

<u>APPLICATION NO:</u>	23/00079/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	152 and 154 Windy Arbor Road, Whiston, Knowsley, L35 3SQ		
<u>PROPOSAL:</u>	DEMOLITION OF GARAGE AND THE ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION AT 152 WINDY ARBOR ROAD AND ERECTION OF A SINGLE STOREY REAR EXTENSION AT 154 WINDY ARBOR ROAD		

Site Description

The application site relates to a pair of semi-detached bungalows located on Windy Arbor Road. They are both brick facing with white UPVC openings.

No. 152 is contained by a dwarf brick built wall with timber fencing whereas No. 154 is contained by a dwarf brick built wall. Parking is provided directly from Windy Arbor Road and is located at the side of each dwelling house. No. 154 has been previously extended in the form of a front facing flat roof dormer and part single storey extension located at the rear. Both properties contain outbuildings situated alongside the common law boundaries with neighbouring properties.

These properties are unique in the borough in that a number of windows are located within the gable end of the properties serving habitable rooms. These windows are mirrored on the adjacent properties at no. 150 and no. 156 respectively.

Proposal

The application proposals have been revised since their original submission. The proposed development includes the following:

No. 154 Windy Arbor Road

Permission is sought for the erection of a single storey rear extension following the demolition of the existing rear extension. The extension would span 4m in depth and 7.8m in width. The proposed extension would be brick facing and include a set of combination door and windows to its rear elevation together with a linear single leaf door of equal height. It would accommodate a flat roof measuring 2.7m at the eaves and 3.1m at its highest point.

The proposal would provide a new open plan kitchen and lounge together with internal alterations including relocation of bathroom and new utility and W/C where the existing kitchen is located.

No. 152 Windy Arbor Road

Permission is sought for the erection of a single storey side and rear extension. The side extension would be set back 3.6m and would span 10m in depth and 9.3m in

width connecting with the single storey rear extension at no. 152. A disabled access ramp is also proposed and would not extend beyond the front elevation of the existing dwelling house. The platform itself would be no higher than .3m but the railings which attach to the platform measure 1.2m in height and would necessitate the need for planning permission due to the association with the raised platform.

The proposals have been revised since their initial submission and now include a gable parapet roof located above the side extension with a parapet flat roof above the rear aspect incorporating 2no. roof lanterns. The parapet gable roof would measure 2.6m at the eaves and 4.6m at its highest point. The angle of the roof would be slightly different than the existing gable roof due to the existing opening at the gable end. It would then connect to a parapet flat roof extension measuring 3m in height.

The proposals would accommodate a new kitchen and living area together with internal alterations to replace the existing living room with bedroom together with a utility area, storage, large entrance hall and bathroom to accommodate the needs of a disabled person.

Consultations

Tree Officer - No objections to the proposed development.

Highways – No objections raised.

Representations

This application has been publicised by letters sent to 10 neighbours. Following revisions made to the application a further consultation period with neighbours was undertaken. No representations have been received.

Planning History

No. 152 Windy Arbor Road

- 22/00743/PDE – Erection of a single storey rear extension maximum depth from original rear wall: 6m, maximum height 3m height of eaves 3m. Application withdrawn.
- 23/00015/PDE – Erection of a single storey rear extension maximum depth from original rear wall 5m, maximum height 2.65m, height of eaves 2.65m. Prior approval not required dated 14th February 2023.

No. 154 Windy Arbor Road

- 74/03498/HIST – Extension to form utility room. Granted 14th September 1978.

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

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.

The application site is located within a Primarily Residential Area. As such, an alteration to the existing residential properties 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.

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

No. 154 Windy Arbor Road

The Householder Development SPD states that single storey rear extensions should be designed to avoid overshadowing, loss of outlook/privacy to neighbours or appear unduly dominant.

The proposed development would be brick facing and include 2 glazed units located at the rear elevation. As originally submitted, the proposed rear extension included a window in the side elevation facing the neighbouring private amenity space. The Householder Development SPD states that windows should be restricted to rear elevations to prevent privacy issues and plans have been updated to remove the window. Notwithstanding this, two replacement windows are proposed in the gable end facing no. 156. Given that these replace the existing kitchen window it is acceptable in terms of design.

The property would include materials and finishes that are consistent with that of the application property except for the flat roof. The Householder Development SPD advises that flat roofs should normally be avoided. However, if the applicant included a pitch roof it may have a dominant appearance on what is a relatively small bungalow. Accordingly, the flat roof is considered acceptable and would be less prominent to neighbours. In addition, it would not be visible from the street scene due to its location at the rear and would therefore not adversely affect the character of the wider area.

The application proposals are acceptable in terms of design.

No. 152 Windy Arbor Road

The Householder Development SPD states that single storey side extensions should be designed so that they preserve the street scene, protect light and privacy of neighbours as well as provide sufficient parking spaces. In addition, the same principles relating to the rear aspect referred to in relation with no. 154 would also apply.

The proposed extension has been revised since its initial submission which included a flat roof above the side and rear aspect. The Householder Development SPD advises that flat roof extensions should normally be avoided. The flat roof aspect above the side extension visible from the street scene was considered out of character with the remaining street scene. The Local Planning Authority has worked positively with the applicant to reduce the harm to the street scene and revised proposals where provided for a part pitch roof extension. The Householder Development SPD advises that the roof line should match that of the original dwelling house. In this instance the angle of the roof pitch would differ by approximately 6.1 degrees. Whilst it would have been preferred that the angle of the pitch aligns with the original dwelling house doing so would have resulted in obscuring part of the habitable window located at the first floor gable end. As such, the angle of the pitch is acceptable in terms of design. The flat roof extension serving the rear aspect is acceptable given that a pitch roof in this location may have an overbearing affect to neighbouring properties given the depth of the existing extension.

The extension would be faced in white render. Whilst this would be different than that of the existing brick facing side elevation, there are a number of properties that contain a mixture of brick facing/rendered properties. As such, the use of render would not look out of place within the street scene.

The access ramp is relatively small in scale and is simple in nature and is considered acceptable in terms of design as it would not look out of place at the side of the dwelling house.

The site plan indicated on drawing no. 004 and proposed floor plans indicate that the property would combine the rear gardens of these properties and would share a decking area which is to be built under permitted development rights. Although it would have been preferred to retain the boundary treatments this is deemed necessary to enable family members to care for a disabled person and would not materially alter the use of the land.

Overall, the proposals would use a number of materials which will match those of the existing dwelling with the exception of the use of render at no. 152. Given the need for the development to assist the needs of a disabled person and associated increase of cost of brick facing to the front and side elevation would potentially render the development unviable. Given the variety of render and brick facing properties within the street scene and only a small proportion of render will be visible from the front whilst the side would be largely obscured by the adjacent property the proposals. On balance taking these matters into consideration the proposals are acceptable in terms of design.

Residential Amenity

No. 156 Windy Arbor Road

No. 156 is the neighbouring semi-detached bungalow. Consideration is given towards the potential for adverse effects with regards to the development proposals at no. 154.

As originally submitted the window located in the kitchen facing no. 156 has been removed as it would overlook the private amenity space of the residential property as originally submitted. Two new windows are provided in the gable end facing no. 156. These windows serve non habitable rooms and will not adversely affect the amenity of neighbouring occupiers given that a larger window is currently in situ.

The Householder Development SPD states that single storey rear extensions will normally be considered acceptable up to 4m. The proposed development does not extend beyond 4m and would only provide an increase depth of .7m from what is already existing. Taking this into consideration and the removal of the side facing window the development proposals would not result in adverse effects to residential amenity of existing or future residents in relation to this property.

No. 150 Windy Arbor Road

No. 150 is the neighbouring semi-detached bungalow. Consideration is given towards the potential for adverse effects with regards to the development proposals at no. 152.

The side elevation would be closer to the common law boundary with no. 150 and span 10m in total albeit only 5m beyond the original dwelling house. In this circumstance, the Householder Development SPD states development proposals beyond 4m will only be supported if they do not breach the 45-degree rule in relation to the nearest habitable window.

No. 150 has a number of windows serving habitable rooms located within the gable end facing the common law boundary. It has a small rear kitchen with a window positioned centrally on its gable wall facing 152. Due to window arrangements at the property the 45-degree rule would be breached as a result of the proposed development.

However, the property benefits from a previous prior approval application which the applicant could rely on for a rear extension of the property at 5m depth with the omission side extension which results in a fall-back position. Notwithstanding this, planning law requires that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst the SPD is guidance on the matter and forms a material consideration, no. 150 contains an outbuilding adjacent to the common law boundary and as such forms a material consideration itself. No. 150's lean to outbuilding measures 2.16m at the eaves. The rear extension would measure 3.3m at the eaves. The rear aspect of the extension would therefore be largely obscured by the existing lean to outbuilding. In addition, although a pitch roof would be preferred to follow the roof line the correct pitch of the gable may have appeared overly prominent and affected resident's amenity. As such, the flat roof extension is acceptable and the influence between the outbuilding would obscure most of the rear aspect of the development. Notwithstanding this, the flat roof extension at the side was altered to a pitched gable during the application process. Unlike the rear aspect this will not impact residential amenity of no. 150 as it is already influenced by the original gable end of the application property.

No adverse effects to residential amenity would occur as a result of the proposed development.

Residential amenity between application properties no. 152 and no. 154.

Whilst this is a joint application for extensions to each of the application properties, in the interest of potential impact to future occupiers it is necessary to consider the development affects between these individual properties.

The rear extension of no. 152 extends 1.1m beyond the proposed rear elevation of no. 154 and is therefore well within the tolerance set by the SPD and would not result in adverse effects to future occupiers of this property. Likewise the proposed single storey extension at no. 154 would not project beyond the rear elevation of no. 152. As such, no adverse effects to residential amenity would occur in relation to the existing and future occupiers.

Trees

No adverse impact to trees would occur as a result of the proposed development.

There is a number of mature plants and one mature tree located in the rear garden of no. 152. The application is supported by a Tree Survey which has been considered by the Council's Tree Officer who raises no objection to the proposed development subject to the Arboricultural Reports being made approved documents and a condition for 5-day notice to be provided for the erection of tree protective fencing and ground protection measures.

As such, the Arboricultural Reports are made approved documents and a condition should be attached to this decision.

Highways

There would be no adverse effects to highways safety with regards to no. 154 as a result of the development proposed in relation to that dwelling.

The applicant at no. 152 is seeking to increase the number of bedrooms from 2 to 3 to assist the needs of a disabled person. The parking standards for a 2 bedroom property are the same as a 3 bedroom property. The applicant has provided a site plan indicating that parking will be provided at the front of the property and 1 new space will be created nearest the common law boundary with no. 154. This will necessitate the need for a new vehicle crossing and drop kerb to facilitate access to the new driveway and highways have requested an informative to be added to the decision notice. A condition is also attached to this decision outlining further details to be provided in respect of the additional hardstanding.

Subject to condition set out below there would be no adverse effects 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) Five working days written notice shall be given to the Arboricultural Officer before commencement of the works hereby granted.

Reason: For the avoidance of doubt and to comply with the application.

- 5) Notwithstanding the proposed car parking layout Dwg No 004 REV 1 submitted no part of the development hereby permitted shall be brought into use until an area of hardstanding in addition to that already existing within the property has been laid out in accordance with details which have previously been submitted to and approved by the Local Planning Authority. The hardstanding shall be laid out such that 1 additional car parking space measuring 3metres by 5 metres, are provided and the dropped kerb shall be extended in accordance with the specification of the Local Planning Authority. The additional car parking area shall be made of porous materials, or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The agreed area shall be retained as such at all times that the proposed development is in use.

Reason: To ensure that adequate off-street parking is available in accordance with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved policy H8 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
29.03.2023	004	REV 1	SITE – EXISTING AND PROPOSED
16.02.2023	001	REV 1	SITE LOCATION AND BLOCK PLAN
10.05.2023	003.1	REV 1	152 WINDY ARBOR ROAD – PROPOSED PLANS AND ELEVATIONS
10.05.2023	003	REV 4	154 WINDY ARBOR ROAD – PROPOSED PLANS AND ELEVATIONS
05.04.2023	RTS/03042023		SITE TREE APPRAISAL
05.04.2023	RTS/03042023/TC P 001		TREE CONSTRAINTS PLAN
05.03.2023	RTS/03042023/TC P 002		TREE PROTECTION PLAN

Signed Case Officer¹: John Fleming

Signed Authorising

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.

Officer²:

K Foster

Date:

30 May 2023

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.

INFORMATIVE

Highways

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. This permission requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Prior to the commencement of any works, the applicant is advised to contact the Council's Maintenance Contractor Tarmac on 0800 023 2334 or Knowsley.highways@tarmac.com

Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024

Appendix 1 – Site Photographs



