



Knowsley Council

**REGENERATION AND ECONOMIC
DEVELOPMENT DEPARTMENT**

TOWN AND COUNTRY PLANNING ACT 1990

REFUSAL OF PLANNING PERMISSION

Application No: 23/02767/FUL

Name and address of applicant

Mr Stephen Welsby
19 The Avenue
Huyton
Knowsley
L36 7SD

Name and address of agent

O'Rourke-Designs
9 Swansea Close
Garston
Liverpool
L19 2HF

Date of Receipt: 6 November 2023

Date Valid: 8 November 2023

Address/Location Of Development

**19 The Avenue
Huyton
Knowsley
L36 7SD**

Nature And Particulars Of Application

ERECTION OF 1NO. DETACHED DWELLING

The Council of the Metropolitan Borough of Knowsley hereby give notice in pursuance of the above Act(s) that Planning Permission has been **refused** for the carrying out of the development referred to above for the following reasons:-

1. The proposed dwelling by reason of its scale, height and massing in close proximity to the common law boundary of no. 18 The Avenue would give rise to undue visual intrusion, excessive levels of overlooking and an unduly overbearing effect to the detriment of the amenity that the neighbouring occupants could reasonably expect to enjoy.

As such the proposal would be contrary to Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy (adopted January 2016), Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (adopted June 2006).

2. The proposed dwelling house would produce an incongruous design feature out of keeping and alien to the visual amenity and character of the street scene.

As such, the proposal would be contrary to Policies CS2, CS19 of the Knowsley Local Plan Core Strategy (adopted January 2016) and saved policy H5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006).

3. The proposed development would be detrimental to the visual amenity and character of the area. In particular it would have a detrimental effect on the protected trees due to their proximity to the proposed development.

As such, the proposal would be contrary to Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy (adopted January 2016) and Saved Policy DQ4 of the Knowsley Replacement Unitary Development Plan (adopted June 2006).

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.

Executive Director - Regeneration and Economic Development

Date: 31 January 2024

IMPORTANT NOTES FOR YOUR ATTENTION:

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.