

<u>APPLICATION NO:</u>	24/00360/FUL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	20 Richmond Way, Huyton, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF A SINGLE STOREY FRONT, SIDE AND REAR EXTENSION.		

KNOWSLEY LOCAL PLAN POLICIES MAP ALLOCATION

Primarily Residential Area



Site Description

The application site is located at 20 Richmond Way, Tarbock. Richmond Way is within an established residential area. The application property is a semi-detached dwelling located on a prominent corner plot at the junction of Richmond Way and Bardley Crescent. Other residential properties surround the application site.

The property benefits from a rear and side garden. There is no in-curtilage parking within the application site.

Proposal

The application seeks planning permission for a wrap-around single storey extension which would project to the rear; beyond the side elevation of the dwelling and to the front.

The extension would provide ground floor accommodation which would comprise of a lounge and open plan kitchen, W.C., a new bedroom and a front porch. The existing dwelling comprises a 3-bedroom dwelling and the extension would result in

an uplift to form a 4-bedroom property.

The extension would have a rear projection of 3.73 m where adjacent to the common boundary with the adjoining neighbour, No.18 Richmond Way. It would have a width of 7.13 m which would extend beyond the gable elevation. It would have a width of between approx. 2.15 m and 3.25 m where it extends beyond the gable elevation. The extension would have an overall depth of 13.6 m to the side, projecting 682mm forward of the principal front elevation. The proposed extension would have a hipped roof and would attain a maximum height of 3.44m.

Consultations

Tarbock Parish Council - No Comments Received

None other required

Representations

This application has been publicised by letters sent to 9 neighbours. No representations have been received.

Planning History

APP. NO: 09/00189/FUL
PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION
DECISION: Refused
DECISION DATE: 10 September 2009

APP. NO: 11/00635/FUL
PROPOSAL: ERECTION OF TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION
DECISION: Refused
DECISION DATE: 25 January 2012

APP. NO: 12/00185/FUL
PROPOSAL: ERECTION OF SINGLE STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION TOGETHER WITH ERECTION OF ADDITIONAL SECTION OF 1.9 METRE HIGH FENCING TO SIDE OF DWELLING.
DECISION: Granted
DECISION DATE: 27 June 2012

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 and SPDs which contain additional guidance are relevant to the determination of this application.

NATIONAL PLANNING POLICY FRAMEWORK

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas

H8 - Extensions and Alterations to Residential Properties

SUPPLEMENTARY PLANNING DOCUMENTS

Ensuring a Choice of Travel SPD (2010)

Householder Development SPD (2016)

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

Policies CS2 and CS19 of the Local Plan: Core Strategy and saved Policies H5 and H8 of the Unitary Development Plan together with the Householder Development SPD 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.

Layout

Corner Plot

The Householder SPD stresses that “*particular attention should be paid to the design*

of extensions on corner plots. This is because they can encroach over the building line on either highway frontage, and therefore be particularly prominent in the street scene and sometimes create undesirable pinch points at the entrance to side roads... Sufficient distance should be retained to the side boundary to preserve the character of the surrounding area. Extensions should not be sited so close to the boundary that they would adversely impact on the street scene." Single storey extensions on corner plots should normally be set-in 2m from the side boundary and not exceed half the width of the existing dwelling.

Reduced distances may be accepted if:

- Open corner plots are not a feature of the area;
- The site does not hold a prominent position in the street scene (for example, if it is at the end of a cul-de-sac); or
- The site is well screened and so the extension would not have a significant effect on the street scene.

In this instance the proposed extension would in the main be set off the boundary by 600mm and at a point towards the front of the extension, immediately adjacent to the boundary. It is acknowledged that the host property sits forward of the properties to the rear which are located on Bardley Crescent and that the host property already extends beyond what is generally a consistent, clear and established building line that runs to the north of the application site. The host dwelling sits forward of the building line on Bardley Crescent and the proposed extension would project significantly further again. The extension would leave significantly less than the 2m set out in the SPD guidance; furthermore, it would, at 3.265 m wide, exceed half the width of the host dwelling (5.14m wide).

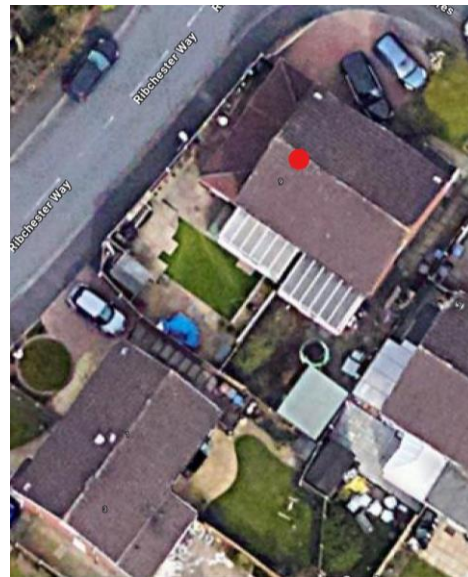
Material Planning Considerations

It is also noted that there are similar extensions in the locality at No. 45 Bardley Crescent (noted in the previous officer report 12/00185/FUL) and No.11 Ribchester Way. However, these were granted permission a number of years ago and for Ribchester Way in excess of 20 years ago.





No. 45 Bardley Crescent (Ref: 01/00291/FUL & 10/00513/FUL)



No. 11 Ribchester Way (Ref: 96/00571/APP)

No. 22 Richmond Way is sited on the opposite corner at the junction of Richmond Way and Bardley Crescent. The property is set back behind the host dwelling and there is no clear building line along Richmond Way. That property is situated behind an existing high brick wall, topped by timber fencing along the boundary with Bardley Crescent. In 2010 planning permission was refused for a single storey extension (Ref: 10/00038/FUL) and subsequently dismissed on appeal. The inspector commented, that *“regardless of the design [which was somewhat make-shift], closing the gap between that gable and the boundary wall in this way significantly compromises the open plan layout of the estate and makes the dwelling an over-dominant feature in the street scene...It would also be contrary to the advice in the Council’s Householder Supplementary Planning Document (SPD) which advises that single storey extensions on corner plots should be set-in a minimum of 2 m from the side boundary...”* (Appeal Ref: APP/V4305/D/10/2128557).

An Enforcement Notice was served and the structure partly removed (August 2012) and no further action taken. Since then, another structure has been erected sometime between 2012 and 2022. This will be further investigated by the Council’s Enforcement Team.



No. 22 Richmond Way

Notwithstanding the findings in the above appeal, it is acknowledged that planning permission was granted at the host property in 2012 (Ref: 12/00185/FUL) for an extension of almost the same design which was permitted following the above mentioned appeal decision. This was despite the officer's report also noting that *"whilst not in strict accordance with the guidelines in the Householder SPD) extensions should be set in 2m from the boundary and extensions should not exceed half the width of the existing dwelling)."* it was considered at that time that the proposal was *"...in accordance with principles of the SPD in terms of having an acceptable design, not being particularly prominent in the street scene and not creating an undesirable pinch point at the entrance to the road ..."*

Having regard to the above matters, previous planning decisions are capable of being a material consideration and may need to be taken into account when determining subsequent applications for permission. The planning history of the application site is a material consideration. Consistency of planning decisions should be maintained and case law establishes that *"One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency"* [Mann LJ in North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137]. The importance of consistency in making planning decisions and the need for clear reasons to be given where inconsistencies occur was emphasised in more recent decisions in the High Court, *R (Midcounties Co-Operative Limited) v Forest of Dean District Council* [2017] EWHC 2050 and *Baroness Cumberlege v Secretary of State for Communities & Local Government* [2017] EWHC 2057.

Nevertheless, circumstances and planning policies do change over time and as such it should not automatically follow that if permission has been granted before that it would be granted again at some later point in time. The planning application under consideration must therefore be considered on its own merit taking into account the current policies and guidance at the time of determination and any other material considerations.

In the application currently under consideration, the earlier decision on this site is not so different that it could reasonably be disregarded and clear reason for any departure from that previous decision would therefore need to be shown if the LPA was to reach a different decision to that which has previously been to grant planning permission.

In that regard, since determination in 2012 UDP policies H5 and H8 have been saved, the Core Strategy has since been adopted (2016) and the NPPF has been updated on a number of occasions since the aforementioned decision and there has been a greater emphasis at national level in the importance of the desirability of

achieving good design. Para 139 of the NPPF (2023) states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.”* This requirement gives weight to the need to reject proposals that fail to be of an acceptable design.

The Council's Householder SPD has been updated (2016) but it is clear that the acceptable threshold of development on corner plots were much the same in 2012 as they are in the 2016 iteration. Considering the aforementioned points, in relation to this proposal, there have been no significant changes in planning policy and guidance since 2012. Therefore, it is considered that there are no compelling reasons to come to a different decision to that made in 2012, which was to grant planning permission



Amenity Space

The property has an enclosed private garden to the rear and to the side. The extension would leave approx. 59 sq. m of useable garden space to the rear. It is considered that there would still be adequate room about the dwelling to maintain adequate private amenity space for occupants.



Parking Provision

The existing dwelling comprises a 3-bedroom house. There is no in-curtilage parking currently serving this property. As originally built the dwelling would have had parking provision to the rear accessed off Bardley Crescent. This has been fenced off and laid out as a decked area. It is understood from discussion with the applicant that the driveway was at a lower level than the garden area which made it difficult to park in the space and which would be unlikely to be able to accommodate larger modern vehicles.



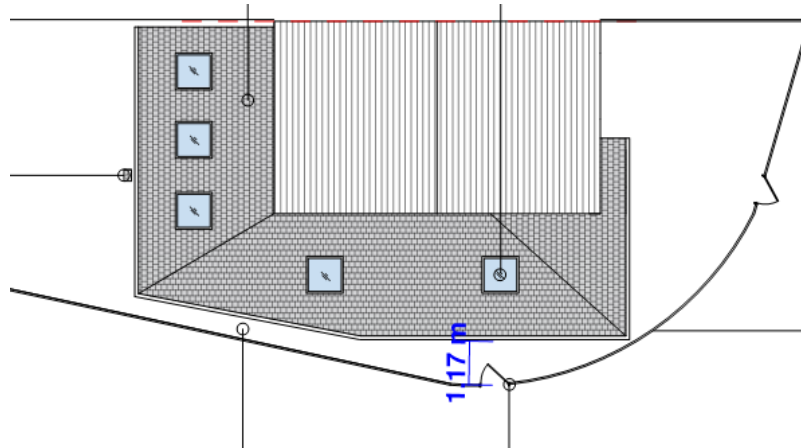
The parking provision is discussed in more detail within the Highway section of this report.

Waste Storage (Bins)

Currently there is a garden gate allowing access to the rear of the property allowing access for the storage of bins at the rear out of view from the street. The plans as submitted are annotated to indicate "Ensure a distance of 600mm between boundary fence and extension wall for access". However, 600mm wouldn't provide adequate ease of access for the manoeuvring of wheeled bins through this tight space and would result in loss of access to the rear garden other than through the dwelling.

Extensions which remove access to the rear of a dwelling will normally only be acceptable if a secure bin store or alternative arrangements can be provided, which would not have a detrimental impact on the street scene.

A new access gate is proposed within the side boundary fence. The gate would be sited at the widest gap between the fence and the proposed extension (approx. 1.17 m off the side boundary). An access route to the rear garden would reduce to 600mm in width. Given that the size of a standard wheeled bin measures 580mm (w) x 740 (d) the 600 mm wide access route is substandard to provide suitable rear access for the storage of bins at the rear. However, the area behind the gate could accommodate storage of the requisite 3 no. wheeled bins. On this basis, it is not considered that the extension would result in significant impact on the streetscene in relation to the siting of bins in view of the street.



Crime and Security

There are no crime and security issues associated with the proposed development.

On balance, although the development would occupy a prominent corner plot, considering the significant weight afforded to the previous decision on this site, the layout is deemed acceptable in this case.

Design

Saved Policy H8 in the UDP states that proposals for extensions to dwellings will be permitted provided that they would not be a disproportionate addition; design and materials reflects that on the original dwelling; the proposal would not adversely affect amenity or privacy of neighbours; it would not result in hazards for highway users and adequate parking and garden space would remain for the residents of the extended property. The Householder Development SPD states that single storey side extensions should be designed so that they preserve the street scene, protect light and privacy of neighbours and ensure that they provide sufficient parking spaces.

The host dwelling is brick built with a tiled pitched roof and white uPVC windows. The proposed extension would be constructed of brickwork to match the existing dwelling hipped concrete tiled roof with matching tiles. It is proposed to incorporate three roof lights to the rear and two to the side roof slope. The extension would include a large-glazed opening to the rear which would comprise aluminium 4 section bi-fold doors together with a PVCu window to the rear elevation. A small obscure glazed window would be located on the side elevation and a bedroom window and entrance door to the front elevation.

The SPD advises that roof lines should be pitched or match that of the host property. In this instance the proposed roof would present as a hipped roof from the side and front with a mono-pitched roof over the proposed entrance porch and presenting as a mono-pitched roof at the boundary with the neighbouring property, No. 18. The host dwelling has a duo-pitched roof; however, the proposed roof is considered to be of an acceptable design.

On balance, the design and materials of the extension is considered to be acceptable.

Residential Amenity

Saved Policies H5 and H8 of the UDP amongst other matters, seek to ensure that new development does not unacceptably impact on the amenity of neighbouring

occupiers of adjacent dwellings. Policies CS2 and CS19 of the Local Plan seek to ensure that development promotes good quality design, respects its setting and avoids unacceptable impacts on existing residents. Further advice is set out in the Householder Development SPD.

No. 18 Richmond Way

No. 18 is the adjoining semi-detached property. It has previously been extended to the rear in the form of a conservatory sited along the common boundary with the application site. There is a low-level fence separating the application site and the neighbour's conservatory which has obscure glazing to the side elevation facing the application site. The Householder Development SPD advises that single storey rear extensions are acceptable in principle up to 4m in depth. The proposed development is within acceptable tolerance set out in guidance within the Householder Development SPD.



Taking these matters into consideration, it is not considered that there would be any significant adverse effect to the residential amenity of the occupiers of No. 18 as a consequence of the proposed development.

No. 95 Bardley Crescent

No. 95 Bardley Crescent sits behind the host dwelling and the side boundary of that property is the common boundary with the rear boundary of the application site. The garden of the host property is dog-legged such that part of the rear garden runs behind that of the adjoining neighbour, No. 18.



A section of this property's gable is located immediately along the common boundary with the host dwelling. The proposed extension would be sited approx. 7m from the gable of No. 95. There is a first floor landing window, however, there are no ground floor windows within the gable elevation.



The host dwelling sits forward of the building line of Bardley Crescent, No. 95 has a lounge window at the front adjacent to the common boundary with the application site. Given the proposed siting of the extension, the juxtaposition of the dwellings and having regard to the existing fence along the boundary, it is not considered that the proposed extension would result in undesirable impacts on this neighbour.

Opposite Dwellings / 22 Richmond Way

The proposed development would not result in adverse impacts on neighbours located on the opposite side of Richmond Way or No. 22 Ribchester Way located at the other side of the junction with Bardley Crescent.

Highway Considerations

As detailed above, a new bedroom would be provided within the extension, resulting in 4 no, bedrooms with no in-curtilage parking as existing or proposed. As referenced above, planning permission was granted for an extension in 2012 for a very similar extension which too included an uplift from three to four bedrooms. At that time the Officer stated in their report that *“the proposal would not have any impact on the existing car parking provision at the premises...”* It would appear that at that time the in-curtilage parking at the rear of the application site was available for the parking of vehicles. Planning permission was granted in June 2012 and vehicles access gates are shown on Google Streetview in July 2012 (see below).



Google Streetview July 2012

The Householder SPD notes that circumstances vary, depending on the existing level of parking provision and the particular environmental and highway conditions in the locality. In most cases the existing level of provision for car parking should be retained within the curtilage of a dwelling. Where the extension would result in the need for additional or replacement parking, the number of spaces should be in line with the Council's parking standards. Fewer spaces than set out in the parking standards will only be acceptable if the highway and environmental conditions in the locality allow, for example in areas with wider access roads and plots. Proposals that would result in an adverse impact on street parking conditions to the detriment of highway safety or the amenity of local residents would not be acceptable.

Parking standards as required by the Ensuring a Choice of Travel SPD indicate that, in this location, a dwelling with 4 bedrooms should provide a maximum of 3 off-street parking spaces. The host dwelling has no existing parking provision on the site and as such there is an existing under provision of parking on the site.

The parking standards are maximum requirements. The majority of dwellings within this residential area benefit from off-street parking and do not rely on parking on the street. Off-street parking would not be provided and the uplift in bedroom spaces would likely result in additional pressure for parking on the street. At the time of Officer's site visit, there were vehicles parked within the highway, particularly along Bardley Crescent however this was just a snapshot in time and it was noted that there are no parking restrictions on the highway network surrounding the application site. Parking on the highway did not appear to be overly saturated. There is insufficient space at the front of the host dwelling to provide a new parking space to a recognised Council size standard as set out in the Householder SPD (5m x 3m). Nevertheless, given the availability of on-street parking in the area, it is unlikely that vehicles parked on the street would give rise to such an unacceptable degree as a consequence of the development that would result in conditions leading to unacceptable levels of harm to highway or pedestrian safety in this instance.

Conclusion

Having regard to the above, the previous decision for a similar development is a material consideration that carries significant weight. Given current policy requirements and adopted Council guidelines, and in the interest of maintaining consistency in planning decisions, it is considered that there are no compelling reasons for the Local Planning Authority to come to a different decision to that previously made in 2012.

The proposed development would therefore be acceptable and comply with the NPPF, relevant Core Strategy and Replacement UDP policies and guidance in relevant SPDs.

Recommendation

That planning permission be granted for the following reason:

- 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 the National Planning Policy Framework (2023) Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and the Householder Developments SPD (2016).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
03/07/2024	LH-20RW-002	-	PROPOSED ELEVATIONS, FLOOR PLANS AND SITE PLAN
03/07/2024	-	-	LOCATION PLAN

Signed Case Officer¹: M Wishart

Signed Authorising Officer²: K Foster

Date: 5 September 2024

Informatives

- 1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

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

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

Contd...

Appendix 1 – Site Photographs





