

<u>APPLICATION NO:</u>	23/00074/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Halewood South	<u>PARISH:</u>	
<u>LOCATION:</u>	258 Higher Road, Halewood, Knowsley, L26 9UE		
<u>PROPOSAL:</u>	ERECTION OF 2NO. OUTBUILDINGS TO REAR GARDEN AREA		

Site Description

The application property is a semi-detached dwelling located within a Primarily Residential Area.

The property is rendered finish with white UPVC windows and doors at its front elevation and is contained by a tall brick wall facing the public highway. The rear elevation is also rendered but its openings are a mix of white and grey UPVC openings.

The property accommodates a garage attached to its side elevation and has been previously extended in the form of a conservatory located at the rear. The rear garden is relatively large and has two boundary fences of differing heights. The outbuildings subject to this application have already been erected.

Proposal

The application seeks permission for the erection of 2no. outbuildings located in the rear garden.

During the site visit, it was apparent that the outbuildings had already been erected. As will be discussed later in this report, the proposals have been altered since their original submission due to concerns regarding residential amenity of neighbouring occupiers. The revised plans therefore form the basis for consideration.

Outbuilding 1 is located at the rear property boundary. It measures 6.2m in width by 1.98m in depth. It accommodates a flat roof measuring 2.1m in height. It has 1 set of double doors together with 4 narrow windows either side.

Outbuilding 2 is located adjacent to the common law boundary with no. 260 Higher Road. It measures 3.95m in length and a width of 1.68m. It accommodates a flat roof measuring 2m in height. It has 1 door and 2 narrow windows.

Consultations

Tree Officer – Advised that the Tree Report should be updated and the site area re-surveyed.

Representations

This application has been publicised by letters sent to 4 neighbours. One letter of objection has been received from neighbours.

The objector states that the height of the patio/decking area looks directly into their rear garden/kitchen causing privacy concerns.

The Local Planning Authority appreciate the concerns raised and have work positively with the applicant to remove the raised decking together with lowering the overall height of the structures in their entirety. Due to the changes proposed it is not considered that the outbuildings have a negative affect on residential amenity to neighbouring occupiers as outlined later in this report.

Planning History

Ref: 22/00629/FUL – Erection of two storey side extension and single storey rear extension (Demolition of existing garage and conservatory). Pending consideration.

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 – 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 property is located within a Primarily Residential Area identified in the adopted Local Plan Core Strategy. As such, the erection of 2no. outbuildings to serve the existing residential property 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 policy 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.

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

Collectively, the outbuildings are of relatively simple design with 1 set of double doors and elongated windows. However, as currently standing they are both raised off the ground floor supported by wooden posts attaining a maximum height of 2.69m. Outbuilding 1 also benefits from stairs leading to a raised decking area of .7m in height where patio furniture has been placed.

Given the height of the outbuildings and their proximity to relative common law boundaries they would fall outside the scope of permitted development provided by Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The Local Planning Authority raised concerns with regard to the overall height and raised decking due to the prominence it would have to neighbouring occupiers which is further discussed in response to residential amenity below.

Given the overbearing nature of the proposals, revised plans have been submitted removing the raised decking together with handrail and lowering the overall height of development to 2m. The revised proposals would not appear out of place within the rear garden and are therefore considered acceptable in terms of design character and visual appearance.

Trees

The application is supported by a Tree Survey. The Council's Tree Officer noted that not all trees have been considered as part of the assessment and requested that the site area is re-surveyed to include all trees within the red line boundary and those situated within 10m of the outbuildings and an Arboricultural Impact Assessment to accompany the survey.

Given the revised changes to the application which brings the proposed development in line with permitted development, it represents a fall-back position that should the application be withdrawn or refused then the development could be built under

permitted development rights (as currently proposed) in any event without the needing to undertake this additional evidence. This represents a fallback position that the applicant could take if they were to withdraw the current application. As such, the Local Planning Authority does not consider the need for an updated Tree Survey and AIA, in this instance, to be justified or proportionate to the scale of development proposed.

Residential Amenity

No. 262 Higher Road

No. 262 is the adjoining semi-detached property. Outbuilding 1 would have a direct view over the common law boundary to the rear elevation of the property which contains habitable living space. Outbuilding 2 would have a reduced view due to its juxtaposition and would face the common law boundary. As such, the proposals as currently in situ give rise to residential amenity concerns, particularly in relation to outbuilding 1, due to overlooking private amenity space and habitable rooms.

The Householder Development SPD is a material consideration for the purposes of determining this planning application. It advises that garden structures such as raised decking will only be permitted where they would not result in an unacceptable impact on neighbours in terms of loss of privacy or noise and disturbance.

The proposals have been altered since their original submission removing the .7m raised platform and reducing the overall height of the outbuildings to an acceptable degree. As such, the proposed development sited at ground floor level would not only reduce their appearance to neighbours but would also prevent potential overlooking.

It is not considered that the proposed development as currently proposed would cause harm to residential amenity to the occupiers of no. 262.

No. 260 Higher Road

No. 260 is the adjacent dwelling house. This property has been previously extended in the form of a single storey rear extension. Outbuilding 2 is located along the common law boundary and faces away from the boundary fencing. Due to its positioning there is no interface between the raised platform of Outbuilding 1 and therefore there would not be any overlooking to the private amenity space of no. 260's rear garden.

Due to the revised proposals reducing the height and removing the raised platform there would be no adverse effects to residential amenity in relation to this property.

Highways

No highways impact would occur as a result of the proposed development as an outbuilding.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways (subject to condition attached). 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
15.02.2023	LP-01		LOCATION PLAN
23.03.2023	GBA-HIG-PL-DR-SP-01	REV B	PROPOSED SITE PLAN & BLOCK PLAN
17.03.2023	GBA-HIG-PL-DR-OB-01	REV B	PROPOSED PLANS & ELEVATIONS
17.03.2023	GBA-HIG-PL-DR-OB-02	REC B	PROPOSED PLANS & ELEVATIONS

Signed Case Officer¹: **John Fleming**

Signed Authorising Officer²: **K Foster**

Date: **12 April 2023**

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.

Appendix 1 – Site Photographs

