

<u>APPLICATION NO:</u>	23/02834/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Roby	<u>PARISH:</u>	
<u>LOCATION:</u>	31 Briar Drive, Roby, Knowsley, L36 9XG		
<u>PROPOSAL:</u>	ERECTION OF SIDE AND REAR EXTENSION TOGETHER WITH INFILL EXTENSION (DEMOLITION OF GARAGE AND REAR OUT HOUSE)		

Site Description

The application property is located at the end of a cul-de-sac and appears to be of 1930's construction.

It is part brick finish to the ground floor together with part pebble dash render located at first floor level. The property benefits from white UPVC doors and windows.

The property has been extended in the form of a two storey side extension at first floor level which is supported by brick wall located along the common law boundary whilst the ground floor is currently an open entry way used for bin storage. The application property accommodates a hip roof which is consistent with the wider character of the street scene found locally.

To the rear of the property are 2no. outbuildings which are to be demolished according to the application submission. 1no. outbuilding appears to provide part of the common law boundary beyond which is an unfinished block wall.

The property is contained by dwarf white stone wall and provides vehicle parking for 1no. vehicle.

Proposal

The application proposals seek permission for the erection of a side and rear extension following the demolition of the garage and rear out house. The side and rear extension would comprise of a wrap around extension projecting 3m from the rear elevation of the original dwelling and spanning 8.42m in width. It would then turn and span 5.7m and connect to the existing two storey rear extension. The rear elevation would include 1no. window and 1no. combination windows and double door arrangement. The side and rear extension would accommodate a hip roof measuring 2.45m at the eaves and attaining a maximum height of 4.1m and include 3no velux windows.

The proposed side extension would consist of an infill extension concerning the existing entryway. As such, there would be no external changes with the exception of a garage door at front elevation.

The proposals would provide an open plan kitchen and dining area together with utility, w/c and external storage area.

Consultations

No consultations required.

Representations

This application has been publicised by letters sent to 7 neighbours. Two letters of have been received from the same neighbour.

The first submission states no objection to the proposed works but cites concerns over the proposed works due to the application property being built to the boundary line and may require underpinning to achieve compliance thereby encroaching on the residents land and in their opinion has potential to undermine their foundation as well as undermining the drainage system due to the height difference resulting in the new foundations potentially laid on top of the neighbouring foundations. It is requested that any new foundation must stop on the boundary line and not encroach the neighbours land.

A further response was received following notice being served on the applicant reiterating that the neighbour will not allow encroachment of any sort on their land. Further details were raised concerning the level difference between the two properties and that the plans should be re-thought to provide a step in so that the new kitchen wall back from the boundary line by 2-3 foot to ensure foundations are within the applicant's boundary line. It was also requested that the second email is put forward to the planning committee for consideration and that they ask for plans to be re-drawn and re-submitted.

The Local Planning Authority has acted fairly and reasonably in considering the issues raised. Although the host property is taller than the neighbouring property, the ground level appeared to be of a similar height during the site visit.

It is noted that the concerns raise no objection to the principle of development and the concerns only relate to that of encroachment with regards to drainage and foundations. However, the applicant has served notice on the applicant and the issues raised by the neighbour are not material planning considerations that can be taken into account when reaching a decision concerning the principle of development.

The issues raised constitute a civil matter and the concern regarding encroachment with respect to foundations and damage falls outside the scope of planning remit for consideration. The applicant's agent has informed the Local Planning Authority that discussions are ongoing with this occupier and foundations could be undertaken through eccentric foundation to the rear to reduce disturbance and also confirmed they will retain dialogue throughout the works with the builder, structural engineer, client and neighbour. Although consideration of this submission cannot be taken on face value it is a civil matter and separate legislative procedures are required through Party Wall Agreement between the applicant and neighbour to ensure no issues will occur in relation to the issues raised regarding drainage or the existing foundations.

Although a request has been made for consideration by planning committee the application is to be determined under delegated powers as insufficient letters of objection having been received.

Whilst the Local Planning Authority understand the concerns raised these are not material planning reasons for consideration of the development as submitted and

would be subject to further assessment through building control applications. However, issues pertaining to design and amenity will be addressed below.

Planning History

Reference: 74/12226/HIST – Construction of pitched roof to existing first floor bedroom extension. Granted 6th December 1989

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 site is identified as within a Primarily Residential Area within the adopted Development Plan. As such, the extension to a domestic 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; 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 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

Context

Revised plans were received at the start of the application process to provide key measurements to check the accuracy of scaled drawings. It does not change the scope of what has been applied for and as such it was not considered necessary to reconsult with neighbours.

Design

The character of the street scene is predominantly comprised of semi-detached properties with the exception of the adjacent neighbours.

The Householder Development SPD states that side extensions should be designed so that they preserve the street scene, protect light and privacy of neighbours. In addition, the guidance states single storey rear extensions should be designed to avoid causing overshadowing, loss of outlook, loss of privacy to neighbours and should not appear unduly dominate.

The only changes to the front elevation visually consist of the provision of a new garage door serving the proposed external storage area. As such, the development would not look out of place within the context of the street scene.

The single storey rear extension would essentially form a wrap around extension connecting to the existing two storey side extension. It would be faced with materials to match the existing dwelling house. In addition, it would accommodate a hip roof which matches the pitch of the existing housing and is appropriate in terms of design.

Taking the above matters into account the proposed works would be in keeping with the general design aesthetic of the host property and that of the character and appearance of the street scene. Given the bulk of the development is located towards the rear of the property it would not result in an incongruous addition to the property visible from the public highway. Accordingly, the proposed development is acceptable in terms of design.

Residential Amenity

No. 33 Briar Drive

No. 33 is the adjacent property. It is the only detached property located within the street scene and different to that in terms of house type. It was observed during the site visit that this property has been extended significantly in terms of the front extension

together with the rear extension. It is also noted that 2no. windows and 1no. door are located on the gable end of the property facing the application property.

The proposed wrap around extension would not extend beyond the rear elevation of the neighbouring property at no. 33. However, according to the plans submitted in relation to application reference 00/00685/FUL the windows at the side elevation serve the kitchen at ground floor level and bathroom at first floor level with the later being considered as a non habitable room.

Although the new side and rear extension would abut the common law boundary and would be 1.2m away from the kitchen window, this window is already influenced by the built form of the existing common law boundary and sufficient outlook would still remain when taking the window at the rear elevation into consideration.

The application includes the demolition of the outbuilding and former out house. The outbuilding provides the common law boundary between these properties. The resulting effect would be that the gardens serving no. 33 and no. 31 would be combined. Accordingly, it is necessary that a condition is placed on this application to provide replacement boundary fencing in the interest of retaining private amenity space.

Taking the above matters into account it is not considered that the residential amenity of existing and future occupiers at no. 33 would be adversely effected.

No. 29 Briar Drive

No. 29 is the adjoining semi detached property which benefits from a single storey rear extension forming the common law boundary with the application property. The proposed rear extension would connect to the neighbours extension and would not extend beyond its rear elevation. As such, there would be no adverse effects in terms of residential amenity to existing and future occupiers.

Highways

No adverse effect to highways safety would occur as a result of the proposed development.

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.

- 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) New fencing shall be provided from the rear elevation of no. 31 Briar Drive spanning 4.1m in length to the breeze block wall located at the rear of the existing outbuilding. The new fencing should be implemented prior to the occupation and use and should be of close boarded design no lower than 1.8m and no greater than 2m in height and should be retained in perpetuity.

Reason: To protect the privacy of occupants of the adjacent residential property and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and Saved Policies H8 and DQ2 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
24.01.2024	001	REV A	LOCATION PLAN
24.01.2024	010	REV A	PROPOSED SITE LAYOUT
24.01.2024	110	REV A	PROPOSED PLANS AND ELEVATIONS

Signed Case Officer¹: John Fleming

Signed Authorising Officer²: K Foster

Date: 22 February 2024

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.

