

<u>APPLICATION NO:</u>	25/00007/FUL	<u>CASE OFFICER:</u>	Miss Kim Vo
<u>WARD:</u>	Roby	<u>PARISH:</u>	
<u>LOCATION:</u>	76 Archway Road, Huyton, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF SINGLE STOREY REAR EXTENSION		

Site Description

The application relates to a single storey bungalow at no.76 Archway Road, which has an existing single storey side extension set within a generous, large plot. A raised railway track line is located to the south of the site, as well as a Grade II Listed railway bridge (List Entry Number: 1075530). The application site is located within a Primarily Residential Area, as defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006).

Proposal

The proposal seeks to erect an 'L' shaped single storey rear extension, which would have a total depth of 15.975m and a total width of 11.845m. It would feature a hipped roof with 6no. rooflights, measuring 5.35m to the ridge. To the south west side elevation, a door entrance and 3no. windows are proposed, with 1no. new window to be installed to the original dwelling. To the north east side elevation, 4no. new windows and a set of bi-folding doors are proposed, with 2no. new windows to be installed to the original dwelling. A window is also proposed to the front elevation of the proposed extension. The materials to be used include matching Grey Marley Modern interlocking tiles to the roof, matching render and brickwork facing plinth to the walls, as well as matching white uPVC windows.

Consultations

Network Rail (10.01.2025): An interface with Network Rail is required for the proposal. The outside party is advised that Network Rail will need to agree and supervise this proposal and that no works are to take place until agreed with Network Rail. Additional information is also provided with regards to measurements to railway tracks and the railway boundary; obligations; a Risk Assessment and Method Statement (RAMS); encroachment; scaffolding; drainage proposals and Network Rail land; excavation and earthworks and Network Rail land; demolition; basement / deep excavation works; lighting; access to railway; boundary treatments; 3m gap; trees; and a BAPA (Basic Asset Protection Agreement).

Representations

This application has been publicised by letters sent to 9no. neighbours. No representations have been received.

Planning History

24/00277/FUL - Erection of single storey rear extension. Withdrawn, 04 Oct 2024.

23/00155/FUL - Erection of 1no. detached garage / workshop (demolition of existing garage). Granted, 25 Oct 2023.

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 UDP, 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 (January 2016)

Policy CS2: Development Principles

Policy CS19: Design Quality and Accessibility in New Development

Policy CS20: Managing the Borough's Historic Environment

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy H5: Development within Primarily Residential Areas

Policy H8: Extensions and Alterations to Residential Properties

Supplementary Planning Documents (SPDs)

Householder Development (June 2016)

Ensuring a Choice of Travel (September 2010)

National Policies

National Planning Policy Framework

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 main considerations for this application are:

- Compliance with Householder Development SPD;
- Design and Visual Amenity;
- Neighbouring Amenity;
- Heritage Assets;
- Access, Parking and Highway Safety;
- Waste Management;
- Other Matters.

Compliance with Householder Development SPD

Rear Extension

The proposal would project 15.975m from the original rear wall and would significantly exceed the 4m threshold. When taking a 45-degree line from the mid-point of no.74 Archway Road's nearest window, the proposal would also intersect with this line. The proposal, therefore fails to accord with the guidelines of Part 7.4 of the Householder Development SPD. However, this breach in guidance will be further discussed later in the report.

Neighbouring Amenity

No.74 Archway Road

No.74 is the neighbouring bungalow to the north. As set out above, the proposal significantly exceeds the 4m threshold of the Householder Development SPD, and when taking a 45-degree line from the mid-point of no.74 Archway Road's nearest window, the proposal would intersect with this line. The proposed extension itself would also substantially increase the form and massing of the original dwelling's side elevation. Notwithstanding this, the proposal is for a single storey development, which would have an overall height no taller than the original bungalow. The application dwelling itself, together with the proposed extension, would be angled away from no.74, allowing for a sufficient gap of over 3m to be provided between the shared side boundary. As such, any impact in terms of overshadowing or loss of light to no.74 is considered to be limited. Whilst new openings are proposed to the side elevation facing towards this neighbour, the existing fencing is considered to provide majority of screening to avoid any direct overlooking or loss of privacy. Given the above, the breach in the 45-degree line is not considered to be significant enough to warrant a refusal of this application.

No.43 to no.57 Fernbank Avenue (odd numbers)

No.43 to no.57 Fernbank Avenue are the neighbouring dwellings adjoining the application site to the part of the side and rear. The proposed extension would be separated by over 13m away from these neighbour's main rear elevations which is considered to be a sufficient distance. The existing rear fences along the shared boundaries would also provide majority of screening. Given that these neighbouring properties are all two storey dwellings, it is considered that any impact in terms of loss of light, privacy and outlooks, overshadowing and overlooking would be minimal, especially since the proposal and application dwelling are single storey. There are also no openings proposed to the rear elevation of the proposal.

In view of the above, it is considered that, on balance, the proposal would be acceptable and would not have a significant, detrimental impact upon residential amenity to these neighbours, in accordance with Policy CS19 of the Local Plan, Saved Policy H5 and H8 of the Knowsley Replacement UDP, and the Householder Development SPD.

Design and Visual Amenity

The proposed extension will result in an addition with a substantial depth. However, the application site is of a large, generously sized plot which can accommodate the proposal, whilst also retaining usable garden amenity areas. The proposed extension will also be sited to the rear and would, therefore, not appear highly visible from public vantage points, especially when the existing entrance gates are closed. Whilst the proposal is of a large footprint, it would not appear as an incongruous addition given that the application dwelling is of its own individual design and appearance, in comparison to other neighbouring properties along Archway Road. Moreover, the proposed extension is considered to appear as a compatible addition to the main

dwelling due to it being single storey and it not exceeding the original ridge height. It will also be finished in matching materials. The proposal would also provide additional facilities for a disabled individual and has been designed to provide the required functional rooms. As such, the proposal is considered acceptable regarding its impact upon design, the street scene and visual amenity, in accordance with Policy CS19 of the Local Plan, Saved Policy H8 of the Knowsley Replacement UDP and the Householder Development SPD.

Heritage Assets

A Grade II Listed railway bridge (List Entry Number: 1075530) is located to the south of the site. However, the proposal will be sited to the rear of the application dwelling and would not be visible from the setting of the Listed Building. The proposal would therefore have a neutral impact upon this heritage asset and would accord with Policy CS20 of the Local Plan and the NPPF. Furthermore, the Local Planning Authority has had special regard to the desirability of preserving the setting of the Listed Building. In coming to this conclusion, the Local Planning Authority has undertaken its statutory duty as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Access, Parking and Highway Safety

The proposal would result in the application property becoming a 4no. bedroom dwelling. 3no. off-street parking spaces are therefore required, as specified within Appendix A of the Ensuring a Choice of Travel SPD. The existing detached garage and hard surfaced driveway will be retained and provides off-street parking for at least 3no. vehicles, which would achieve the parking standards. It is therefore considered that the proposal would have an acceptable impact upon access, highway safety and parking provision in accordance with Policy CS2 and CS19 of the Local Plan, Saved Policy H8 of the Knowsley Replacement UDP, the Householder Development SPD and the Ensuring a Choice of Travel SPD.

Waste Management

The proposal would not affect the existing waste storage arrangements and is acceptable in terms of waste management and storage, in accordance with the Householder Development SPD.

Other Matters

The application site is adjacent to a raised railway line. However, the proposal will be suitably distanced from the railway track boundary and is separated by several trees and existing boundary treatments. The proposal's impact upon the railway line is therefore deemed to be minimal. However, Network Rail have been consulted and notes that an interface with them is required, where they will need to agree and supervise the proposal, with no works to take place until agreed with them. Additional information has also been provided from Network Rail and their comments will be included as an informative.

Conclusion

The principle of the proposal is considered acceptable. The proposed development would have an acceptable impact upon neighbouring amenities; design and visual amenity; parking and highway safety; and waste management. The proposal will also have a neutral impact upon the setting of the nearby Grade II listed bridge. On this basis, the proposal complies with all relevant local and national planning policies and guidance.

Recommendation

That Planning Permission 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) No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.

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
06/01/2025	60034-01	-	EXISTING LAYOUT & LOCATION PLAN
06/01/2025	60034-02	-	PROPOSED LAYOUT & SITE PLAN
06/01/2025	60034-03	-	PROPOSED SITE PLAN

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **17 February 2025**

Informatives

- 1) An interface with Network Rail is REQUIRED for this proposal – the outside party is advised that Network Rail will need to agree and supervise this proposal & that no works are to take place until agreed with Network Rail.

Please note that whilst Network Rail (NR) is submitting responses via the planning application process, it should be born in mind by the LPA/developer that the operational railway presents risks/issues that are different/unique to the risks posed by works taking place adjacent to non-railway undertaker land. Works on this site therefore must be undertaken with the supervision of NR via the ASPRO (asset protection) team to ensure

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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that the works on site do not impact the safe operation, stability, integrity of the railway & its boundary. The LPA/developer are advised that unauthorised works adjacent to the railway boundary could impact the operation of nationally significant infrastructure & the applicant would be liable for any and all damages & costs caused by any works undertaken in this scenario. Therefore, the developer is requested to ensure that the development meets with NR requirements for works/developments adjacent to the railway boundary which include planning material considerations as well as obligations specific to the railway undertaker. The interface is via a NR BAPA (basic asset protection agreement) – the developer is advised that the works must not commence on site (even if planning permission is granted) until agreed with NR. The applicant will be liable for all costs incurred by NR in facilitating, reviewing this proposal.

For future reference, it is imperative developers/applicants consult neighbouring/affected statutory undertakers in advance of any construction work, to identify and mitigate potential risks to both sites including people using or working on the sites, in line with CDM 2015 and HSW 1974 legislation. Network Rail's ASPRO (Asset Protection) team's role is to support external parties in identifying risks associated with construction near the railway and mitigating these in advance of work starting. Most insurance policies include clauses relating to consultation with statutory undertakers, and external parties who do not consult appropriately in advance may find their insurance policy becomes invalid.

Measurements to railway tracks and railway boundary

Any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

RAMS

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
- Any future maintenance must be conducted solely within the applicant's land ownership.
- Rainwater goods must not discharge towards or over the railway boundary
- Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.
- Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary. This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- Fall into the path of on-coming trains
- Fall onto and damage critical and safety related lineside equipment and infrastructure
- Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Drainage proposals and Network Rail land

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- All surface waters and foul waters must drain away from the direction of the railway boundary.
- Soakaways for the proposal must be placed at least 30m from the railway boundary.
- Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

Excavation and Earthworks and Network Rail land

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- Alterations to ground levels
- De-watering works
- Ground stabilisation works
- Works to retaining walls
- Construction and temporary works
- Maintenance of retaining walls
- Ground investigation works must not be undertaken unless agreed with Network Rail.

- Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.
- For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to re view and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Demolition

Any demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service.

Basement / Deep Excavation Works

Where basement or deep excavations are proposed adjacent to the railway – Network Rail review and agreement of documents as well as supervision & an interface with Asset Protection are required.

- Excavations – ASPRO would require to review (including but not limited to);
- Earthworks RAMS
- Scale section drawing and plan – showing dimensions of basement, proximity dimensions from basement to the operational rail boundary fence and depth
- And if earth works battered back – as above – dimensions from rail boundary fence
- Advise if the basement excavation will be inside the track support zone envelope
- Temporary works earthworks support including RAMS and temporary works design
- Design to include:- demonstration that the temporary works and permanent construction will not import increased risk to the operational railway both during construction and in the long term
- Calculations, G.I. strata and design check certs, CEM and CRE design CVs and appointment forms
- Lifting plans (lifting e.g. temporary works support structure components in to place)
- Designed working platforms
- De-watering method
- Dust control

Lighting

To ensure the ongoing safety of the operational railway the applicant's lighting design must demonstrate no overspill of light onto Network Rail land. Lighting close to or adjacent to the railway boundary must not impact train driver's ability to perceive signals and therefore all column lighting is recommended to be:

- White LED
- Flat bottom luminaires
- Downlit throw lighting
- Lighting to be directed away from the railway boundary
- Avoid the use of flashing lights or screens as part of developments
- Avoid lighting of Green, Yellow and Red.

Access to Railway

All roads, paths, boundaries or ways providing access to any part of the railway undertaker's land both temporary and permanent, must remain open and unblocked (24/7, 365 – around the clock) both during construction works and as a permanent arrangement.

- The proposal must not encroach onto any Network Rail access road, paths or ways of access to any part of Network Rail land. This also includes emergency vehicles ability to access and exit Network Rail land.
- The proposal construction works must not prevent Network Rail from accessing its land.

Boundary treatments

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

3m Gap

Network Rail REQUIRES that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

Trees

Proposals for the site should take into account the recommendations of, 'BS 5837:2012 Trees in Relation to Design, Demolition and Construction', which needs to be applied to prevent long term damage to the health of trees on Network Rail land so that they do not become a risk to members of the public in the future. This document will be provided via the formal interface with Network Rail Asset Protection.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

Going forward in order for Network Rail to spend any time reviewing any submissions, provision of any asset information, attending any further meetings, assisting with discharging any planning conditions set etc, Network Rail will require the return of a signed BAPA (Basic Asset Protection Agreement) and relevant payment/ PO as noted in the

estimate sent. Network Rail is a publicly funded entity and all outside party works, which these are, are cost recoverable as dictated to us by the ORR.

The local planning authority (LPA) are not responsible for the safe operation of the railway or our assets and the issues raised by the developer/applicant will ultimately need to be agreed by Network Rail engineering to ensure the proposed development does not interfere with the safety of the railway.

All new enquiries will need to be submitted via the Asset Protection and Optimisation - Customer Portal [ASPRO Network Rail Implementation \(oraclecloud.com\)](https://asprouk.oraclecloud.com). From there, the client can create an account and submit their enquiry. Enquiry will then be assigned to one of the Asset Protection team to progress. The assigned team member will then be in a position to review and comment on any submissions from the outside party. Early engagement with Network Rail is strongly recommended.