

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 22/00710/FUL

CASE OFFICER: Andrew Hunt

WARD: St Gabriels

PARISH: N/A

LOCATION: Land To Rear Of 113 Tarbock Road, Huyton, Knowsley, L36 5TE

PROPOSAL: ERECTION OF 1NO. DETACHED DWELLING (RETROSPECTIVE APPLICATION FOR CHANGES MADE DURING THE CONSTRUCTION PHASE TO PREVIOUSLY APPROVED APPLICATION 20/00282/REM PURSUANT TO OUTLINE PERMISSION 18/00530/OUT)

Site Description

The application site is a long rectangular plot consisting of a detached dwelling at the front of the site (with hard standing used for car parking). The rear of the site consists of a partially completed detached dwelling, rear gardens and a tarmac area that is used for car parking. Most of the external footprint of the building has been completed.

The site fronts onto the A580 (Tarbock Road), it is a detached villa with a more recent two storey side extension. Tarbock Road has a mixed character with detached, semi-detached and terraced properties of various ages on both sides of the road. There a number of properties that have been built in the rear gardens of properties including to the north west (2a and 2b The Park), at the rear of what was 109 and 111 Tarbock Road and dwellings to the south west (Greenlands). There is also a dwelling immediately to the north of the site (4 The Park). There is a bus stop on the southern side of Tarbock Road, less than 100 metres away from the site.

Proposal

This application relates to the erection of 1no detached dwelling which has been partially completed. It is a retrospective application which seeks to regularise and agree changes made during the construction phase to previously approved application 20/00282/REM pursuant to outline planning permission 18/00530/OUT. The application would also include a rear garden and a hardstanding area for parking.

The changes from the previously approved plans are a larger vehicle turning area, a slightly larger building footprint, a relocation of the position of the building slightly further to the south and away from number 4 The Park and relocation of proposed trees. A glazed Juliet Balcony at first floor level has been removed. The elevations have been amended with some windows being replaced with different window designs, and some additional secondary windows being added. In terms of building size, the current proposal is 41cm higher, 40cm longer and 40cm wider than the previous application.

Consultations

Environmental Health & Consumer Protection (Knowsley Council) –No objection.

Lead Local Flood Authority (Knowsley Council) – No objection. There is no impact on flood risk from the proposed development.

Local Highway Authority (Knowsley Council) – No objection subject to the inclusion the conditions imposed as part of the previous outline and reserved matters applications.

Representations

The application was publicised by letters sent to 9 neighbouring properties on the first consultation (December 2022) and 11 neighbouring properties on the second consultation (November 2023).

December 2022 Consultation

There were 6 Objections to the 1st consultation in December 2022 consisting of the following main points.

- Loss of sunlight to garden.
- The building is closer than the approved application.
- The Juliette balcony will affect our privacy.
- The building will be on top of a culvert. Concerned about flood risk.
- The dwelling is too large, overbearing and overshadowing
- loss of light to bathroom.

The following points were also made in response to the application but are not material planning considerations and therefore cannot be considered as part of the application;

- Loss of property value.
- Unsafe building practises on site.
- Works have commenced on site.
- Concerned about lack of insulation and compliance with building regulations.
- The undercroft is not achievable due to utility services and would be harmful to the amenity of the existing house. Instead, the access should go round the side of the house.
- There have been altercations and incidents reported at the site.
- The builders have damaged my property by knocking down parts of the side of the house to make way for the undercroft.

November 2023 Consultation

There were 7 objections to the 2nd consultation in November 2023 consisting of the following main points.

- The dwelling is too big and results in loss of privacy, light and outlook.
- The dwelling is overdevelopment of a backland site.
- Gaining access to the property could also create a safety issue.
- The undercroft is not deliverable without harming amenity.
- There is a bin storage area on my land.
- Widening the entrance would increase the risk of criminal activity.
- The proposal is very different from the original plans.
- The dwelling will build over the existing culvert which may cause flooding issues.
- The applicant may not be able to access the site and may park elsewhere.
- The construction now extends further than previously and would reduce light to my lounge and kitchen.
- The proposal is not materially different from the refused planning permission.

The following points were also made in response to the application but are no material planning considerations and therefore cannot be considered as part of the application;

- There are utility services crossing my land.
- There would be lampposts on my land I am concerned about light impacts and maintenance.
- The contractors being used are not properly regulated and do not have appropriate working practises. They have stolen water and electricity from the main house and are inconsiderate to neighbours.
- There are also rats around the area.
- The pavement has been damaged and I do not believe that building regulations have been adhered to.
- There appear to not have been underfloor insulation contrary to building regulations.
- The applicant has made unauthorised works.

The material points of objection are addressed later in the report.

Planning History

18/00530/OUT - OUTLINE APPLICATION FOR THE ERECTION OF 1NO DWELLING AND ASSOCIATED WORKS - APPROVAL SOUGHT FOR ACCESS, LAYOUT, AND SCALE - APPEARANCE AND LANDSCAPING RESERVED FOR FUTURE APPROVAL – Approved 18.03.2019

20/00282/REM - RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PERMISSION 18/00530/OUT - APPROVAL SOUGHT FOR APPEARANCE AND LANDSCAPING – Approved - 21.07.2020

22/00440/FUL - ERECTION OF 1NO. DETACHED DWELLING (RETROSPECTIVE APPLICATION FOR CHANGES MADE DURING THE CONSTRUCTION PHASE TO PREVIOUSLY APPROVED APPLICATION 20/00282/REM PURSUANT TO OUTLINE PERMISSION 18/00530/OUT) – Refused - 07.10.2022

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
CS7 – Transport Networks
CS19 - Design Quality and Accessibility in New Development

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

H5 - Development within Primarily Residential Areas

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those

with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Assessment

Previously approved application 20/00282/REM

Outline and reserved matters applications have previously been approved for a dwelling at the rear of 113 Tarbock Road. The changes from the previously approved plans are a larger vehicle turning area, a slightly larger building footprint, a relocation of the position of the building slightly further to the south and away from number 4 The Park and relocation of proposed trees. A glazed Juliet Balcony at first floor level has also been removed. The elevations have been amended with some windows being replaced with different window designs, and some additional secondary windows being added. The dimensions of the previously approved dwelling are compared to the current application below. The current proposal is 41cm higher, 40cm longer and 40cm wider than the previous application.

Application	Height (m)	Length (m)	Width (m)
22/00710/FUL	7.21	10.95	11.60
20/00282/REM	6.80	10.55	11.20

Principle of the Development

Replacement UDP Saved Policy H5 (Development Within Primarily Residential Areas) states that: new development within the Primarily Residential Areas which is for uses appropriate to a residential area will be permitted provided that the development would not:

- Have an unacceptable impact on the amenity of neighbouring occupiers by reason of noise, disturbance, overlooking, visual intrusion smells, fumes, on-street parking or other causes; or
- Adversely affect the character or street scene of the area.

The proposed dwelling would be for residential use; therefore it is considered the application is acceptable in principle. This is supported by the previous planning permission granted for 1 dwelling at the site which is a material consideration in favour of the proposal that must be given significant weight. The site would be suitable for residential use, in principle, and issues of highway safety and residential amenity are discussed below.

The principle of the development complies with Core Strategy policy CS19 and Saved UDP policy H5.

Character of Area

Part 1 a) of Core Strategy policy CS19 requires that new development responds to and integrates positively with its immediate surroundings in relation to local materials, scale, mass, form, layout, alignment and density of the existing built environment.

NPPF paragraph 135 c) states that planning policies and decisions should ensure that developments: are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

NPPF paragraph 140 states that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

The area around Tarbock Road is characterised, in part, by predominantly semi-detached dwellings with long residential plots, although a range of dwelling types can be seen in the immediate area. Some of these properties having small scale dwellings at the rear including 2a and 2b The Park located directly to the west of the site.

The dwelling would be around 40cm higher, wider and longer than the previously approved building. The other changes to the application (including elevation changes) and changes to site layout, would also not harm the character of the area. As a result, the proposed dwelling would not be a disproportionate addition and would not be harmful to the character of the area.

Overall, the proposal complies with Core Strategy Policy CS19 and the National Planning Policy Framework.

Residential Amenity

Core Strategy Policy CS19 (Design Quality and Accessibility in New Development) states that development proposals will be required to avoid unacceptable impacts on existing residents, business occupiers, and future occupiers.

There are residential properties adjacent and opposite the site. There are other backland detached dwellings to the northwest (2a and 2b The Park), a dwelling to the north (4 The Park) and dwellings to the southwest (Greenlands), 115 and 117 Tarbock Road. There are also dwellings to the southwest, (111 and 109 Tarbock Road).

In relation to 113 Tarbock Road, the dwelling would be 24 metres away from the main rear elevation of 113 and around 19 metres away from the rear extension of 113. This exceeds the minimum requirement of 22 metres in the New Residential SPD (which is measured from rear principal elevations). As a result, there would not be unacceptable harm caused to the residents of 113 from loss of privacy, light or outlook.

In relation to the properties to the west, there would be no harm to amenity provided that any first-floor side windows are obscure glazed and non-opening above a certain level. This is required to protect the privacy of 2a and 2b and can be secured via a planning condition.

In relation to 4 The Park, the current proposal has been amended from the approved application and is now set further back from no 4 so (by 3.75 metres) it will have a reduced impact on their amenity compared to the approved scheme and this must weigh in favour of the proposed development. The dwelling has been moved significantly further away from number 4 than the refused application (by around 3.75 metres) and now will not harm their amenity, through loss of light and outlook. It would also be slightly further away from 4 than the approved application (20/00282/REM)

In relation to other properties, these are all located further away and will not be materially affected by the proposal. Overall, subject to conditions, it is considered that the proposals would not cause unreasonable harm to amenity and the application complies with Core Strategy Policy CS19 and Saved UDP Policy H5.

Highways

NPPF para 115 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

b) safe and suitable access to the site can be achieved for all users;

NPPF Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

Core Strategy Policy CS7 (Transport Networks) states that new development will be required to be:

- Located and designed to prioritise accessibility and sustainable modes of travel through a choice of walking, cycling, public transport, and incorporate access for private vehicles.
- In compliance with adopted cycle, car, disabled and service vehicle parking standards for different types and scales of new development;

The proposal includes the creation of an access route to the side of 113 Tarbock Road. This would be done by the creation of an undercroft under the existing building.

This access route would provide appropriate width and the site would accommodate sufficient parking spaces. A similar access arrangement was previously approved at the site and there would not be significant changes from this. The only changes would be the relocation of trees to create a wider access opening. There would be 2 parking spaces provided with a turning area at the rear of 113 next to the dwelling.

However, there are significant concerns in relation to the deliverability of this undercroft and access route. An objection has been received from someone with an interest in 113 Tarbock Road who has raised an objection to the creation of an undercroft in that property. Their objection states that the applicant does not have the legal right to undertake works.

The undercroft access route is necessary to make the application acceptable in highways terms, as without this, access to the rear cannot be achieved. However, the applicant has not been able to provide clear evidence that they have the legal right to build the undercroft across the land of 113 Tarbock Road and the two separate ownership parcels is clearly shown on Land Registry plans. This situation has been made complicated by the now separate ownership of 113 Tarbock Road, from the backland site with the dwelling.

Without certainty that the access road can be legally delivered, it cannot be concluded that appropriate access and parking can be provided at the property and it is likely that parking associated with the property would take place on Tarbock Road which is a designated cycle route or in adjacent side roads to the detriment of highway safety and general amenity. As a result, the application is considered to lead to significant harm to highway safety and amenity and the application is contrary to NPPF paras 115,116 and Core Strategy Policies CS2, CS3, CS7 and CS19.

Trees

In relation to trees, the proposal would not result in the loss of any existing trees on Site however some trees would be relocated within the site. This could be addressed via a planning condition to secure replacement trees prior to occupation.

Flooding

Concerns have been raised in relation to the proposals impact on a culvert and the potential for the dwelling to impact on this. It is understood that the building is partly built over an existing watercourse. However, the existence of a culvert under the site is not a material consideration for the purpose of determining planning application. In relation to flood risk matters generally, it is considered that the proposal will not increase the risk of flooding for neighbouring properties or the wider area. This is supported by the views of the Lead Local Flood Authority who has no concerns in relation to flood risk.

Other Considerations

A number of issues raised in the representations relate to matters than are not material planning considerations and therefore cannot be considered. This includes devaluation of property, issues of compliance with building regulations, the conduct of the builders on site and any damage to neighbouring properties or landownership disputes or rights of access.

Conclusion

The proposal is acceptable in principle, and would not cause harm in relation to amenity, character of the area or flood risk. However, the applicant has failed to demonstrate that safe and suitable access to the site can be delivered. Without certainty that the access road can be legally delivered, the proposal would cause significant harm to highway safety.

The development is therefore contrary to the Core Strategy and Unitary Development Plan, and the National Planning Policy Framework.

Recommendation

Refusal

That planning permission be refused for the following reasons:

- 1) The proposal fails to provide sufficient parking or demonstrate that that safe and secure access to the site can be achieved and it is likely that parking associated with the property would take place on Tarbock Road which is a designated cycle route or in adjacent side roads to the detriment of highway safety and general amenity. As a result, the application is considered to lead to significant harm to highway safety and amenity and the application is contrary to NPPF paras 115,116 and Core Strategy Policies CS2, CS3, CS7 and CS19.

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Alan Kilroe

Date:

14 May 2025

Informatives

N/A

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

2 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