

<u>APPLICATION NO:</u>	23/02799/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	4 Lyons Place, Halewood, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF OUTBUILDING TO THE REAR (RETROSPECTIVE)		

Site Description

The application site is situated at 4 Lyons Place, Halewood and is located in an area which is allocated as a Primarily Residential Area in the Development Plan. The application property is a semi-detached dwelling, is predominantly brick facing on its front, side and rear elevations, along with white UPVC openings and grey, interlocking roof tiles.

The application property is South facing and is located at the head of a cul-de-sac, adjacent one of the turn heads. The application site is encircled by other residential dwellings.

On site, there is a detached outbuilding erected in the rear garden, built on top of a concrete slab base.

Proposal

The application seeks permission for the retention of the existing outbuilding currently erected on site. This application is retrospective*.

The proposed development would have a width of 5.02m and a depth of 5.4m. The outbuilding would be served by a dual-pitched roof, which would measure 2m at the eaves and 2.7m at the highest point.

It would be situated approximately 1m from the rear curtilage of the boundary and 2.5m from the boundary treatment to either side.

The front elevation would feature French doors and there would be window openings on the front and side elevations.

The application has seen a minor amendment in that the side(s) and rear elevations of the proposed outbuilding would be painted with cream sandtex rendering.

Consultations

Halewood Town Council - No Comments Received.

Representations

This application has been publicised by letters sent to 8 neighbours.

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

5 Blay Close – Objection

No.5 has objected on the grounds of visual amenity.

- Windows of the outbuilding face directly into daughters bedroom and raises concerns about privacy.
- The design of the outbuilding is unsightly; concerns that the outbuilding would affect the value of my house.

Planning History

APP. NO: 99/00775/FUL
PROPOSAL: DEMOLITION OF MAISONETTE BLOCKS AND ERECTION OF 33NO TWO-STOREY DWELLINGS
DECISION: GRANTED
DECISION DATE: 29 February 2000

Condition 6 of the Decision Notice for 99/00775/FUL saw the restriction of some Permitted Development Rights. It states that, notwithstanding the provisions of Part 1, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order) there shall be no extension, enlargement (or external alteration) to any building forming part of the development hereby permitted, or a garage, car port or other building or enclosure erected within the curtilage of the site, without a further specific planning permission having been sought and obtained beforehand.

Reason: To safeguard the character of this residential development.

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.

**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

The site is identified as a site allocated for housing development in the adopted Unitary Development Plan. As such, a domestic extension (outbuilding) incidental 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.

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 garages, sheds and other detached buildings should normally be behind the building line or be well screened by hedging or similar landscape treatment.

Design

The existing dwelling is brick facing, with white UPVC openings and tiled roof.

The proposed development would be constructed from prefabricated concrete slabs, which are pebble-dash facing on the exterior. The front elevation would consist of a grey, wood-framed clad. The fenestration would consist of white UPVC and the roof would be green steel with a corrugated design.

The proposed development would not be constructed from materials which would be strictly in keeping with the existing dwelling. However, for most garden sheds and outbuildings, it would not be incongruous for there to be a contrast in materials.

The overall design would not be considered to be high-quality or significantly in keeping with the design of the residential area, however, it must also be considered whether the design would be acceptable.

The Application Form stated that the exterior would be rendered grey to be in keeping with the timber cladding of the front elevation, although, it was agreed with the applicant that cream sandtex rendering would be a better choice for the exterior. It would appear to break up the mass of the building and given the lighter colour choice would appear less harsh and soften any visual impact. The roof is not favourable but would also not be considered significantly incongruous to materials that would serve an outbuilding in a residential rear garden.

The fenestration arrangement employed also appears visually jarring on the layout but it would not be considered an unacceptable arrangement and would overall be considered acceptable.

The proposed development is considered to be of an acceptable scale, is subordinate to the dwelling and is situated away from the curtilage of the boundary on all sides to reduce any harm to residential amenities. In addition, it is considerable to note that, had Permitted Development Rights remained intact for the property, the proposal would only be marginally in excess of what would be compliant with the parameters of Class E for outbuildings, as the height is 0.2m taller than would be possible to erect under Permitted Development, and although this would not hold significant weight given the fact this has been withdrawn, it should still carry some weight in the determination of this application.

It is sited in a location that is not readily visible from the street scene.

Overall, the proposed development would be considered to feature an acceptable design, which is not in strict conformity with the Householder Development SPD, would not be considered to cause significantly adverse harm to the character of the area.

Residential Amenity

The proposed development is not considered to cause any significant adverse impact on existing residential amenity given single storey nature of the proposal and that it is adequately sited in a position, away from the boundary that would mitigate any harm

from overshadowing or overlooking.

3 Lyons Place

No.3 is situated to the West of the application site and is an end-terraced dwelling. The two gable walls of the properties face one another. The front and rear elevations of no.3 sit marginally further back than the application site.

The proposed development would not be considered to cause any significant overshadowing or overlooking as a result of the proposed development.

The proposed outbuilding is sited at a sufficient distance from the boundary to mitigate any adverse impacts on residential amenity.

There is sufficient boundary treatment in the form of 1.8m timber fencing.

Overall, it is considered that the proposed development would not have a significantly adverse impact on the amenities and privacy of no.3.

5 Lyons Place

No.5 is the paired, semi-detached dwelling the front and rear elevations sit parallel to each other.

The boundary treatment between the properties is unconventional as it is an approximate height of 1m tall and provides no sufficient privacy. However, the applicant stated on site this has always been the boundary treatment and relationship between these two gardens and both households are satisfied with this relationship.

It is considered that the proposed development may have a slight effect on overshadowing, exacerbated by the lack of sufficient boundary treatment, but given the outbuilding is situated at an appropriate distance from the party boundary, it would not be considered to cause a significant and unacceptable impact from overshadowing.

On the basis of overlooking, there would be two windows on the side elevation of the outbuilding. However, it would not be considered that the proposed development would result in any sufficient overlooking given that the views from rest of the rear garden permit overlooking into the rear garden of no.5. The windows on the proposed development do not increase or facilitate the views into the private rear garden of no.5 anymore than what is already readily available. Therefore, it is considered acceptable and should any harm caused by overlooking become unacceptable this could be overcome by either one of the occupants of no 3 or 5 erecting more conventional boundary treatment to overcome this.

Overall, it is considered that the proposed development would not have a significantly adverse impact on the amenities and privacy of no.5.

8, 9 & 10 Blacksmith Place

No.s 8, 9 & 10 are the opposite building line situated to the North of the application site. The rear elevations of these properties face the rear elevation of the application property at an interface distance of approximately 20m.

The proposed development would be erected approximately 1m from the rear curtilage of the boundary for no.4. Therefore the proposed outbuilding would leave an 11m from the rear elevations of no.s 8, 9 & 10. Subsequently, this be considered an acceptable distance to reduce any adverse harm from any potential overshadowing or appearing overly dominant.

The proposed outbuilding would not have any windows on the rear elevation and would therefore not be considered to result in any issues relating to overlooking.

Overall, it is considered that the proposed development would not have a significantly adverse impact on the amenities and privacy of no.s. 8, 9 & 10.

5 Blay Close

No.5 is situated to the East of the application site and sits in a building row where the rear elevations face the rear garden of no.4 Lyons Place.

The rear elevation of no.5 and the side elevation of the proposed outbuilding is an interface distance of approximately 22m.

No.5 objected on visual amenity grounds. The issues raised by the no.5 include issues in regard to overlooking and privacy. However, on this occasion, this would not be considered overlooking given the fact that that the proposed outbuilding is single storey and not level to the bedroom at no.5 Blay Close. Furthermore, there is an approximate interface distance of 22m and this would therefore not be considered to facilitate overlooking as there is sufficient distance between the properties.

The objection also related to general dissatisfaction on the overall design of the outbuilding and that this may affect the house value of no.5. As established in the design section of the report, the design is not fully in accordance with the Householder Development SPD, however, it would not be considered unacceptable. Furthermore, house values are not deemed as material planning considerations and therefore, would not form a part of the assessment.

Overall, it is considered that the proposed development would not have a significantly adverse impact on the amenities and privacy of no.5.

Highways

The proposed development is sited at the rear of the property and would not be prominently readily visible from the highway. It would be sited behind the building line, in accord with the Householder Development SPD. The proposal would not be considered to cause any adverse effects on highway safety or visibility and would therefore be acceptable.

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 hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 2) The outbuilding, hereby granted, shall not be used as a separate, independent living premises, and should be used wholly in conjunction with, and incidental to, the use and enjoyment of no.4 Lyons Place.

Reason: In the interests of residential amenity and highways safety and to accord with policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
27/01/2023	-	-	PROPOSED PLANS AND ELEVATIONS
23/11/2023	-	-	LOCATION PLAN

Signed Case Officer¹:

Reece Black

**Signed Authorising
Officer²:**

K Foster

Date:

6 February 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