

APPLICATION NO: 24/00170/FUL **CASE OFFICER:** Maxine Wishart

WARD: Prescot North **PARISH:** Prescot Town Council

LOCATION: 27 Newhall Road, Prescot, Knowsley

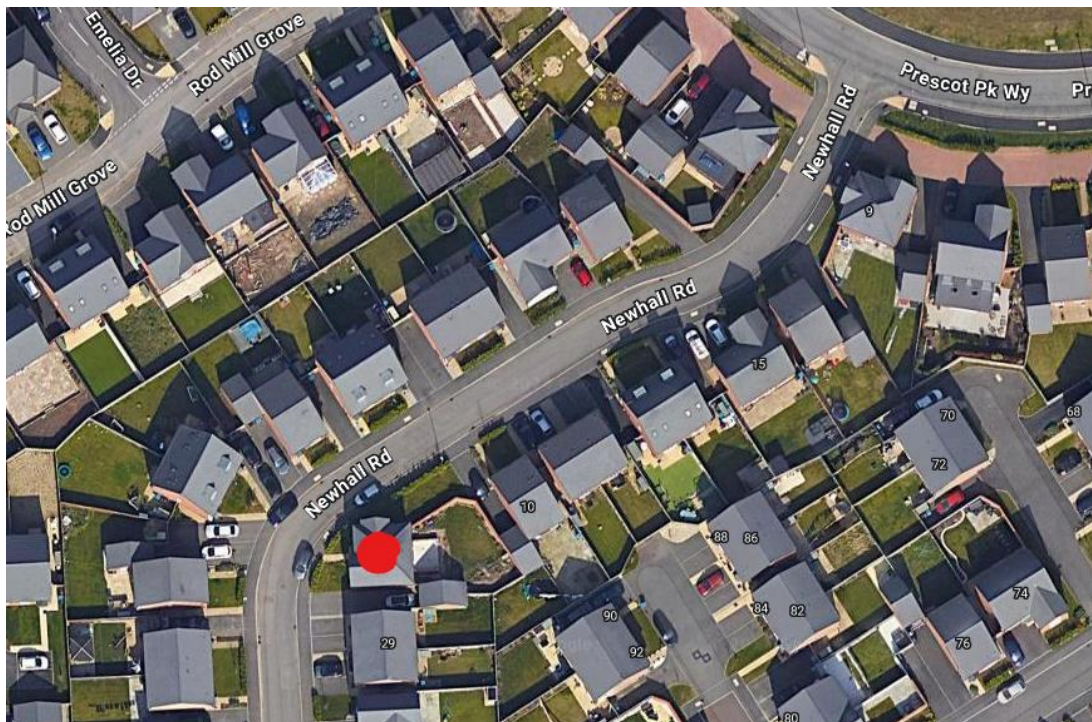
PROPOSAL: DEMOLITION OF EXISTING BOUNDARY WALL AND
ERECTION OF NEW BOUNDARY WALL TO THE SIDE AND
REAR.

KNOWSLEY LOCAL PLAN POLICIES MAP ALLOCATION:

South Prescot Action Area.

Site Description

This application relates to a detached two-storey dwelling located on Newhall Road on new housing development the Prescot Park residential development. The application property is located at a bend along Newhall Road. As such, it sits within a prominent position within the street scene.



The property is brick facing and benefits from a brick built boundary wall to the side and rear which provides the boundary treatment to a side garden and private amenity space at the rear together with providing the common boundary with No. 25 Newhall Road which sits behind the host dwelling. The boundary wall is in line with the established building line of Nos. 11 – 25 Newhall Road. Directly fronting the

boundary wall is a turfed garden which is bounded by 1 no. tree and an established Laurel hedge measuring in excess of 2m high at the property boundary with the pavement.



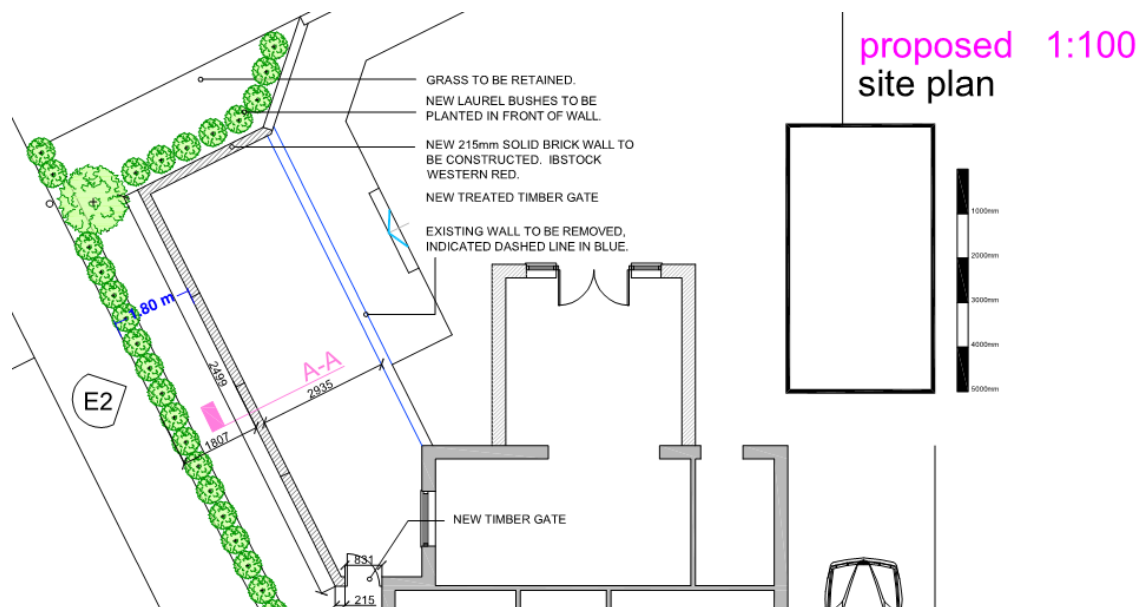
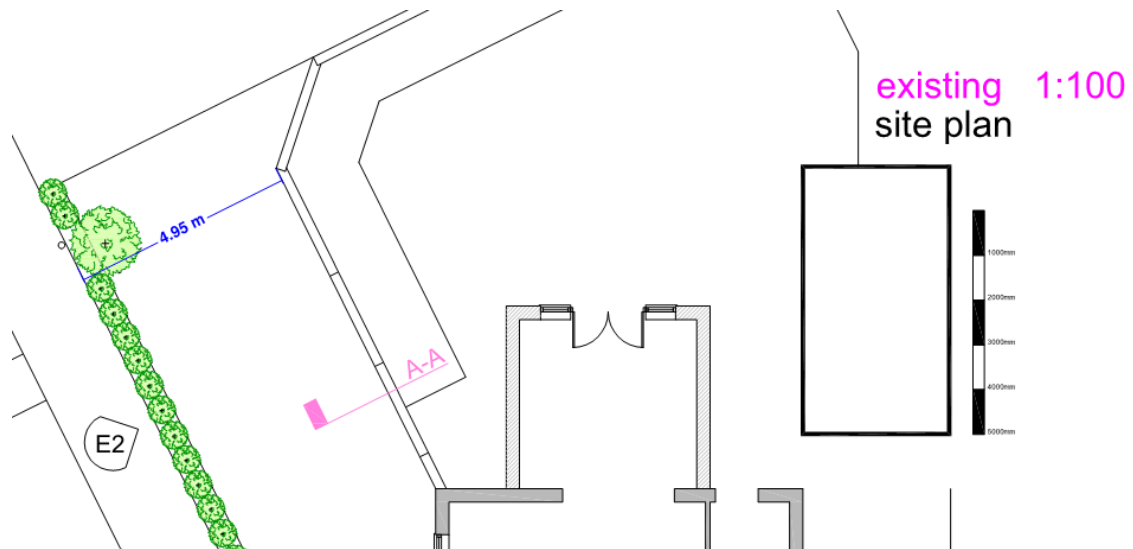
The property is identified as a 'Teasdale' house type on the planning permission for the overall development and comprises a 4 no. bedroom dwelling. The property has been previously extended at the rear in the form of a single storey rear extension together with an outbuilding which is located directly adjacent to the garage of No. 25 along the common boundary. It is noted that there are no planning records of an application for either of these structures. It appears that the single storey extension exceeds 4 m and, in that case, would have required the benefit of planning permission. The dimensions of the outbuilding are not clear and it cannot be ascertained whether the outbuilding would be permitted under the terms of Class E (buildings incidental to the enjoyment of a dwelling house) of Schedule 2, Part 1 - Development within the curtilage of a dwellinghouse of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended). This matter will be addressed separately to the determination of this current planning application.

Proposal

This application seeks consent for the demolition of the existing boundary wall and the erection of a new boundary wall to the side. Effectively this would result in an extended rear garden for the host dwelling. The applicant has sought pre-application advice on a similar proposal and the application now being considered has been altered such that there would be a greater gap between the new wall and the back of the highway of Newhall Road.

The proposal seeks to move the straight part of the wall forward by approx. 3.13m towards Newhall Road. The existing wall is chamfered at the rear boundary along the boundary with No. 25's driveway. The chamfered part of the wall would remain in place and the proposed wall would extend out from this for 3.13 m, parallel with the driveway of No. 25 set at a distance of approx. 1.84 m and would then run at a 45% angle for a length of 9.97 m parallel with Newhall Road. The wall would then have a return joining the side elevation of the house which would incorporate a new timber access gate for access into the rear garden.

It is proposed to retain an existing tree and Laurel hedge along the common boundary with Newhall Road and to provide additional hedge planting in front of the proposed extended wall.



The proposed wall would be stepped much the same as the existing wall to take account of the drop in the land levels from the back to the front of the dwelling.

Consultations

Prescot Town Council - No Comments Received

Highway Authority - No objections.

Environmental Health - No objection in principle subject to a condition in relation to the provision of an implementation plan regarding contamination.

Representations

This application has been publicised by letters sent to 9 neighbours.

There have been no letters of objection, 1 letter of support and no letters of comment. The representations are received from a property on the opposite side of the application site and area summarised as follows:-

- Happy for the resident to move the wall as at the moment there is a lot of wasted space and it makes sense that they can use this space more positively.
- The resident will be very complimentary to the surroundings and their direct neighbours.

Planning History

APP. NO: 15/00022/OUT
PROPOSAL: OUTLINE APPLICATION FOR MIXED USE DEVELOPMENT COMPRISING UP TO 750 NO. DWELLINGS & UPTO 929 SQ M OF COMMERCIAL/INDUSTRIAL BUILDINGS (USE CLASSES B1/B2/B8) - ALL MATTERS RESERVED FOR FUTURE APPROVAL

DECISION: Granted
DECISION DATE: 20 December 2016

APP. NO: 17/00661/REM
PROPOSAL: RESERVED MATTERS APPLICATION FOR THE ERECTION OF 173 NO. DWELLINGS, LANDSCAPING, VEHICULAR AND PEDESTRIAN ACCESSES AND ASSOCIATED WORKS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE TO BE CONSIDERED)

DECISION: Granted
DECISION DATE: 16 January 2018

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.

The application property is located within the South Prescott Action Area which was originally identified for mixed use development in the Knowsley Replacement Unitary Development Plan (2006). Prior to the adoption of the Knowsley Local Plan: Core Strategy in 2016, planning permission was granted for residential development. The wider housing estate has been constructed and as such development associated with a residential dwelling is acceptable in principle.

NATIONAL PLANNING POLICY FRAMEWORK

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS8 - Green Infrastructure

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

EC3 – South Prescott Action Area

SUPPLEMENTARY PLANNING DOCUMENTS

Householder Development SPD (2016)

Design Quality in New 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

Layout and Design

Core Strategy Policy CS2 sets out the Local Planning Authority's approach to design principles relevant to proposed development. It states that new development will be expected to enhance local character and promote quality of space.

Policy CS19 requires development to provide quality design and accessibility in new development and requires development proposals to respond to and integrate positively with the characteristics of the immediate surroundings, complement and

enhance existing green infrastructure and features of local importance whilst seeking to maintain a good standard of amenity for all existing and future occupiers and to avoid unacceptable impacts on existing and future residents.

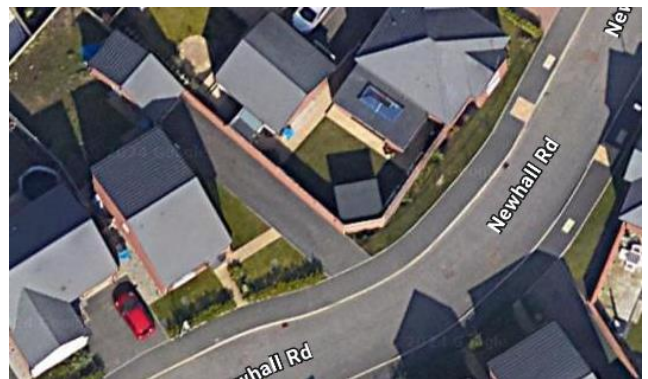
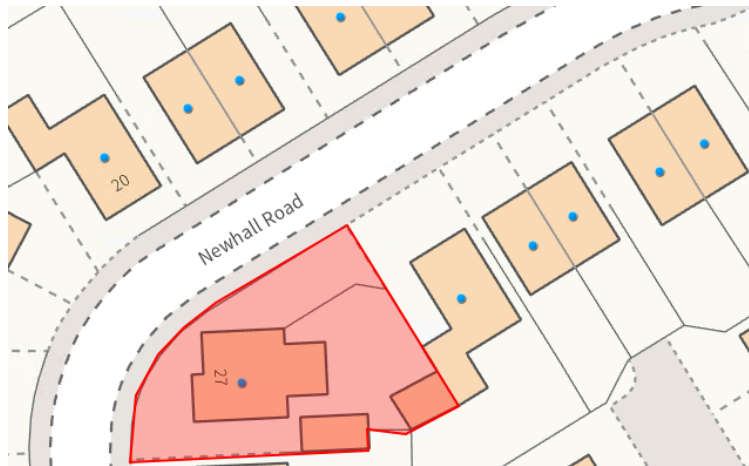
The Householder Development Supplementary Planning Document (The SPD) is a material consideration for the purposes of this application and provides guidance to applicants in relation to householder development.

Section 7.11 – 7.12 specifically provides guidance in relation to boundary structures and advises that the design and detailing of boundary walls, particularly on highway frontages, plays an important role in defining the character of places.

The property benefits from an existing stepped brick wall. Those properties on the overall development, which include a brick-built boundary walls, such as the host dwelling, typically connect at the corner where the rear and side elevation meet and do not extend forward the side elevation of these properties. However, the application proposes to increase the private amenity space which has been reduced in size due to the erection of a rear extension and a detached outbuilding.

The Householder SPD states that residential estates that were designed on 'open plan' principles should retain this characteristic unless a suitable justification can be put forward for enclosing the front of a particular dwelling. In general, it advises that the style and materials should match that of the existing style in the surrounding area but that walls will not normally be permitted on open plan estates. Where the curtilage of a house adjoins the highway, it should usually be expressed as 'semi-public space'. In other words, it is clearly separated from the public highway by a boundary feature or landscaping and readable as a private garden but should not be enclosed by high boundary features or screening that conceals the house from the street and vice versa. It is however, considered that the guidance of the SPD relates more specifically to the relationship of the gardens fronting the dwellings in order to prevent walls / fences etc being erected on housing developments that are open plan in character and not necessarily specific to this particular circumstance.

In this instance, the revised positioning of the wall would be set forward of the side of the host dwelling and would project forward of the building line of No. 25 the neighbouring dwelling. However, there would be 1.80 metres retained between Newhall Road and the proposed wall. In addition, there is an existing Laurel hedge that would significantly screen the wall. The wall would be constructed of bricks to match the existing dwelling and be of a similar style to that which currently encloses the garden. Whilst the re-positioning of the wall would see the wall come forward of the building line of Nos. 17 – 25 Newhall Road, the host dwelling is currently set forward of that building line. It is acknowledged that on corner sites such as this, that the space and open character of the plot is an important feature of the housing layout, however, there are a number of other similar layouts across the residential development constructed as part of the original layout. These properties retain a smaller area between the wall and the highway than that proposed.



No. 6 Newhall Road



The proposal would not impact on any existing parking provision within the site which is located on the other side of the dwelling.

The proposal would not impact unacceptably upon the function of and safety of the highway network both for pedestrians and vehicles. Consequently, the proposed development complies with Local Plan policies CS7 and CS19 .

Residential Amenity

Host Property

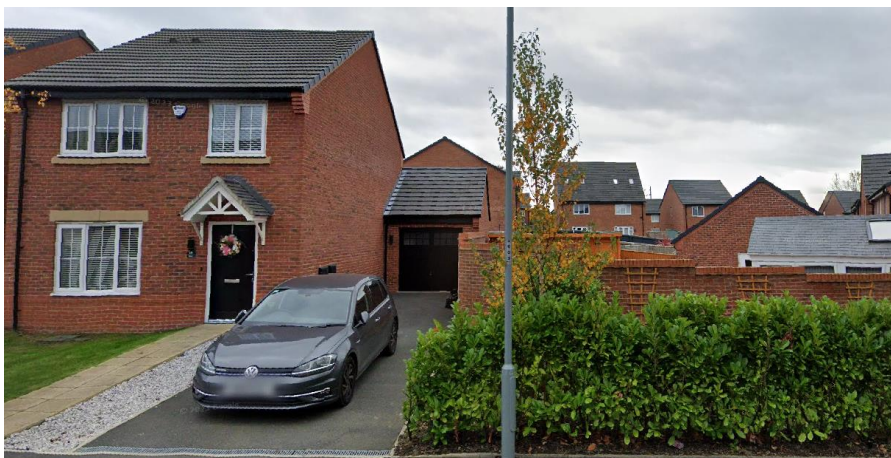
The proposal would see the boundary wall coming forward and enclosing a kitchen window in the side elevation of the dwelling. The resulting effect would therefore narrow the outlook from the kitchen window to approximately 2.33m for the existing and future residents. The existing high Laurel hedge along the side boundary sits at approx. 3.95 m from this window. Whilst the development would inevitably reduce the level of light into the kitchen window it is considered that given the existing position of the hedge, this would not result in such significant detrimental impact on the loss of light and outlook that would warrant refusal of planning permission in this instance.



No. 25 Newhall Road

Due to the angle of the proposed boundary wall the proposal would project forward of this dwelling and run parallel with the driveway of No. 25. The wall would be set into the application site by approximately 1.8m. Given the positioning of the windows on the front elevation of the neighbouring property, the proposed wall would not result in any loss of outlook or overshadowing of this property.

The wall would extend further forward of the front of No. 25 parallel with their driveway; however, the Council's Highways Engineer does not consider that this would have a detrimental impact on visibility for vehicles using the driveway. Overall, the proposed development would not adversely affect residential amenity to a significant degree.



No. 16 – 18 Newhall Road

These properties are located opposite the side boundary of the application site. These properties are set close to the highway with only relatively small grass strips as part of their front gardens. The proposed brick wall would be sited closer than the existing wall and inevitably the proposed wall would have a more visually prominent effect in terms of the outlook from habitable windows of these properties. However, it would be sited approximately 14m from the front of those dwellings and it would be screened by the existing Laurel hedge. It is not considered that the proposed development would have any significant impacts on the neighbours on the opposite side of the application site.

The proposal would not be detrimental to the amenity of the occupiers of existing dwellings. The proposal therefore complies with policies CS2 and CS19 of the Local Plan and saved Policy H5 of the UDP.

Environmental Considerations

Saved policy ENV5 of the UDP seeks to ensure that development does not occur on contaminated sites that could place future occupiers at risk from contaminants within the ground to ensure that where possible measures are put in place to ensure impact is mitigated against.

As way of background, the property is located on the former Prysmian Cables site which was investigated and monitored under planning approval 15/00022/OUT. As part of the planning permission, earthworks were

undertaken, and remediation measures were put into place to ensure that the site is suitable for a residential end use.

The Council's Environmental Health Officer has advised that at each property build phase remediation and validation was undertaken which included installation of gas/vapour protection membrane; 600mm clean cover soil and high visibility geotextile membrane to soft landscaping in rear gardens; and 300mm clean topsoil to front gardens.

Based on the information available to the Environmental Health division and the previous remediation undertaken at this site, in relation to contaminated land, there is the potential that some contamination may still exist below the area of the grassed verge / side and front garden areas 300mm below the ground level and there is the potential that some contamination may still exist below the hard standing of the patio area and below 600mm within the rear garden.

The proposed development would see an area of the grassed verge / side garden incorporated into the rear garden. The rear garden should have a clean cover of 600mm. In order to ensure that the resultant area incorporated into the rear garden would be suitably remediated the Council's Environmental Health Officer has requested that an implementation plan is agreed which would set out the details in respect of either soil sampling to determine if the material is clean and safe to be used within the rear garden and kept in place; or provision of 600 mm of clean cover soil underlain by a high visibility geotextile membrane covering the extended garden area and which could be secured by a suitable planning condition if permission is granted.

Subject to the imposition of the recommended condition it is considered that the development could be suitably managed and risk from land contamination for land users a / occupiers, ecological systems and surrounding properties can be minimised and the development would comply with the NPPF, Policies CS2 and CS19 of the Core Strategy and saved Policy ENV5 of the UDP.

Conclusion

The proposed alteration to the boundary wall is considered acceptable within the street scene and would not harm the residential amenity of the neighbouring properties or have a detrimental impact on highway or pedestrian safety. As such the proposal complies with relevant criteria of Policies CS2 and CS19 of the core strategy and saved Policies H5 and H8 of the Knowsley UDP together with the Knowsley Householder Development Supplementary Planning Document.

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) Notwithstanding the detail on the approved plans, the materials to be used on the external surfaces of the wall 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, Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan, adopted June 2006 and policies CS2 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016.

- 4) A. Prior to the commencement of development, an implementation plan shall be submitted to and approved in writing by the Local Planning Authority, setting out the details in respect of the following matters:

Either:

- Soil sampling of the grassed verge / side garden area to be incorporated into the rear garden area, at a depth of between 300mm and 600mm below ground level (BGL), to determine if the material is clean and safe to be used within the rear garden and kept in place; or
- Provision of a 600mm clean cover soil system underlain by a high visibility geotextile membrane in the verge / side garden area to be incorporated in the rear garden.

The agreed implementation plan must be carried out by a competent person.

- B. Upon completion of the works, a validation statement must be submitted to the LPA. The statement shall demonstrate that works have been carried out in accordance with the agreed methodology detailed in Point A above.
- C. Water suppression shall be used during construction, to ensure there are no dust emissions from the excavated materials whilst being moved or being stored on site as required.

Reason: To ensure contamination is appropriately identified and a strategy is in place before works commence on the site to prevent pollution in the interests of human health and the pollution of the water environment and to comply with the National Planning Policy Framework (2023), Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 5) The proposed planting identified on the approved layout plan shall be carried out within the first available planting season following the completion of the wall hereby permitted.

Any plants which within a period of five years from the completion of the development die, are removed or become damaged or diseased, shall be

replaced in the next available planting season with others of similar size and species.

Reason: In the interests of visual amenity and to comply with the National Planning Policy Framework (2023), Policies CS2, CS8 and CS19 of the Knowsley Local Plan; Core Strategy, adopted January 2015 and saved Policies H5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
16/04/2024	-	Rev. A	EXISTING AND PROPOSED SITE PLAN, ELEVATIONS AND SECTION
03/04/2024	PP-12947403	v.1	LOCATION PLAN

Signed Case Officer¹:

M Wishart

Signed Authorising Officer²:

K Foster

Date:

22 July 2024

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

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

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.

Contd.....

Appendix 1 – Site Photographs



