact that the core section of the proposal is for a rear extension, to be used as an extension to dining room / kitchen and would not see an increase in the number of habitable rooms at the property.

As outlined previously, the proposed dormer extension, would be completed under Permitted Development and accord with the relevant parameters associated with Class B of the GDPO, concerning additions to the roof. As such, it would not be deemed appropriate to request additional parking spaces, within the curtilage of the boundary due to this element of the proposal. The submitted plans annotate that the proposed dormer works are to be undertaken as Permitted Development.

Overall, the existing parking provisions utilised would remain unaffected and would not have any impact on highway safety or motorists and would be acceptable.

Trees

There are numerous, established trees, either located on the party boundary shared with no.13, to the edge of the rear curtilage of the boundary of the application site and to the rear curtilage of adjacent neighbours.

It is considered, however, given that the projection of the proposal would be in within the parameters permitted by the 'larger extensions' under Prior Approval, which

would be authorised, without a requirement for any supporting Tree Surveys or Impact Assessments to be submitted with the application. It has been considered that on this basis, it would be acceptable on this occasion to determine this application without the requirement for a Tree Survey.

Indicative Radon Affected Area

The application site has been identified as an Indicative Radon Affected Area as a Constraint on Uniform. At the level of Indicative Radon this would not usually trigger a consultation from Building Control, as this issue is addressed through building regs and would not form a material planning consideration in the determination of this application.

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 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
10/08/2023	A100	-	SITE LOCATION PLAN
10/08/2023	A101	-	EXISTING ELEVATIONS E&W
10/08/2023	A102	-	EXISTING ELEVATIONS N&S
10/08/2023	A105	-	EXISTING FLOOR PLANS
10/08/2023	-	-	LOCATION PLAN
16/12/2023	A103	-	PROPOSED ELEVATIONS E&W
16/12/2023	A104	-	PROPOSED ELEVATIONS N&S

Signed Case Officer¹: Reece Black

Signed Authorising Officer²: K Foster

Date: 3 January 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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