

<u>APPLICATION NO:</u>	23/02712/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Roby	<u>PARISH:</u>	
<u>LOCATION:</u>	11 Oak Place, Roby, Knowsley		
<u>PROPOSAL:</u>	RETROSPECTIVE APPLICATION FOR THE ERECTION OF OUTBUILDING IN REAR GARDEN		

Site Description

The application site is located at 11 Oak Place, Roby and is located in an area which is allocated as a Sustainable Urban Extension (SUE) areas, Edenhurst Avenue, (Huyton) (residential).

The land is allocated as residential in the Development Plan.

The application property is a detached dwelling with the private garden area to the rear. The property is East facing.

The property currently has a large outbuilding in the form of a detached garage to the rear of the dwelling. The outbuilding is stated to be utilised as a gym.

Proposal

This application seeks planning permission for the erection of an existing, detached garage to the rear of the dwelling*.

The garage is currently erected on site. This application submitted is in relation to proposed amendments to the existing, established outbuilding that would make this acceptable and reduce any harm.

As existing on site, the proposed development has a width of 5.79m and has a depth of 3m. This is served by a dual pitched roof, which measures 2.39m at the eaves and 3.27m at its highest point. It features large doors and windows to the front elevation. The outbuilding features K block render on its elevations, black UPVC openings and black rainwater goods.

It is sited 0.8m away from the boundary treatment that defines the party boundary shared with no.15 Oak Place and is sited 2.19m away from the boundary treatment shared with no.9 Oak Place. The rear elevation is situated 0.59m away from boundary treatment that separates the rear curtilage of the dwelling with properties 25 and 27 Oak Place.

The submitted plans have been amended; this was to reduce any harm on residential amenities. The amendments would be what the garage on site would need to be changed to within the time frame outlined in the relevant condition.

The amended plans show that the proposed development would retain the existing footprint of the garage. The roof would be amended from a dual pitched roof to a flat roof to reduce the height, which would measure at a height of 2.33m at the eaves and 2.6m at its highest point.

An agreement with the agent was reached that the approved plans in Schedule 1 would be implemented and completed within 4 months with the date of the Decision Notice being issued as the start of the agreed timeframe.

Consultations

None Required.

Representations

This application has been publicised by letters sent to 6 neighbours.

There has been 1 letter of objection, 0 letters of support and 0 letters of comment,. The representations are summarised as follows:-

25 Oak Place – objections on issues and concerns relating to:

- The construction is notably tall and in close proximity to the boundary.
- Raises issues in relation to property value and quality of life.
- Details of encroachment and given its height and siting near the boundary it appears to be intrusive and impacting on views of the neighbourhood.
- Obstruction to sunlight – the development causes obstruction of sunlight into the garden and the property and impacts the ability to enjoy natural light.
- Rainwater direction – concerns that the outbuilding may influence the natural direction of rainwater and surface water, potentially leading to water pooling on my land, drainage issues, and erosion. This could cause further erosion to my property and landscaping.

Planning History

Under the application 18/00300/FUL which is for the ERECTION OF 124 NO. DWELLINGS WITH PUBLIC OPEN SPACE AND ASSOCIATED WORKS – GRANTED – 17.01.2019.

Condition 13 of the Decision Notice withdraws Permitted Development Rights on the residential estate.

It states that, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification):

(v) no buildings, gates, walls, fences or other structures shall be constructed to the curtilage of the dwellings.

Other than those expressly authorised by this permission, or pursuant to a condition, unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To protect the residential and visual amenities of the area, safeguard the character of this residential development and to comply with the National Planning Policy Framework; Policies CS2, CS7 and 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.

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.

The site is identified as a site allocated for housing development in the adopted Unitary Development Plan. As such, an outbuilding to 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 policies H5 and 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.

KNOWSLEY LOCAL PLAN: CORE STRATEGY SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

H5 - Development within 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

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

Saved Policy H8 in the Replacement Unitary Development Plan states that proposals for extensions to dwellings will be permitted provided that:

- a) The proposals would not (due to their scale and massing) result in a disproportionate addition to the original dwelling
- b) The design and materials used would reflect those used on the original dwelling
- c) The proposal would not adversely affect the amenity or privacy of occupiers of adjacent dwellings
- d) The proposal would not create potential hazards for highway users by obstructing visibility for pedestrians or drivers of motor vehicles; and
- e) Adequate parking and garden space would remain in use by the residents of the extended property

The Householder Development SPD states that for garages, sheds and other detached buildings, they should normally be behind the building line or be well screened by hedging or similar landscape treatment. The proposed amended development would be placed to the rear of the property and behind the building line.

Design

The proposed development would have a rendered facing finish on all elevations. It would have grey concrete roof tiles to match the dwelling house as well as anthracite UPVC openings and black rainwater goods.

The proposed development would be served by a flat roof and has seen a reduction in height to mitigate and reduce the obstructive and unduly dominant appearance. This would ensure that the proposal would not, due to their scale and massing, result in a disproportionate addition to the original dwelling.

Following the amendments and reduction in height, it is considered that the proposal would have an acceptable design and would not appear significantly incongruous in the residential area.

Overall, the proposed development would have an acceptable design and would be in accord with the Householder Development SPD and Saved Policy H8.

Residential Amenity

The existing outbuilding would be considered to contravene with policies relating to residential amenity. Due to the height of the outbuilding and the proximity to the boundary, it would appear obtrusive and to adversely affect the amenity of occupiers of adjacent dwellings. Adjacent boundary treatment is at height of 1.8m and at its tallest, the outbuilding is 3.28m in height, which given the proximity to the rear and

side boundary, exacerbates the harm to nearby residential amenity.

However, the proposed development through its amendments, would not cause as much adverse impacts to residential amenities, as this would reduce any visually obstructive harm.

It is noteworthy to acknowledge that, should Permitted Development Rights have remained intact for the site, the outbuilding could be erected to a height of 2.5m, within 2m of the boundary of the curtilage of the house. The amended plans show that the elevations would have a maximum height of 2.6m, which would be marginally in excess of what would be permitted under Permitted Development Rights.

Although the application property does not benefit from Permitted Development Rights, it is key to note that the scale and measurements of the proposal would only be marginally in excess of the parameters to benefit from Permitted Development. This factor should carry some weight in the determination of this application and its assessment, when considering neighbouring residential amenities of occupiers of adjacent dwellings.

Overall, it is considered that the amendments incorporated into the proposal, would mitigate the impact of the existing outbuilding and their residential amenities. The amendments would be sufficient and subsequently, the proposal would be acceptable and would not be considered to significantly have an adverse impact on the amenities and privacy of the occupants of nearby adjacent dwellings and would be in accord with Saved Policy H8.

9 Oak Place

No.9 is the adjacent dwelling and is sited to the North from the application site. The property is detached.

The existing outbuilding is sited approximately 9.78m away from the rear elevation of no.9. The side elevation of the outbuilding is sited 2.19m away from the party boundary shared with no.9.

There is also boundary treatment in the form of 1.8m timber fencing. This would screen the majority of the proposal.

It is considered following the amendments and reduction in height, it would be acceptable and would not be considered to cause any significant harm to residential amenities or privacy of the occupants of no.9.

15 Oak Place

No.15 is the adjacent dwelling and is sited to the South from the application site. The property is detached.

The existing outbuilding is sited approximately 7.12m away from the rear elevation of no.15. The side elevation of the outbuilding is sited 0.80m away from party boundary shared with no.15.

There is also boundary treatment in the form of 1.8m timber fencing. This would screen the majority of the proposal.

It is considered following the amendments and reduction in height, it would be

acceptable and would not be considered to cause any significant harm to residential amenities or privacy of the occupants of no.15.

25 Oak Place

No. 25 is sited to the rear of the application site, to the West, the two rear elevations of the property face one another. The rear garden of the application property backs onto the rear garden of no.25.

Currently, the outbuilding is located approximately 10.88m away from the rear elevation of the no.25. It is sited within 0.59m from the party boundary, which is partitioned by the presence of 1.8m timber boundary fencing.

No.25 submitted an objection to the submitted application and on various points. Some of these are understood to be material planning considerations and will be addressed, some of these would not be deemed as material planning considerations and will not form part of the assessment of the proposal.

- 1 The construction is notably tall and in close proximity to the boundary.
- 2 Raises issues in relation to property value and quality of life.
- 3 Details of encroachment and given its height and siting near the boundary it appears to be intrusive and impacting on views of the neighbourhood.
- 4 Obstruction to sunlight – the development causes obstruction of sunlight into the garden and the property and impacts the ability to enjoy natural light.
- 5 Rainwater direction – concerns that the outbuilding may influence the natural direction of rainwater and surface water, potentially leading to water pooling on my land, drainage issues, and erosion. This could cause further erosion to my property and landscaping.

In relation to point 2 and 5, these are not considered material planning considerations in the assessment of this application.

On the issue of point 1, this has been addressed in this report and has been considered that under Permitted Development Rights, a detached outbuilding structure could be erected to a maximum height of 2.5m if sited within 2m of the boundary, which would be exempt from any enforcement action had the application property not had its Permitted Development Rights removed. Given that the amended proposals would be 0.1m above what would be the parameter of Permitted Development, it would not be considered to have an unacceptable impact on the amenities and privacy of the occupants of no.25. The amended plans would see a significant reduction in height from the existing to the proposed and this would reduce any adverse impact from the existing.

Point 3 of the objection refers to concerns to any potential encroachment, impact from height and siting adjacent to the party boundary. The existing development, albeit appearing unduly dominant and overbearing, would not be considered to encroach onto any land within the curtilage of the boundary of no.25. As stated, it is sited 0.59m away from the party boundary. The issues on height and its proximity to the boundary have been addressed in the report. The amendments to the proposed development would be considered sufficient to ensure that the proposal would not appear overbearing due to the height of the outbuilding. The proximity to the boundary would be acceptable at the amended height.

Point 4 states that the existing outbuilding results in harm to sunlight and daylight reaching the garden. It is considered that the proposed amendments would be

acceptable and would not be considered to cause any unacceptable impact to any loss of sunlight and daylight. The amended proposal would improve any impact to loss of light, caused by the proposal.

It is considered following the amendments and reduction in height, it would be acceptable and would not be considered to cause any significant harm to residential amenities or privacy of the occupants of no.25.

27 Oak Place

No. 27 is situated to the rear of the application site, to the West, the two rear elevations of the property face one another. The rear garden of the application property backs onto the rear garden of no.27.

Currently, the outbuilding is located approximately 10.85m away from the rear elevation of the no.25. It is sited within 0.59m from the party boundary, which is partitioned by the presence of 1.8m timber boundary fencing.

It is considered following the amendments and reduction in height, it would be acceptable and would not be considered to cause any significant harm to residential amenities or privacy of the occupants of no.27.

No other nearby residential dwellings would be considered to suffer any adverse harm to their residential amenities as a result of the proposed development.

Highways

The proposed development is a detached outbuilding to the rear of the application site, situated adjacent to the rear curtilage of the dwelling. It would not impact on any existing parking provisions currently utilised by the occupants of the dwelling and would not cause any change to no. of habitable rooms at the property.

Overall, it would not be considered that the proposed development would cause any adverse impact on highway safety or motorists.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways. 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 be granted subject to the following condition(s):-

- 1) The development must be completed in accordance with the approved plans and documents listed in Schedule 1 no later than the expiration of four months beginning with the date of this permission.

Reason: For the avoidance of doubt.

- 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
18/12/2023	-	REV A	PROPOSED OUTBUILDING ELEVATIONS AND FLOOR PLAN
12/10/2023	p2e/uk/989607/1333 596	-	LOCATION PLAN
12/10/2023	-	-	PROPOSED BLOCK PLAN

Signed Case Officer¹: **Reece Black**

**Signed Authorising
Officer²:** **K Foster**

Date: **4 January 2024**

Informatives

Not applicable.

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