

<u>APPLICATION NO:</u>	24/00564/FUL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	211 Windy Arbor Road, Whiston, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF A FIRST FLOOR SIDE EXTENSION		

Knowsley Local Plan Policies Map Allocation

Primarily Residential Area

Site Description

The application site comprises a two-storey semi-detached dwelling occupying a prominent corner plot at the junction of Windy Arbor Road and Windy Arbor Close, Whiston. The host dwelling faces out onto Windy Arbor Road.

The property has been extended to the side at ground floor and a porch has been erected to the front. There is a detached garage to the side with the site laid to crusher run gravel at the front and side providing off-street parking. There is an access gate into the rear garden which is located between the side extension and the garage. Vehicular access is taken off Windy Arbor Close.

An area of lawn and planting is set out to the front of the dwelling which is set behind a low-level brick wall. The side boundary of the plot along Windy Arbor Close is demarcated by a low-level brick wall with fence panels above. The common boundary with No. 52 Windy Arbor Close is defined by fencing with the gable elevation of that property sitting directly on the boundary.

Proposal

The application proposes the erection of a first-floor extension over the existing ground floor extension to the side. The extension would provide an additional bedroom, en-suite bathroom and an extension to the existing family bathroom.

The application has been amended since originally submitted and has involved the insertion of a window to the gable elevation and the removal of a setback of 360mm from the front elevation. These amendments are discussed below.

Consultations

Whiston Town Council - No Comments Received

Representations

This application has been publicised by letters sent to 7 neighbours. No

representations have been received.

Consideration has been given to the necessity to re-consult on the amended plans received. In this instance it is considered that the proposed amendments do not constitute substantial differences or fundamental change to the originally submitted proposal. The LPA has acted fairly and reasonably taking in to account the duty to fully consider representations from interested parties and considers that nobody has been deprived of the opportunity to make any representations that they may have wanted to make on the application as amended due to the nature of the change/s.

Planning History

APP. NO: K/APP/ 6243 (Alt Ref: 74/06487/HIST)
PROPOSAL: STORM PORCH
DECISION: Granted
DECISION DATE: 22 October 1981

APP. NO: 15/00496/FUL
PROPOSAL: DEMOLITION OF EXISTING GARAGE AND ERECTION OF REPLACEMENT DETACHED GARAGE AND PROVISION OF HARD LANDSCAPING FOR DRIVEWAY
DECISION: Granted
DECISION DATE: 26 October 2015

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.

NATIONAL PLANNING POLICY FRAMEWORK

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

H5 - Development within Primarily Residential Areas

H8 - Extensions and Alterations to Residential Properties

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

CS19 - Design Quality and Accessibility in New Development

SUPPLEMENTARY PLANNING DOCUMENTS

Householder Development SPD (2016)

Ensuring a Choice of Travel SPD (2010)

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

Principle of Development

The application for the extension of an existing dwelling in a Primarily Residential Area is acceptable in principle subject to compliance with relevant planning policies and guidance as discussed below.

Layout and Design

The Council's Householder Development SPD forms a material consideration for the purposes of determining this planning application. It advises that the overall scale of development should not look out of place from the street or local environment. The design of the roof should echo that of the original dwelling; windows should follow the precedent shown in the host dwelling and materials should generally be the same or similar to the dwelling to which it relates. The extension should also leave adequate room around the dwelling to avoid a cramped appearance, space for sitting out and storage of bins and adequate parking.

Amenity Space

The property occupies a corner plot and has an enclosed garden both to the side and to the rear. The extension would not have an impact on existing levels of private amenity space associated with the dwelling.

Parking Provision

The host property is currently served by garage and off-street parking at the front and side of the dwelling accessed off Windy Arbor Close. The proposal would see an uplift in the number of bedrooms increasing from three to four, although the

submitted floor plans identify one of these bedrooms as a study. Parking provision is discussed in detail in the highways section below.

Waste Storage (Bins)

The Householder SPD advises that 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 to the front of the dwelling, which would not have a detrimental impact on the street scene. An existing access gate to the side of the dwelling allows access to the rear and this would not be affected by the development. Furthermore, the applicant currently stores bins in a dedicated bin store area at the side of the property. The proposal does not raise any concern relating to access and storage of waste / recycling bins.



Design

The Householder Development SPD states that two storey side extensions should be designed to avoid having an overbearing effect or causing unacceptable loss of light or privacy for neighbours and should avoid the creation of a terracing effect. This guidance applies equally for the purposes of this proposal comprising a first floor extension.

The SPD also advises that a minimum of 1m should be preserved between the extension and the party boundary to the side of the property, or the front wall of the first-floor extension should be set back at least 1m from the immediately adjoining part of the main front wall of the original dwelling. This arrangement may be relaxed in instances of there being a staggered or irregular arrangement of dwellings.

The proposed first floor extension would project 2.4 metres from the gable of the host dwelling set above an existing flat roofed ground floor side extension and would be 6.5 m in depth. It would not extend beyond the rear elevation of the host dwelling. The extension would also be flush with the immediately adjoining part of the main front wall of the original dwelling at first floor.

The proposal has been amended since being submitted. Originally the extension was set back approximately 360 mm at first floor level which would have resulted in a ground floor flat roof section at the front. Amendment has resulted in no set-back at first floor level to the front. However, the extension would be situated more than 1 metre from the side boundary. The front elevation of the original dwelling is

staggered due to a bay-fronted design at both ground and first floor level. Therefore, it is not considered that the proposal would create a terracing effect, and it would not conflict with SPD guidance.

The SPD also states that two storey side extensions should avoid blank gables. Amendments would see the installation of an en-suite bathroom window within the side elevation at first floor. Considering the setback from the street, it is deemed that the window detailing at the first-floor level would be adequate in this instance.

Roof Design

The Householder SPD advises that when considering the roof of an extension, the main dwelling and similar nearby dwellings should be a guide. The roof design would echo that of the host dwelling and is considered to be of acceptable design.

Corner Plot

The Householder SPD stresses that particular attention should be paid to the design of extensions on corner plots...*Extensions should not be sited so close to the boundary that they would adversely impact on the street scene.* The application site holds a prominent position at the junction with Windy Arbor Road and Windy Arbor Close. The extension would be set off the side boundary by between approx. 8.2 – 12.3 m.

Given the location of the host dwelling and the existing development on the site, including the detached garage and ground floor side extension, it is not considered that the proposed development would significantly impinge on the established building lines on either street frontage. Adequate distance would be maintained from the side boundary to preserve the character of the surrounding area, and the extension would not be positioned so close to the boundary as to negatively affect the character of the streetscene.

Scale

The Householder SPD states that in all cases, irrespective of the distance remaining to the side boundary, the extension should be appropriate in scale to the dwelling. The extension would project 2.4 metres from the gable of the host dwelling; the host dwelling measures 5.5 m in width. Having regard to the generous space around the property, the proposed development would not appear overly dominant, and the scale acceptable.

Fenestration

The Householder SPD advises that the way in which openings are designed within extensions is a key consideration. The proposed openings are considered to be of acceptable design.

Materials

The existing dwelling has a cream rendered finish with; light oak coloured UPVC windows; with a grey profiled tiled roof. The submitted details indicate that materials would match that as existing and this could be secured by condition if planning permission is granted.

Streetscene

Overall, the design and appearance would harmonise with the host property. Therefore, the proposed extension would not detract from the character and appearance of the host property or the area, and is deemed acceptable.

On balance, the proposed development would be in accordance with Core Strategy

Policies CS2 and CS19 and Saved UDP Policies H5 and H8 together with the Householder Development SPD.

Highways

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.

The host dwelling is currently a 3-bedroomed property, and the proposed development would result in an uplift in bedrooms to four, albeit that the submitted plans annotate one of the bedrooms as a study. Parking standards of the *Ensuring a Choice of Travel SPD* indicate that, in this location, a dwelling with four or more bedrooms should provide a maximum of three off street parking spaces. The site could accommodate in excess of the 3 no. spaces required and as such the development would not result in an adverse impact on street parking conditions to the detriment of highway safety or the amenity of local residents.



In conclusion, the proposed development would comply with the NPPF, saved Policies H5 and H8 of the UDP; Policies CS2, CS7 and CS19 of the Core Strategy; the Ensuring a Choice of Travel SPD and the Householder Development SPD.

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. 213 Windy Arbor Road

This dwelling is the attached semi-detached dwelling. The extension would be sited on the gable and would not extend forward of or beyond the front and rear of the host dwelling and as such would not have a detrimental impact on this property.

No. 215 Windy Arbor Road

This property is located to the southwest of the host property and shares a common boundary with the application site. Given the juxtaposition of the two dwellings, it is not considered that the proposed extension would result in impacts on the residential amenity of this neighbouring property.

No. 52 Windy Arbor Close

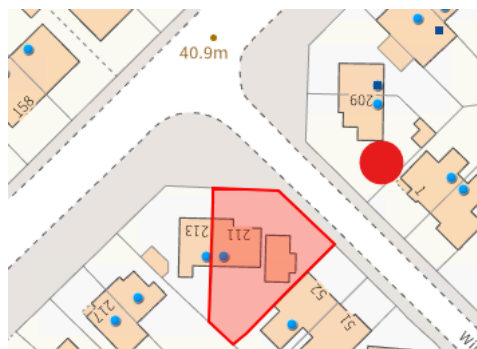
This property is located adjacent to the side boundary of the application site. The gable of No. 52 sits immediately along the common boundary. The corner of the proposed extension would be located approximately 6.6 m from the common boundary. No.52 has no openings within the gable elevation.



A window associated with an en-suite bathroom would be installed within the rear elevation of the proposed extension. To ensure that there would be no overlooking or loss of privacy to the neighbouring property it is proposed to secure obscure glazing and high level opening via a suitable condition if planning permission is granted. It is not considered that suitably conditioned there would be detrimental impacts on this property.

No. 209 Windy Arbor Road (Opposite)

No. 209 is located opposite the application site the proposed extension would be sited approximately 21.5m this property. Given the interface between the development and this property, it is not considered that the proposed development would harm the residential amenities of this property.



In conclusion, it is not considered that the proposed development would have any detrimental impacts on the residential amenity of surrounding neighbours and the proposal is therefore in accordance with Core Strategy Policies CS2 and CS19 and Saved UDP Policies H5 and H8 together with the Householder Development SPD.

Coal Mining Legacy

The site lies within a coal mining High-Risk Development Area. The Mining Remediation Authority, in its role as statutory consultee, does not require the submission of Coal Mining Risk Assessment (CMRA) for this householder type of application and there is no need for the LPA to consult them as it is on the exemptions list. An informative would be attached to any decision notice if planning permission is granted.

Conclusion

The proposal is acceptable in terms of design, impact on Highway safety and residential amenity. The proposal also complies with the relevant Core Strategy and Replacement UDP policies together with guidance in the NPPF and is therefore recommended for approval subject to conditions.

Recommendation

That planning permission be granted subject to the following conditions:

- 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 (2024), 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 Development SPD (2016).

- 4) The window serving the first-floor en-suite bathroom in the rear elevation of the extension hereby permitted shall be glazed in obscure glass to a level equivalent to Pilkington Level 3 or above (or nearest equivalent standard) and shall be non-opening up to a minimum height of 1.7 m above the internal floor level of the room in which it is installed. The window shall be retained as such thereafter.

Reason: To safeguard against overlooking and loss of privacy of neighbouring properties in the interests of the amenity of the occupiers of neighbouring properties and to comply with the National Planning Policy Framework, 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 Development SPD (2016).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
25/11/2024	1/0001	-	SITE LOCATION PLAN
14/01/2025	2024/0084/0001	REV. E	PLANS AND ELEVATIONS AS EXSITING AND PROPOSED

Signed Case Officer¹: M Wishart

Signed Authorising Officer²: K Foster

Date: 15 January 2025

Informatives

1 NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments:

2 The proposed development lies within an area that has been defined by the Mining Remediation 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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and

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

environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

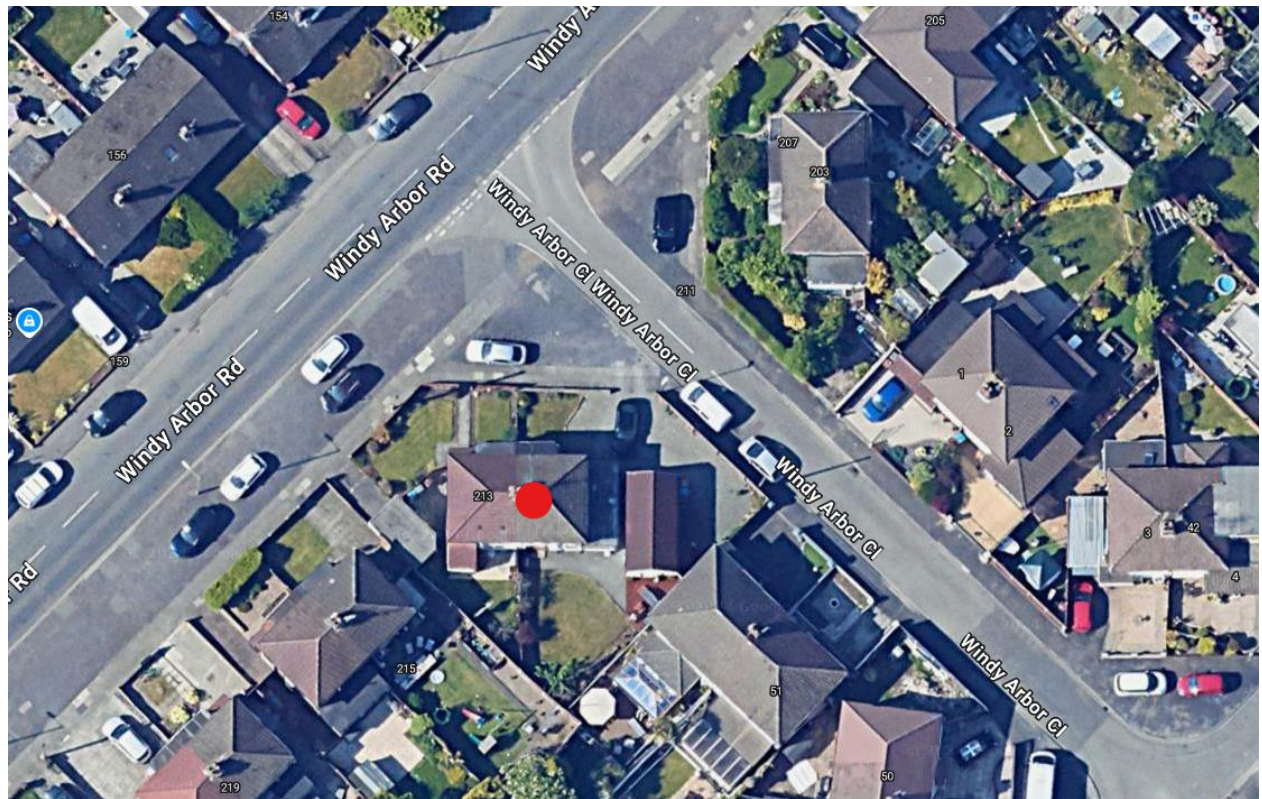
If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

Informative Note valid from 1st January 2025 until 31st December 2026

Contd....

Appendix 1 – Site Photographs

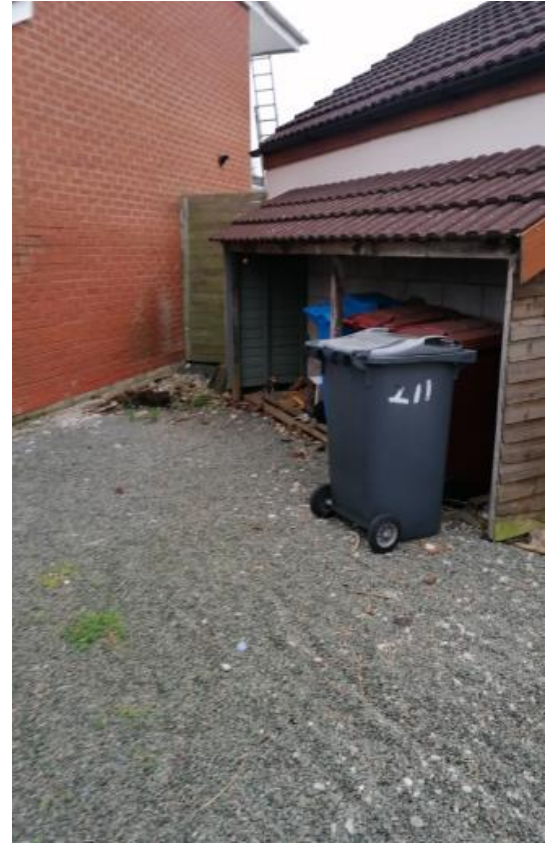


Google Imagery

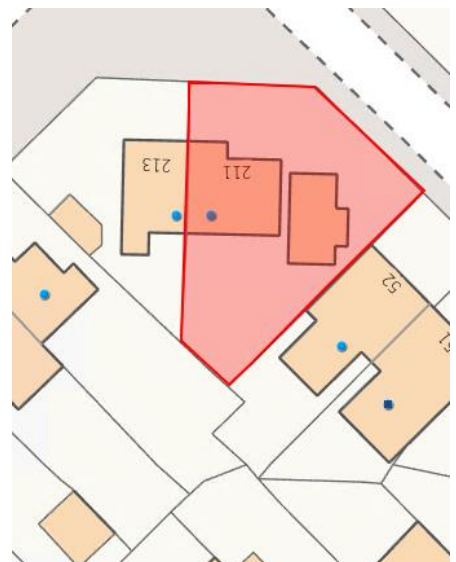


Google Street View November 2022

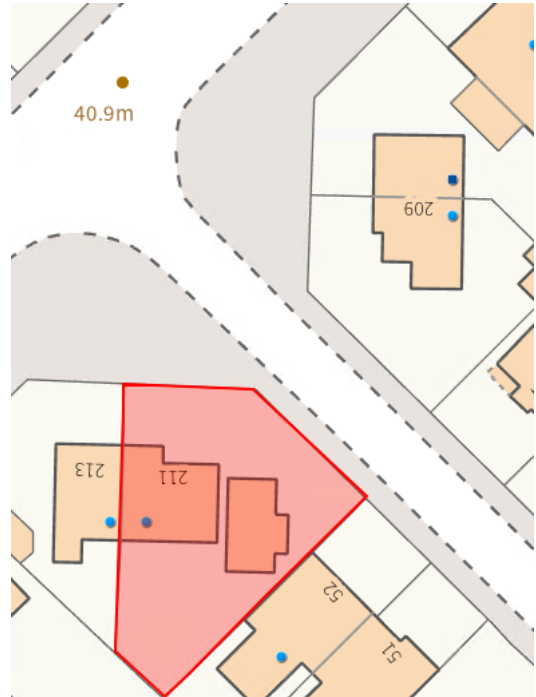




Common Boundary with 52 Windy Arbor Close



Common Boundary with 52 Windy Arbor Close



Gable Elevation No. 209 Windy Arbor Road