

<u>APPLICATION NO:</u>	24/00108/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Page Moss	<u>PARISH:</u>	
<u>LOCATION:</u>	62 Mardale Road, Huyton, Knowsley		
<u>PROPOSAL:</u>	RETROSPECTIVE APPLICATION FOR THE ERECTION OF OUTBUILDING		

Site Description

The application relates to a modern semi-detached house with associated curtilage on Mardale Road, Huyton. On the opposite side of the road are older, traditional housing corporation style dwellings.

Proposal

The application seeks planning permission to retain a detached outbuilding erected in the rear garden. The building has a depth of 5.7m and a width of 3.8m. The building has a pitched roof, with a longer slope on one side, attaining a ridge height of 3.1m. There are two small chimneys coming from the roof, leading from an oven and barbecue installed at the rear of the building, and both rising to 3.3m from ground level. The building is partially enclosed, and part open sided. The building is sited adjacent the rear boundary and the boundary with 64 Mardale Road.

Consultations

Environmental Health - No objections.

Representations

This application has been publicised by letters sent to 7 neighbours.

There has been 1 letter of objection. The representations are summarised as follows:-

1. Significant impact of the smoke from the chimney of the building when the barbecue/oven is used on the author's enjoyment of their garden and house. A number of times windows were unable to be opened, the garden cannot be used for relaxation or clothes drying due to the smoke. There are no objections to the building itself.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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.

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 Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

The site is within a Primarily Residential Area and an extension or outbuilding to a dwelling is therefore acceptable in principle, subject to policy compliance.

Design and Visual Amenity Considerations

The building is relatively modest in scale, similar to a single garage. In addition, it is partially open to the side and front. To the rear of the building is a shed sited in the rear garden of the property to the rear which partially shield the application building from view of the properties at the rear, although the application building is slightly higher than the said shed so projects slightly above the shed. The building is acceptable in appearance within the residential area, and does not impact adversely on the visual amenities of neighbouring properties or the larger area.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policies H5 and H8 of the UDP.

Residential Amenity Considerations

The building is used for domestic purposes in a residential area and does not raise

residential amenity concerns and privacy and overlooking issues are not raised. There is an oven and barbecue site in the rear part of the building with chimneys leading from them to beyond the roof. A neighbour has objected to the application on the grounds that smoke from the chimneys due to the fixtures at the rear cause smoke into the author's garden area meaning they cannot enjoy the use of their garden, or hang washing out to dry.

They also comment that they need to keep windows shut because of the smoke even on hot days. It should be noted that barbecues can cause such issues even if just in the garden area, and it is not an uncommon occurrence it appears, perhaps one or two times a week in the summer. Only one objection has been received, despite there being four houses at the rear in proximity and the two neighbouring properties either side.

It is considered that the building itself is acceptable and raises no issues in respect of privacy or overshadowing. It would be unreasonable to impose conditions relating to the use of an oven or barbecue as these types of uses are often used in gardens during the summer months. Environmental Health have no objections to the application, and note that should neighbouring residents continue to experience issues, they can submit a complaint concerning their issues and Environmental Health can investigate the matter under more relevant legislative measures.

Highways Issues

The building does not impact the parking for the property and no other highways issues are raised.

Conclusion

The building is acceptable in design and has acceptable impacts with regard planning. If the building use causes ongoing issues for the complainant there are Environmental Health avenues that can be pursued. The application complies with planning policies and is recommended for approval.

Recommendation

That Planning Permission be granted subject to the following condition(s):-

- 1) The development hereby permitted shall only be 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
29/02/2024	-	-	LOCATION PLAN
29/02/2024	-	-	SITE PLAN
29/02/2024	1	-	OUTBUILDING IN REAR GARDEN - AS BUILT

Signed Case Officer¹: **Lee Osborne**

**Signed Authorising
Officer²:** **K Foster**

Date: **5 June 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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