

<u>APPLICATION NO:</u>	23/01064/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	9 Paradise Lane, Whiston, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF A SINGLE STOREY SIDE AND REAR EXTENSION		

Site Description

The application site is located at 9 Paradise Lane, Whiston and is located in an area allocated as a Primarily Residential Area in the Development Plan. Behind the rear curtilage of the boundary is a Stadt Moers Park and is allocated as 'Green Belt'. The site is allocated within a High-Risk Area in regard to Coal Consultation Zone. The application property is a semi-detached dwelling and is brick rendered facing on its front, side and rear elevations, along with white UPVC openings and flat interlocking roof tiles.

Proposal

The application seeks permission for the erection of a single storey side and rear extension. This would form an infill to the existing 'dog-legged' outrigger at the rear.

The proposed infill section would have a width of 2.07m to sit flush with the existing rear elevation. The proposed single storey rear extension would project the whole, both existing and proposed, rear elevation out by 1m and would have a cumulative width of 4.94m; the proposed development would not surpass the existing width of the dwelling. This would be served by a mono-pitched roof, in which the eaves would measure at a height of 3.38m and the highest point of the roof would measure 4.59m. The proposal would also feature large bay windows, 2 Velux roof lights and one large glass panel.

The ground floor level is built circa 0.80m above the external ground floor and subsequently a staircase facilitating access from the proposed development to the rear garden would be constructed.

The applications have included an amendment from the original submission in the form of featuring a set in from the party boundary by 0.15m. The original submitted plans showed that proposal would be built adjoined to the neighbouring's rear extension.

Consultations

Whiston Town Council - No Comments Received.
Building Control – Consultation requested but no longer necessary.

Representations

This application has been publicised by letters sent to 5 neighbours.

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

No.11 Paradise Lane submitted an objection to the application, on the basis of not giving permission or consent for the proposal to be adjoined and built attached to the existing rear extension of no.11.

Planning History

No recorded planning history.

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)

- H5 - Development within Primarily Residential Areas
- H8 - Extensions and Alterations to Residential Properties
- CS2 - Development Principles
- CS19 - Design Quality and Accessibility in New Development

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 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

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 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 Householder Development SPD states that rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

Design

The existing dwelling is rendered facing with white UPVC windows and tiled roofing. The proposed development would include materials that are in keeping with the existing dwelling. The proposed development would also feature a pitched roof.

The Householder Development SPD states that a single storey rear extension located on or immediately adjacent to the party boundary with a neighbouring dwelling will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling.

The proposed side and rear extension would be considered to be in accord with the design guidance of the Householder Development SPD and Saved Policy H8 as the proposed rear extension would not exceed the 4m parameter outlined in the Householder Development SPD and the side extension would be constructed with matching materials and would feature a pitched roof.

Overall, the proposal would have an acceptable design and would be in accordance with the Householder Development SPD and Saved Policy H8.

Residential Amenity

11 Paradise Lane

No.11 is the paired, semi-detached dwelling and the original front and rear building lines sit in line with one another.

No.11 benefits from a single storey side and rear 'wrap around' extension. The extension projects 1m from the original rear elevations of both properties. The side elevation of the rear extension forms the party boundary treatment between the two rear gardens and the boundary treatment is adjoined the front rather than the side of this extension.

The proposed development would be in accord with the Householder Development SPD guidance and would sit flush with the existing rear projection of no.11. Therefore, it would not be considered to result in any harm to the amenities of no.11.

There is sufficient boundary treatment between the two rear gardens in the form of high timber fencing.

The occupants of no.11 submitted an objection, stating that they did not the proposed development built adjoined to their existing rear extension. These objections have been acknowledged but are not considered to be a material planning consideration and matters such as these are covered by the Party Wall Act 1996. The neighbour was signposted to the relevant legislation which covers matters such as these and provides guidance on how to raise these civil matters. Notwithstanding, the applicant had provided revised plans that now set in the proposed rear extension by 0.15m from the adjacent extension of no.11.

Overall, the proposed development would be in accord with the Householder Development SPD and would not be considered to have any significant impact on the amenities or privacy of the occupants of no.11.

7 Paradise Lane

No.7 is the adjacent, semi-detached dwelling and is sited to the South-West of the application property. The two gable walls of the properties face one another. The original front and rear building lines sit in line. No.7 benefits from a part two-storey, part single storey, rear extension. The rear ground floor extension is the furthest projection by 1m.

The proposed development would sit flush with the ground floor rear extension of no.7. It is also within the parameters of the Householder Development SPD. Therefore, the proposal would not be considered to cause any harm to amenities.

There is also sufficient boundary treatment between the two rear gardens in the form of high timber fencing.

Overall, the proposed development would be in accord with the Householder Development SPD and would not be considered to have any significant impact on the amenities or privacy of the occupants of no.7.

Highways

At present there is not parking within the curtilage of the boundary that is lawfully accessible and parking is seen to be provided via on-street outside the front of the dwelling. However, the proposed development would not influence the number of bedrooms and therefore, would not require any additional or replacement parking.

Therefore, the existing parking provisions utilised would remain unaffected and would not have any impact on highway safety or motorists and would be acceptable.

Other Issues:

Trees

Stadt Moers Park is sited behind the rear garden of the application site. There is a dense presence of mature trees, and the closest trees are located approximately 21m away from the edge of the proposed development. It has been considered that on the basis that the projection of the proposal would be permissible to be completed under Permitted Development Rights, it would be acceptable on this occasion to determine this application without the need for a Tree Survey.

Green Belt

The application site is on the borderline of the 'Green Belt' allocated land in the Development Plan, but the site is within a Primarily Residential Area. The proposed development would not be considered to have any adverse impact on the openness, quality or character of the existing 'Green Belt' land.

Coal Consultation Zone

The application site is located within a High Risk Area in regard to the Coal Consultation Zone. Gov.UK Guidance regarding Planning applications and Coal Mining Risk Assessments states that under Part A – Exempt by type of application, that Householder Development does not require a Coal Mining Risk Assessment (CMRA) to support the application. In addition, it states that if the application type is under Part A, there is also no need for the Local Planning Authority (LPA) to consult with the Coal Authority's Planning and Development Team.

The Guidance also states that; however, the LPA can request the submission of any information it considers necessary to inform the decision-making process and this could include a CMRA.

Given the scale and form of the proposed development, it would not be considered to be necessary to request an CMRA for the purpose of determining this application.

Indicative Radon Affected Area

The application site has been identified as an Indicative Radon Affected Area as a Constraint on Uniform. At the level of Indicative Radon this would not usually trigger a consultation from Building Control, as this issue is addressed through building regs and would not form a material planning consideration in the determination of this application.

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 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
29/05/2023	-	-	LOCATION PLAN
21/08/2023	EM001/002	REV B2	PROPOSED PLAN AND ELEVATIONS

Signed Case Officer¹:

Reece Black

**Signed Authorising
Officer²:**

K Foster

Date:

12 September 2023

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

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Informatives

- 1 The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Informative Note valid from 1st January 2023 until 31st December 2024