

<u>APPLICATION NO:</u>	22/00562/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Whitefield	<u>PARISH:</u>	
<u>LOCATION:</u>	24 Deerbolt Crescent, Kirkby Park, Kirkby, Knowsley, L32 2BE		
<u>PROPOSAL:</u>	ERECTION OF SINGLE STOREY FRONT EXTENSION.		

Site Description

The application property is situated on a residential street within a Primarily Residential Area. The application property is a detached bungalow and is brick facing, rendered and cladded in white UPVC.

The property is situated in a corner position set back by 19m from the public highway.

Proposal

The application seeks permission for the erection of a single storey extension located at the application property's principal elevation together with alterations of the existing internal layout to provide enlarged bedrooms together with en-suite.

Revised plans have been submitted during the course of this planning application and the proposed development now measures 2.5m in depth forward the principal elevation and spans a width of 6.98m. The existing gable roof will be extended and will measure the same height at 2.3m at the eaves and 4.46m at its highest point.

Consultations

Network Rail – No objections raised but request that an informative should be included as part of the application. A condition is requested regarding details of ground levels, earthworks and excavations near to the railway boundary. Given that the development is located at the front of the property and is some distance from the railway line at the rear of the property it is not considered appropriate to attach a condition to this specific application.

Representations

This application has been publicised by letters sent to 4 neighbours. No representations have been received.

Planning History

Ref: 06/00801/FUL – Erection of a rear kitchen extension. Granted 2nd November 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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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.

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 land located within a Primarily Residential Area. 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 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

Design

The Householder Development SPD is a material consideration for the purposes of this planning application. It advises front extensions can be particularly prominent in the street scene and should be carefully designed to retain the character of the residential area.

It further advises that the size and projection of front extensions will, dependent on the type of dwelling and degree of set back from the highway. A large, detached house, set a substantial distance from the highway, would normally be capable of accommodating a much larger front extension but should not dominate the existing dwelling or disrupt the uniformity of a group of similarly designed dwellings. In addition, front extensions should not unacceptably obstruct the outlook of neighbouring dwellings or detract from their privacy.

As originally submitted that development proposals extended 3m from the principal elevation of the property. Concern was raised due to the effects on the building line of properties together with how this would obstruct the outlook of the neighbouring property at no.22 (further discussed below). The applicant has submitted revised plans which reduces the depth by .5m. The reduction in built form would be set at an angle with the principal elevation of the neighbouring property at no.23. The reduced built form will help to ensure a positive outlook for the neighbouring property is retained and would not result in a narrowing of amenity space at the front of this property.

The character of properties along the street scene comprises of detached houses and a variety of bungalow house types. Whilst the proposed extension would project forward it would retain the same character and appearance of the host property. Further, a number of bungalows including the neighbouring property at no. 22 give the perception of front extensions due to the design of these properties.

The external appearance would consist of materials to match those found in the existing. The window arrangement would be altered with one window providing a new narrow opening. Whilst it would have been preferred to have matching windows at the principal elevation, given that this window serves the en-suite bathroom and would be facing the public highway it is considered acceptable on balance in terms of design.

Overall, the proposed development would be faced in materials to match the existing materials found at the host property and would not look out of character with the street scene given the front garden which can easily accommodate the proposed development and would not appear an incongruous feature within the street scene.

Residential Amenity

No. 22 Deerbolt Crescent

No. 22 is the neighbouring detached bungalow. It is a different house type whereby it has 1 window closest to the application property beyond which the frontage of the house extends further by approximately 6m towards the public highway. The Local Planning Authority raised concerns with the application as originally submitted due to the proposed depth of 3m which would narrow the outlook of the window serving a habitable room resulting in an enclosed outlook due to the proposed extension and the front elevation of no. 22. The Local Planning Authority has worked positively with the applicant and revised plans have been submitted so that the forward extension projects

2.5m and would be sited behind the wall of the principal elevation closest to the property boundary. This amendment ensures that no.22 will not be adversely affected by the proposed development with regards to residential amenity and sufficient outlook will be retained.

No. 20 Deerbolt Crescent

Due to the juxtaposition of the properties this property would not be adversely affected by the proposed development due to the buildings orientation and sufficient space would be retained between the side elevation of the proposed development and the principal/side elevation of no.20. Due to the separation distance it is not considered that the property would be adversely affected by the proposed development.

Highways

The property benefits from a large drive capable of accommodating multiple cars within the curtilage of the property boundary. The proposed development does not give rise to adverse effects in terms of highways safety.

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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
11.09.2022	02-03-002	REV 01	LOCATION PLAN
25.10.2022	2261-02-04-002		PROPOSED SITE PLAN
25.10.2022	2261-02-02-004		PROPOSED FLOOR PLAN AND ELEVATIONS

Signed Case Officer: **John Fleming**

Signed Authorising Officer: **Alan Kilroe**

Date: **9 December 2022**

Appendix 1 – Site Photographs



INFORMATIVES

NETWORK RAIL

22/00562/FUL

PROPOSAL: ERECTION OF SINGLE STOREY FRONT EXTENSION

**LOCATION: 24 Deerbolt Crescent, Kirkby Park,
Kirkby, Knowsley, L32 2BE**

With reference to the protection of the railway, Network Rail has no objection in principle to the proposal, but below are requirements which MUST be met as the proposal includes works within 10m of the railway boundary and an interface with the railway boundary.

For further general information on interfacing with Network Rail please see the link on our website:

[Living by the railway - Network Rail](#)

To the council - please forward the attached documents/forms/asset protection contact details to the applicant for actioning. An interface with Network Rail is REQUIRED for this proposal – the outside party is advised that Network Rail will need to agree and supervise this proposal.

This is to ensure that the works on site, and as a permanent arrangement, do not impact upon the safe operation and integrity of the existing operational railway and for the avoidance of doubt of both the council and the developer who may not be aware of the potential for outside party proposals to impact upon the railway.

Please note that Network Rail may submit further comments on this proposal if required in addition to the comments below.

Network Rail recognises that conditions are imposed for a planning purpose and that they are fairly and reasonably related to the development and not be manifestly unreasonable. We believe that the comments included in this email are indeed fair and reasonable and relate to Network Rail's need to ameliorate the impacts that might otherwise flow from the development.

Measurements to railway tracks and railway boundary

When designing proposals, the developer and council are advised, that any measurements must be taken from the operational railway / Network Rail boundary and not from the railway tracks themselves. From the existing railway tracks to the Network Rail boundary, the land will include critical infrastructure (e.g. cables, signals, overhead lines, communication equipment etc) and boundary treatments (including support zones, vegetation) which might be adversely impacted by outside party proposals unless the necessary asset protection measures are undertaken. No proposal should increase Network Rail's liability. To ensure the safe operation and integrity of the railway, Network Rail issues advice on planning applications and requests conditions to protect the railway and its boundary.

Obligations

Properties adjoining or in the vicinity of the railway are frequently the subject of obligations, rights, exceptions and reservations for the benefit of Network Rail's land and railway. The applicant must review the title to their property to see whether any such obligations etc exist and ensure that there is no non-compliance or breaches of them or any interference with or obstruction of Network Rail's rights and reservations. If the proposed development would not comply with or would breach any of the terms of the conveyance, the developer must revise his proposals.

RAMS

The developer is to submit directly to Network Rail asset protection, a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway under Construction (Design and Management) Regulations, and this is in addition to any planning consent. Network Rail would need to be re-assured the works on site follow safe methods of working and have also taken into

consideration any potential impact on Network Rail land and the existing operational railway infrastructure. Builder to ensure that no dust or debris is allowed to contaminate Network Rail land as the outside party would be liable for any clean-up costs. Review and agreement of the RAMS will be undertaken between Network Rail and the applicant/developer.

Network Rail would request that a condition is included in the planning consent as follows:

“A method statement and risk assessment must be submitted to the council and Network Rail for review and agreement prior to works commencing on site.”

REASON: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway.

Encroachment

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures.

- . There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land or under the Network Rail boundary.
- . All buildings and structures on site including all foundations / fencing foundations must be constructed wholly within the applicant's land ownership footprint.
- . Buildings, windows and structures must not over-sail Network Rail air-space/boundary.
- . Any future maintenance must be conducted solely within the applicant's land ownership.
- . Rainwater goods must not discharge towards or over the railway boundary
- . Should the applicant require access to Network Rail land to facilitate their proposal they would need to approach the Network Rail Asset Protection Team at least 20 weeks before any works are due to

commence on site. The applicant would be liable for all costs incurred in facilitating the proposal and an asset protection agreement may be necessary to undertake works. Network Rail reserves the right to refuse any works by an outside party that may adversely impact its land and infrastructure.

- . Any unauthorised access to Network Rail air-space or land will be deemed an act of trespass.

Scaffolding

Scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, they must have a minimum 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.

This is to ensure that the safety of the railway is preserved, and that scaffolding does not:

- . Fall into the path of on-coming trains
- . Fall onto and damage critical and safety related lineside equipment and infrastructure
- . Fall onto overhead lines bringing them down, resulting in serious safety issues (this is applicable if the proposal is above the railway and where the line is electrified).

Network Rail would request a condition is applied as follows within the planning consent:

"Details of scaffolding works within 10m of the railway boundary, to be submitted to the council and Network Rail for agreement."

Reason - In the interests of protecting the railway and its boundary from over-sailing scaffolding.

Drainage proposals and Network Rail land

The applicant must ensure that the proposal drainage does not increase Network Rail's liability, or cause flooding pollution or soil slippage, vegetation or boundary issues on railway land. Therefore, the proposed drainage on site will include the following:

- . All surface waters and foul waters must drain away from the direction of the railway boundary.
- . Soakaways for the proposal must be placed at least 30m from the railway boundary.
- . Any drainage proposals for less than 30m from the railway boundary must ensure that surface and foul waters are carried from site in closed sealed pipe systems.

Excavation and Earthworks and Network Rail land:

The applicant will agree all excavation and earthworks within 10m of the railway boundary with Network Rail. Network Rail will need to review and agree the works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. Network Rail would need to agree the following:

- . Alterations to ground levels
- . De-watering works
- . Ground stabilisation works
- . Works to retaining walls
- . Construction and temporary works
- . Maintenance of retaining walls
- . Ground investigation works must not be undertaken unless agreed with Network Rail.
- . Confirmation of retaining wall works (either Network Rail and/or the applicant). Prior to the commencement of works on site the applicant must confirm with Network Rail if there are any retaining walls/structures and the applicant must interface with Network Rail to ensure that no retaining structures are impacted on a permanent basis by their proposal.
- . Alterations in loading within 15m of the railway boundary must be agreed with Network Rail.

- . For works next to a cutting or at the toe of an embankment the developer / applicant would be required to undertake a slope stability review.

Network Rail would need to review and agree the methods of construction works on site to ensure that there is no impact upon critical railway infrastructure. No excavation works are to commence without agreement from Network Rail. The council are advised that the impact of outside party excavation and earthworks can be different depending on the geography and soil in the area. The council and developer are also advised that support zones for railway infrastructure may extend beyond the railway boundary and into the proposal area. Therefore, consultation with Network Rail is requested. Any right of support must be maintained by the developer.

Network Rail requests a condition is included in the planning consent as follows:

Condition:

“Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.”

Reason: To protect the adjacent railway and its boundary.

Boundary treatments

Any structures on the applicant's land which runs seamlessly into a section of Network Rail infrastructure will require Network Rail agreement/comments and interface/supervision to ensure that there is no impact to or increase in risk to Network Rail assets.

3m Gap

Network Rail **REQUIRES** that the developer includes a minimum 3 metres gap between the buildings and structures on site and the railway boundary. Less than 3m from the railway boundary to the edge of

structures could result in construction and future maintenance works being undertaken on Network Rail land, and close to the railway boundary potentially impacting support zones or lineside cabling. All the works undertaken to facilitate the design and layout of the proposal should be undertaken wholly within the applicant's land ownership footprint including all foundation works. Network Rail requires a minimum 3m easement between structures on site and the railway boundary to ensure that we can maintain and renew our boundary treatments. No part of the structure should over-sail the railway boundary or discharge rainwater goods onto or toward the railway boundary.

BAPA (Basic Asset Protection Agreement)

As the proposal includes works which could impact the existing operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA (form attached).

AssetProtectionLNWNorth@networkrail.co.uk

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Should the above proposal be approved by the council and should there be conditions, where the proposal interfaces with the railway (as outlined in this response) the outside party is advised that a BAPA (Basic Asset Protection Agreement) must be in place, in order for Network Rail to review and agree the documentation and works outlined in conditions (and those areas covered by the discharge of conditions). Network Rail recommends that the applicant ensures that the BAPA is in place and

that Network Rail has reviewed and agreed the documents as part of the discharge of any conditions.

The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site.

Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place.

Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

Once the attached Asset Protection Questionnaire/dev link has been completed and forwarded to the team the enquiry will then be processed and an email sent to the applicant giving a project reference number and name of person with the asset protection team that will deal with the enquiry.

For further information on interfacing with Network Rail please see the link on our website:

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