

<u>APPLICATION NO:</u>	26/00100/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Cronton Parish Council
<u>LOCATION:</u>	Denbigh , Pex Hill, Cronton		
<u>PROPOSAL:</u>	ERECTION OF 1NO. OUTBUILDING TO FORM A GARAGE AND A SENSORY ROOM.		

Site Description

The site area extends over an area of approximately 0.21 ha and is triangular in shape, extending considerably to the north of the house which gives the plot considerable width. The plot is located on the north-eastern side of Pex Hill, approximately 23m from its junction with Cronton Road (A5080) and opposite to the exit at the western end of Cronton Sixth Form College. The site is on the edge of Widnes urban area. Cronton Road (A5080) is a main route linking Liverpool to Widnes and beyond. Pex Hill leads to a United Utilities waterworks and an area of urban green space, disused quarry and observatory at the summit of Pex Hill. A Public Right of Way (PROW) runs along Pex Hill directly in front of the application site.

The application site previously contained a brick built two-storey double fronted, pyramid type roof, detached late 1930's dwelling with detached garage a brick-built W.C. outbuilding and a timber 'summer / play house', a partly above and partly underground air-raid shelter. The detached garage and an annexe, later replaced by a single storey extension was reasonably assumed to form part of the original dwelling.

Planning permission was granted in 2024 for the demolition of the dwelling and outbuildings and the erection of a replacement dwelling and associated works including alterations to the front boundary wall fence. That permission was subject to a suite of planning conditions (Ref:23/0, 0485/FUL) including a condition removing permitted development rights for the new dwelling. That condition included the removal of permitted development rights for buildings, enclosures, swimming pool or other pool or container for fuel. In 2025 planning permission was granted to amend the approved plans under a s73 application which sought consent to vary Condition 2 (Approved Plans) of planning permission referenced 23/00485/FUL and was for changes to the design of the dwelling. In 2026 a s73 planning application to allow for the installation of photovoltaic panels, erection of plant room and installation of air source heat pump was granted,

Much of the works in the construction of the dwelling have been completed, and the dwelling is nearing completion.

Proposal

The current planning application seeks planning permission for a detached building to the side and forward of the house under construction, 1.2m from the new house and parallel with the front boundary. The building is for the provision of a sensory

health suite for use by the disabled child of the applicant including dry and wet therapy rooms, wave pool etc. To the front of the suite would be an open double garage with a covered way to the side of the garage and leading to the front entrance door of the suite,

On the north east elevation of the proposed building would be a covered walkway, with the roof extending over and supported by posts. Along this elevation would be rear door access for the garage, a door from the suite and a window. The suite would widen from the door rear wards, with the covered walkway ending at the door. On this same elevation, on the widened part of the suite would be bi-fold doors. There would be a window on the northwest (rear) elevation. The southwest elevation would have no openings. The walls of the building would be brick with the roof of grey Marley Modern roof tiles. The window and door frames would be uPVC Anthracite Grey. The covered way support poles would be timber and there would be a timber false exposed roof frame on the front wall between the roof slopes.

The building would have a total depth of 17.1m and width of 7.3m. The garage and walkway would have a height to eaves of 2.9m and 5.1m to ridge; the suite would have a height to eaves of 2.4m as there would be steps from the walkway up to the suite door.

Consultations

Highway Authority - No objections.

Environmental Health - No objections, request construction work hours condition and an informative.

Merseyside Fire and Rescue Authority - No objections, request an informative.

Cronton Parish Council - No comments received.

Representations

This application has been publicised by letters sent to 6 neighbours. No representations have been received.

Planning History

K/1890 - PROPOSED BUNGALOW. Refused: 26.01.1977.

K/7549 - PROPOSED BUNGALOW. Appeal dismissed: 04.04.1984.

22/00124/FUL - DEMOLITION OF EXISTING GARAGE AND ERECTION OF A TWO-STOREY SIDE EXTENSION INCLUDING 1 NO JULIET BALCONY TO PROPOSED REAR FIRST FLOOR BEDROOM. Granted: 23.11.2022.

23/00485/FUL - DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF A REPLACEMENT DWELLING TOGETHER WITH OTHER ASSOCIATED WORKS INCLUDING ALTERATIONS TO FRONT BOUNDARY FENCE. Granted: 22.08.2024.

25/00074/FUL - VARIATION OF CONDITIONS 2 (APPROVED PLANS), ATTACHED TO PLANNING PERMISSION 23/00485/FUL (DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF A REPLACEMENT DWELLING TOGETHER WITH OTHER ASSOCIATED WORKS INCLUDING ALTERATIONS TO FRONT BOUNDARY FENCE) TO ALLOW FOR REDUCTION IN RIDGE HEIGHT OF FRONT GABLE, REMOVAL OF DORMER WINDOWS AND

RAISING OF EAVES, CHANGES TO WINDOW DETAILING, REDUCTION IN WIDTH OF BI-FOLD DOORS, ALTERATIONS TO DORMER SIDE ELEVATION AND GROUND FLOOR LEVEL REDUCED AND INTERNAL ALTERATIONS.
Granted: 10.06.2025.

25/00665/FUL - S73 APPLICATION FOR THE VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 25/00074/FUL (VARIATION OF CONDITION 2 (APPROVED PLANS) ATTACHED TO PLANNING PERMISSION 23/00485/FUL (DEMOLITION OF EXISTING DWELLING AND OUTBUILDINGS AND THE ERECTION OF A REPLACEMENT DWELLING TOGETHER WITH OTHER ASSOCIATED WORKS INCLUDING ALTERATIONS TO FRONT BOUNDARY FENCE - TO ALLOW FOR REDUCTION IN RIDGE HEIGHT OF FRONT GABLE, REMOVAL OF DORMER WINDOWS AND RAISING OF EAVES, CHANGES TO WINDOW DETAILING, REDUCTION IN WIDTH OF BI-FOLD DOORS, ALTERATIONS TO DORMER SIDE ELEVATION AND GROUND FLOOR LEVEL REDUCED AND INTERNAL ALTERATIONS) - TO ALLOW FURTHER AMENDMENTS RELATING TO THE INSTALLATION OF PHOTOVOLTAIC PANELS, ERECTION OF A PLANT ROOM AND INSTALLATION OF AN AIRSOURCE HEAT PUMP. Granted: 12.02.2026.

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

CS5 - Green Belt

CS19 - Design Quality and Accessibility in New Development

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

G7 - Alteration, Extension or Replacement of Existing Dwellings in the Green Belt

H8 - Extensions and Alterations to Residential Properties

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

Principle of Development and Inappropriateness in the Green Belt

The site is designated Green Belt and the NPPF attaches great importance to Green Belts with the fundamental aim of Green Belt policy preventing urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that local planning authorities should regard the construction of new buildings in the Green Belt as inappropriate development. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances (VSC).

Saved Policy G7 of Knowsley's UDP requires proposals to ... not result in the disproportionate addition over and above the size of the 'original dwelling'; not impact the amenity of neighbouring properties; is adequately served by public services without impact on the openness of the Green Belt; ensure damage to habitats is minimised. As a general guideline enlargement (either through extension or replacement dwelling) of over 50% will not be allowed ('original dwelling' - 'that which existed on 1st July 1948, or the dwelling as originally built if this was later').

When considering applications, including s73 applications such as those previously approved, the local planning authority must assess the cumulative impact of all applications and amendments to ensure that the development, as amended, does not become materially different in nature or scale from the original permission, which is particularly important in considering the volume increase and the impact on the openness of the Green Belt.

The original permission (23/00485/FUL) for the replacement house involved a volume increase of 64.45% compared to the 'original dwelling' which is 14.45% over the volume specified in the guidelines set out in UDP Policy G7 which states that 'as a general guideline enlargements (either through extension or replacement of the dwelling) of over 50% will not be allowed'.

The approved replacement dwelling is materially larger than the building it replaced and as such was inappropriate development in the Green Belt as it failed to meet the exception to para. 154 d) of the NPPF and Saved UDP Policy G7. A number of factors put forward in support of the development were afforded substantial weight and considered to be 'very special circumstances' justifying the development.

The very special circumstances put forward at the time predominantly related to the medical conditions of the applicant's daughter and the overall health impacts on the family. The approved dwelling will provide a 5-bedroom family home which allows for extended room to facilitate the personal needs for the applicant's daughter's care needs that will secure her accommodation needs into the future. The applicant provided the Local Planning Authority with a range of documents from the NHS and other service providers involved in the care of the applicant's daughter.

The submitted planning statement also highlighted the significant role that the extended family play in the care of the child and which is important to the family's well-being and an additional bedroom would enable relatives to assist with care.

The replacement dwelling will provide the applicant's daughter with full access to the family home together with facilities for 24-hour care, including classroom facilities which would future proof facilities for hers and the families longer term needs. At no point during the course of the application for the dwelling or subsequent s73 applications was a sensory health suite and the need for such brought up.

The 'fallback' position of an extant permission for an extension (+volume 50.8% - 22/00124/FUL) was also taken into consideration.

The s73 approval increased the volume of the new house to an overall increase of 70.2% above the original dwelling, to 1311.24m³.

The proposed outbuilding (garage and sensory suite) has dimensions of 17.1m by 7.3m with a height to eaves of the garage and walkway of 2.9m, with the suite having a height to eaves of 2.4m due to the step up from the walkway. The pitched roof would have a height of 2.2m from eaves to ridge, giving the garage a height from ground to ridge of 5.1m. giving a ridge height from ground level of 5.1m. The proposed detached building would therefore have a volume of 461.7m³, giving a total volume of the new house, plant room and the proposed detached building of 1772.9m³. The new building would thus be 35.2% of the approved house and extension size and would be 59.9% of the original house. The approved house and extension, plus the proposed detached building would be 1772.7m³ which would be **130.1% total increase** over the original dwelling (2.3 times the original dwelling)

The applicant considers the volume of the new building as 449.7m³. Even taking this figure the proposed building and the house and plant room would have a volume of 1760.9m³, an increase of 129.8% total increase over the original dwelling (2.29 times the original dwelling)

Very Special Circumstances (VSC)

The applicant relies on personal health and disability grounds (a sensory suite for a disabled child) alongside a double garage to establish VSC. Para.153 of the NPPF states that VSC will not exist unless the potential harm is *clearly outweighed* by other considerations.

In this case the Council has exercised very significant policy flexibility by granting the new house a large initial increase of 64.5% to allow the spatial and therapeutic needs of the child, and space for extended family to stay to help with the care of the child (increasing later with the S73 approval for the plant room to 70.2% increase over the original house). Essential needs have been incorporated into the primary, large dwelling, and the proposed detached building represents a disproportionate development related to VSC which have already been taken into account with the new, large house.

Cited Appeal Cases

The applicant in their VSC case cites various appeal decisions in their VSC case, specifically to argue that the personal health and disability needs for the child override Green Belt restrictions. However the quoted cases are quite distinct from the

current application.

APP/R1845/W/17/3179604 - Glebe Field, Churchill Lane, Kidderminster, DY10 3LX

Application case there is no unmet housing need. The child's medical and spatial needs have been accommodated within the approved house, and the house permitted with regards the increase size over the original due to the VSC put forward that the increased size was required to house the additional space that the child required due to her needs.

APP/M3645/W/17/3166644 - Ashton, Birchwood Lane, Chaldon, Surrey CR3 5DQ

This case does not give carte blanche to the erection of disproportionate structures in the Green Belt. In terms of planning, for personal circumstances to outweigh Green Belt harm the development must be strictly proportionate to the identified need. This case had an extension dating back to 1978 of 90+%. The Appeal development was a modest rear extension and porch but with the other developments deemed to be disproportionate and inappropriate development in the Green Belt.

The dwelling was occupied by adults who require supported living and it was the planning inspector's opinion that the extensions would provide considerable benefits to the continued living arrangements of residents. The inspectorate concluded "Personal circumstances seldom provide the sole basis for a finding of very special circumstances. However in this case I find that the combination of other considerations should be given very considerable weight and as such they clearly outweigh the harm that I have identified. Looking at the case as a whole, very special circumstances exist which justify the development."

The applicant argues that this case is relevant to the current application at Denbigh as the appeal deals with extensions which are over the usual 30-50% allowance in the Green Belt when added to the previous extensions and alterations over the original dwelling. The applicant states that though inappropriate in terms of size, it was the medical requirements, which led to a conclusion of very special circumstances which outweigh the harm to impact on openness in the Green Belt.

The applicant cites that the overall volume increase in this case was larger than that at Denbigh and also, the visual impact is potentially greater in the case above, as the Sensory Suite at Denbigh cannot be seen outside of the site due to the dense vegetation surrounding the site. The new house and proposed building are substantially greater in terms of size and volume at 130.1% combined increase (**2.3 times** the volume of the original building) and thus there is / would be a greater impact of the new house and proposed building proportionally assessed against the original dwelling.

The current proposal accommodates a health therapeutic facility with a double garage, giving a commercial scale footprint of 17.1m by 7.3m.

Taking the above into account and that the cited cases bear little resemblance to the previous approval and current proposal as combined it is considered that they carry little weight.

Change in circumstances

Since 2022 the applicant has made several planning applications to alter, extend or amend the dwelling at Denbigh; the applicant advises that these have primarily been

to facilitate ease of use and provision of a safe and comfortable environment for their daughter. As she gets older the applicant notes that her condition has progressed and therefore the family have tried to adapt to her needs. The current application the applicant advises is due to recent developments around his daughter's behaviours and complex escalations and care requirements including the impact these have had on her transition and transport needs with her long-standing specialist transport provision breaking down.

The applicant advises that the proposed sensory suite will allow his daughter to decompress after journeys and prevent extreme stress which would then be associated with the home, and this requirement has become more evident with recent events which is why the proposal was not included in previous planning applications focussed on her specific requirements. The applicant advises that options to move to a more suitable home for his daughter's needs are limited due to the very specific requirements related to her medical conditions (and as detailed in the confidential medical records/advice submitted). The applicant notes that specialist adapted houses are virtually unavailable and certainly not in the immediate area. He states that the surrounding areas have seen a lot of change with increased new development and local parks and settings becoming busier and therefore becoming more restrictive for his daughter. He advises that the volume of space available in the proposed sensory suite would offer a safe haven for her to safely satisfy her sensory needs and better manage her complex escalations and transitions.

It is further noted that moving to another site would also potentially mean changes to the applicant's daughter's learning, schooling, care and medical infrastructure, which would cause distress and would not be in her best interests.

With regards this aspect of the VSC case given that medical and health needs have been taken into account previously, whilst the Council is sympathetic to the applicant's daughter's needs and requirements, it cannot support this proposal which with the new house would be over 2 times (130.1%) the volume of the original dwelling.

Openness Impacts

The applicant concedes that added volume within the site from the proposed detached building would have an impact on the openness of the green belt in terms of the spatial dimension. He notes that the addition of the proposed structure would have an effect on the openness and as this would be greater than 50% over and above the original house volume, would be deemed to be disproportionate and therefore would present a level of harm to the Green Belt setting.

The applicant argues that the visual impact of the proposed building, despite its added volume, is less significant as an impact on the openness because the views into the site from the road and from adjacent properties are shielded by dense vegetation. He notes that the existing perimeter fences and the high treeline visually obscure the new structure. Additionally, the garage structure is an open structure which reduces massing and visual impact.

The applicant asserts that the proposal is physically modest, closely related to the dwelling and visually contained. Additionally he contends that there would be no encroachment into open countryside beyond the existing curtilage and the new structure would not create an urbanising effect beyond the established residential envelope.

As established by the Court of Appeal (Turner v SSCLG [2016]) the openness of the Green Belt possesses both a spatial dimension (physical absence of buildings) and a visual dimension (how the site is perceived). The presence of extensive planting and / or boundary fencing does not neutralise planning harm. Vegetation and fencing are temporary (or largely seasonal in the case of deciduous plants) and could be cleared or removed at any time (given however unlikely that may be). The Court ruled that an absence of visual harm does not equal an absence of spatial harm. Even if a building is completely unseen from outside a site due to trees, vegetation, wall etc its 3D volume still blocks out a section of the Green Belt causing permanent spatial harm contrary to the NPPF, Core Strategy policies and UDP policies. .

Trees, vegetation, fencing etc shielding the site from views from outside do not alter the permanent spatial reality that a large secondary building of 17.1m x 7.3m x 5.1m (461.5m³) would be physically input into open land where no built form has previously stood. The footprint of 17.1m x 7.1m is a significant intrusion on previously open garden lot. The roof and ridge height cause an issue. The roof is relatively large rising 2.2m to the ridge from eaves, creating a large roof void area, and creates a block of airspace that is taken from the Green Belt. This is architectural choice as the sensory suite requires the ground floor only; however it is recognised that a pitched roof to a detached building gives an improved appearance to such building having a flat roof.

The statement that the garage is an open structure which reduces massing and visual impact is invalid as permanent structural columns, solid gables and a continuous roofline are proposed. The physical envelope and shadow line of building remain the same, meaning it takes up the same amount of 3D space whether there are garage doors or not, and the covered walkway is still covered by roof and with permanent support columns, so 3d space is still taken here.

The proposal therefore conflicts with the NPPF para. 153, Policy CS5 of the Core Strategy and Saved Policy G7 of the UDP.

Clutter Effect

Spatial volume impact is worsened by how closely the buildings are positioned to one another. Placing a building the size of that proposed (17.3m.x 7.1m x 4.9m) ridge just 1.2m from the front corner of the approved (under construction) house would create an intense crowding of built form. Instead of a single, large house sitting naturally within the spacious garden plot the proposal would create a tight layout forming a wall of brick and tile. The layout would form a likeness to an urban / suburban courtyard. It would fundamentally change the character of the site from open garden with large house to a built up courtyard front with little perception of the garden spaciousness to the rear, causing severe spatial harm to the integrity of this part of the Green Belt.

The proposed outbuilding together with the approved house would result in a cumulative increase of 130.1% over the original demolished house baseline. The proposal by virtue of its scale, mass and height would result in substantial spatial encroachment and at just 1.2m from the house would result in a suburbanising 'cluster' effect.

The VSC put forward on health and safety grounds for the needs of the applicant's daughter do not outweigh the substantial and permanent harm to the Green Belt. Medical and spatial needs for the child were accounted for within the approval of the

house, which was granted with an initial 64.5% volume uplift, later increased by the s73 approval to overall 70.18% volume increase. Arguments regarding perimeter screening, open design and containment within the curtilage fail to address and mitigate the substantial spatial harm caused to the openness of the Green Belt. The proposal therefore conflicts with para.153 of the NPPF, Policy CS5 of the Core Strategy and Saved Policies G7 and H8 of the UDP.

Visual and Residential Amenity Considerations

The size, mass and scale of the proposed building is disproportionate to the approved house, particularly the footprint. The siting at 1.2m from the house would form a wide 'wall' of the large house and proposed building giving little glimpse into the spacious garden and forming a relatively harsh visual environment as a result.

Para.154 of the NPPF allows "the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building". The proposed building taken against the original house would, of its own, be over the 50% limit guideline, whilst when taken with the approved replacement house, which it must for continuity of appraisal, the overall increase over the original is 130% which is clearly disproportionate, and detrimental. It can also be argued that the footprint of the proposal at 17.1m by 7.3m is disproportionate against that of the approved house.

The proposed building would be detached from the house, and the nearest dwelling would be over 40m from the front boundary of the application plot fronting Cronton Road (659 Cronton Road). As such it is considered that the sensory suite and garage would not be detrimental to residential amenities of neighbouring properties.

The application therefore conflicts with Policies CS2 and CS19 of the Core Strategy and Saved Policy H8 of the UDP in terms of design and visual amenity considerations but comply with those with regards residential amenity considerations.

Highways Considerations

The proposed building includes an open-fronted double garage. The garage and parking to the front would provide significant in-curtilage parking. Without the garage there would still be sufficient in-curtilage parking. The access would remain as existing. The proposal would increase the already sufficient parking and would not impact detrimentally on the highway.

As such the application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy H8 of the UDP.

Conclusion

The proposed detached building would be a significant building in terms of size, given that it is similar size to a relatively large bungalow, assessed both against the original house, and which taken with the large, approved house would give a combined increase of 130% over the original house. This would be an unacceptable increase and would be inappropriate development and harmful to the Green Belt. Similar VSC has previously been put forward to justify for the large, approved house, and due to the size, mass and scale of the proposal and its siting it is considered that the VSC do not outweigh the Green Belt considerations, or the detrimental visual considerations. The application conflicts with national and local planning policies and is recommended for refusal.

Recommendation

That planning permission be refused for the following reason:

- 1) The proposed development is located within the Green Belt where there is a presumption against inappropriate development and where development will only be allowed if it is for an appropriate purpose or where special circumstances can be demonstrated. The applicant has failed to demonstrate that there are any such special circumstances to permit the type and scale of development proposed and as such the development is contrary to Government advice contained in paragraphs 153 and 154 of the NPPF , Policy CS5 of the Knowsley Local Plan Core Strategy and saved Policies G7 and H8 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

Signed Case Officer¹: **Lee Osborne** _____

Signed Authorising Officer²: **Mark Quinn** _____

Date: **13/08/26** _____

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

