

<u>APPLICATION NO:</u>	24/00330/FUL	<u>CASE OFFICER:</u>	Kim Vo
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Cronton Parish Council
<u>LOCATION:</u>	2 Sanbec Gardens, Cronton, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF A BOUNDARY FENCE 2 METERS IN HEIGHT TO THE FRONT AND RIGHT SIDE OF PROPERTY.		

Site Description

The application relates to a two-storey detached dwelling at no.2 Sanbec Gardens. The existing boundary treatment is comprised of a high brick wall to the west and an approximately 2m high grey painted timber fence panels with concrete posts to the east. The application site is located within a Primarily Residential Area as defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (Adopted June 2006).

Proposal

The proposal seeks to extend and replace the boundary fence to the front and east side. The proposed new fence would measure 2m high and would be comprised of grey plastic composite slatted fence panels with anthracite grey aluminium covered steel fence posts. Since submission, amended plans have been received to reduce the extent of the proposed fence line.

Consultations

Highway Authority (27.08.2024): Unsupportive of the proposal being extended into the 2m service strip of the adopted highway.

Cadent Gas (19.08.2024): No objection, informative note required.

Whiston Town Council: No comments received.

Representations

This application has been publicised by letters sent to 8no. neighbours. No representations have been received.

Planning History

99/00202/APP - Erection of single storey ext to side of dwlg to form study, 2 storey ext to other side of dwg to form utility room and hobbies room to ground floor with bedroom extension above and erection of first floor bedroom ext to rear of dwelling. Granted, 16th June 2000.

97/00187/APP - Erection of single storey extension to side of detached garage. Granted, 22nd July 1997.

74/12155/HIST - Erection of 4 number detached 2 storey dwelling 2 number bungalows garages and alterations to access. Granted, 23rd October 1989.

74/10518/HIST - Proposed erection of 8 no detached dwellings and new accesses. Granted, 24th October 1988

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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 (January 2016)

Policy CS2: Development Principles

Policy CS19: Design Quality and Accessibility in New Development

Saved Policies - Knowsley Replacement Unitary Development Plan (UDP) (June 2006)

Policy H5: Development within Primarily Residential Areas

Policy H8: Extensions and Alterations to Residential Properties

Supplementary Planning Documents (SPDs)

Householder Development (June 2016)

Ensuring a Choice of Travel (September 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

The main considerations for this application are:

- Compliance with Householder Development SPD;
- Design and Visual Amenity;
- Neighbouring Amenity;
- Access, Parking and Highway Safety;
- Other Matters.

Compliance with Householder Development SPD

Gates, Walls and Fences

Whilst the proposed new boundary fence will be finished in a different material to the existing, it is considered to be of a similar colour, style and height. The use of plastic composite also exists in the area, with no.1 Sanbec Gardens featuring a similar material to their boundary. It is acknowledged that the proposed fencing will extend further towards the highway and will result in less of an open street scene to the cul-de-sac. However, a 2m service strip will be maintained from the proposed fencing to the edge of the highway which ensures that a sense of openness will still be maintained. The proposal will also reflect a similar gap between the existing neighbouring boundaries and the highway edge. Whilst the proposal will be adjacent to a vehicular access and will be over 0.6m high, the existing fencing already exceeds this height, being approximately 2m high. Moreover, there is an existing hedge to the eastern side boundary (lining the highway edge) which already limits highway visibility into the cul-de-sac. As such, on balance, the proposed new boundary is not considered to result in any greater, significant impact. The proposal would therefore accord with the guidelines under Part 7.12 of the Householder Development SPD.

Neighbouring Amenity

The proposal would bring the fence closer to no.5 and no.6 Sanbec Gardens and no.495 Cronton Road. However, a distance of over 7m will be provided between the proposed fence and the boundaries of these neighbours and the highway of Sanbec Gardens further ensures a clear separation. The proposed height of 2m is also deemed to be appropriate and given the separation distance, any impact in terms of loss of light and overshadowing will be minimal. Given the nature and purpose of the fence, any impact in terms of direct overlooking or loss of privacy is also considered to be limited. In view of the above, it is considered that the proposal would be acceptable and would not have a significant, detrimental impact upon residential amenity to these neighbours, in accordance with Policy CS19 of the Local Plan, Saved Policy H5 and H8 of the Knowsley Replacement Unitary Development Plan, and the Householder Development SPD.

Design and Visual Amenity

The proposed fencing will be highly visible as it is situated on a prominent corner plot within the cul-de-sac. Sanbec Gardens is considered to comprise of boundary treatments of varying design, style and appearance including brick, timber, stone and plastic. As such, whilst the proposed new boundary fence will be finished in a different material to the existing, it would appear in keeping with the mixed boundary treatments of the area. The proposed fencing would also be finished in a similar colour, style and height to the existing fence. It is acknowledged that the proposed fencing will result in less of an open street scene to the cul-de-sac. However, a 2m service strip will be maintained which ensures that a sense of openness will still be provided. The proposal will also reflect a similar gap between the existing neighbouring boundaries and the highway edge. As such, the proposal is considered acceptable regarding its impact upon design, the street scene and visual amenity, in accordance with Policy CS19 of the Local Plan, Saved Policy H8 of the Knowsley Replacement UDP and the Householder Development SPD.

Access, Parking and Highway Safety

The proposal does not affect the existing parking provisions or access arrangements at the site. The Highway Authority have stated that they would be unsupportive of the proposal being extended into the 2m service strip of the adopted highway. However, amended plans have since been received to ensure that a 2m service strip will be maintained. It is therefore considered that the proposal would have an acceptable

impact upon access, highway safety and parking provision in accordance with Policy CS2 and CS19 of the Local Plan, Saved Policy H8 of the Knowsley Replacement UDP, the Householder Development SPD and the Ensuring a Choice of Travel SPD.

Other Matters

The application site is defined as being within a Development Low Risk Area by the Coal Authority. An informative will therefore be attached to provide the applicant further information regarding this.

Cadent Gas have provided comments as the site is in close proximity to medium and low-pressure assets. No objections were raised, subject to an informative to prevent damage to Cadent Gas assets or interference with their rights.

The application site includes mature hedges and some trees along the eastern boundary which are likely to be removed to accommodate the proposed new fence. As such, an informative will be attached to ensure that any potential removal of these are not undertaken during the bird breeding season. Subject to the above informative, the proposal is considered to have an acceptable impact upon biodiversity, in accordance with Policy CS2 of the Local Plan and the National Planning Policy Framework.

Conclusion

The application is for an extension to a dwellinghouse within a Primarily Residential Area and the principle of the proposal is considered acceptable. The proposed development would also have an acceptable impact upon neighbouring amenities; design and visual amenity; and parking and highway safety. On this basis, the proposal complies with all relevant local and national planning policies and guidance.

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) No materials shall be used on the proposed development other than those referred to on the approved plans / supporting documentation.

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
19.06.2024	PP-13167924v1		Location Plan
17.09.2024	A-3 01		Additional Fence Lay Plan

17.09.2024	A-3 02		Additional Fence Lay Plan
17.09.2024	A-3 03		Additional Fence Elevation Plan
17.09.2024	A-3 04		Additional Fence Elevation Plan

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **19 September 2024**

Informatives

1. 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.

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

2. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

3. The applicant is advised that that any tree or hedge removal works during the bird breeding season (1st March and 31st August) should only be carried out where it can be demonstrated by a suitably qualified person that no nesting activity is present. All nesting birds are protected from disturbance or injury under the 1981 Wildlife and Countryside Act. If at any time nesting birds are found or suspected of being present, as a legal requirement, work must cease immediately, and further advice must be sought from a qualified ecologist specialist.

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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