

<u>APPLICATION NO:</u>	24/00393/FUL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Prescot South	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	40 Sandfield Crescent, Whiston, Knowsley		
<u>PROPOSAL:</u>	SINGLE STOREY REAR EXTENSION EXTENDING BEYOND SIDE ELEVATION		

Knowsley Local Plan Policies Map Allocation – Sites Allocated for Housing Development

Site Description

The application relates to a two and a half storey semi-detached dwelling located on a housing development on Sandfield Crescent which is off Two-Butt Lane, Whiston. The application site benefits from private amenity space to the rear; a small front garden and a driveway to the side accessed off Sandfield Crescent.



Proposal

The application proposes a single storey extension to the rear which would project beyond the side elevation. The extension would comprise an extended kitchen area to the side.

The extension would project 3.35 m from the existing rear elevation of the host dwelling and extend 6.70 m in width, extending beyond the gable elevation of the host dwelling by 1.90 m at the side. A gap of 900mm would be retained to the side for access to the rear garden. The extension would have a flat roof attaining a maximum height of 3.2 m (including roof lights).

Consultations

Whiston Town Council - No Comments Received

Environmental Health - No objections in principle subject to condition relating to land contamination.

Representations

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

Planning History

APP. NO: 04/00485/OUT
PROPOSAL: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT.
DECISION: Granted
DECISION DATE: 3 January 2007

APP. NO: 09/00067/REM
PROPOSAL: RESERVED MATTERS APPLICATION FOR ERECTION OF 60 NO. DWELLINGS, CONSTRUCTION OF ACCESSES, CAR PARKING, LANDSCAPING, PUBLIC OPEN SPACE AND ASSOCIATED WORKS (ALL MATTERS TO BE CONSIDERED)
DECISION: Granted
DECISION DATE: 15 June 2009

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS7 - Transport Networks

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

SUPPLEMENTARY PLANNING DOCUMENTS

Householder Development SPD (2016)

Article 35 Statement

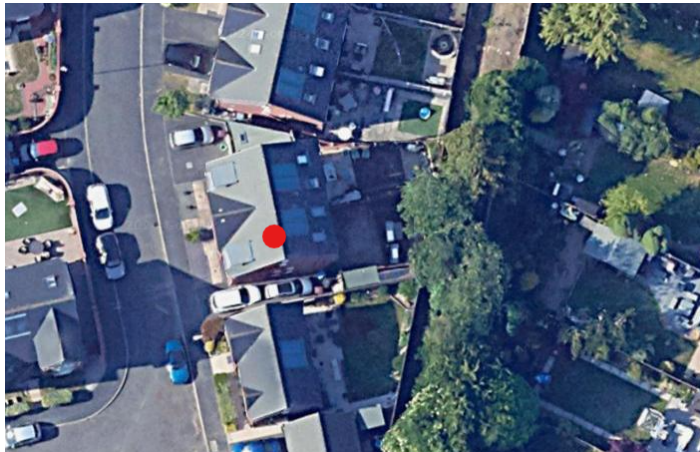
The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Assessment

Policies CS2 and CS19 of the Local Plan Core Strategy and saved policies H5 and H8 of the Unitary Development Plan together with the Householder Development SPD 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.

Layout

Amenity Space - The property has an enclosed private garden to the rear which is relatively small in comparison to the house size. Due to the plot shape, there would be between 3.08 m and 5.86 metres remaining between the extension and the rear boundary. Following the development approx. 34.5 sq. m of useable garden space would remain. This would result in a rather small garden in relation to the dwelling and this would also be shaded by trees on the adjacent site. Nevertheless, it is considered that there would be an acceptable level of room about the dwelling to maintain some private amenity space and it would not result in a cramped appearance within the plot to a degree that would sustain a reason for refusing planning permission in this instance.



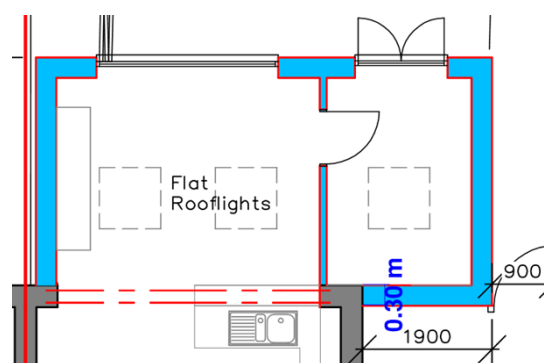
Parking Provision - The proposed development would not result in additional bedrooms. The proposal would not affect the parking provision for the host property.

Waste Storage (Bins) - Currently there is a garden gate allowing access to the rear for the storage of bins at the rear out of view from the street. The development would include the provision of access at the side of the extension.

Design

The Householder Development SPD advises that rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy.

The proposed extension would project out from the rear of the host dwelling and extend beyond the gable elevation. The extension would be set forward of the rear elevation by 300mm at the side.



The host dwelling is brick built with a grey tiled pitched roof with white uPVC windows. The extension would be constructed of matching brickwork. It would have a flat GRP roof with an aluminium double glazed roof lantern. It would incorporate three roof lights. Fenestration would comprise large white uPVC folding doors and a set of white uPVC patio doors to the rear elevation. No other openings are proposed in other elevations. Rainwater goods would be finished black.

The SPD advises that roof lines should be pitched or match that of the host property. In this instance a flat roof extension and roof lights is proposed. While the proposal would not have a pitched roof to match the existing property, the proposed extension would be in the main located at the rear of the dwelling.

There would be a section of the extension that would be presented to the street, this element would be set back by approximately 13.40 m from the end of the driveway. The section of extension presented across the driveway would measure 1.90 m wide and it is not proposed to include any fenestration within this elevation. In that regard a brick façade attaining a maximum height of approx. 3m would be presented to the street. Whilst this would be substantially higher than the existing fence at the side; a brick wall of up to 2.00 m in height could be erected to the side of the property using permitted development rights. Taking into account the distance of the structure from the street frontage it is considered that overall, the design would be acceptable given that the proposed extension would not be highly visible from the street.



Highway Considerations

The proposal does not raise any concerns in regard to highway and pedestrian safety.

Residential Amenity

No. 42 Sandfield Crescent

No. 42 is the adjoining semi-detached property.

The Householder Development SPD advises that single storey rear extensions are acceptable in principle up to 4m in depth. The proposed extension would extend 3.35m along the common boundary. There is an existing high level boundary fence separating the two properties. The proposed extension would be within the acceptable tolerance set out in the SPD.



There would not be adverse impacts on the residential amenity of the occupiers of No. 42 as a consequence of the proposed development.

No. 38 Sandfield Crescent

No. 38 is a neighbouring detached property.

The host dwelling is set further behind the neighbouring property by approximately 4.15 m and at a distance of approximately 4m. The proposed extension would therefore be set approximately 7.7 m beyond the rear elevation of No. 38.



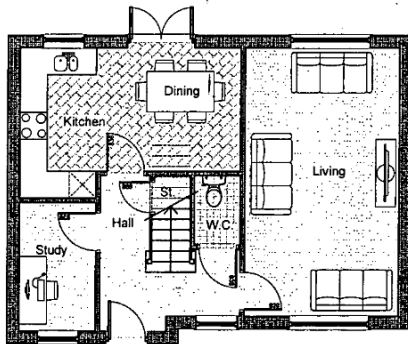
The Householder SPD requires that extensions need to comply with the 45-degree rule and should be designed so as not to cross the 45 degree line from a neighbour's nearest habitable window. The rule is designed to protect the amenities of neighbouring dwellings from overshadowing or obstruction of outlook. It is principally applied to extensions that project beyond the building line either at the front or rear.

Specifically in terms of rear extensions the SPD advises that *a single storey extension beyond 4m (or in a situation where the application property has a rear elevation which is set further back than the rear elevation of the neighbouring dwelling) will normally only be permitted if it does not breach the 45 degree rule.*



In this instance, given the juxtaposition of the dwellings, the extension would exceed 4m beyond the rear of No. 38 and would also cross the 45-degree line. The nearest habitable window of the neighbouring property serves a kitchen / dining room on the

ground floor. This window is however a secondary window as the ground floor kitchen / dining room is also served by patio doors.



The proposed extension would fall within a 45-degree line from both the kitchen / dining room window and the patio doors. However, the main roof of the proposed extension would be a flat roof attaining a maximum height of 3 m which would be set off the boundary by approx. 900mm; there would also be a gap of 3.7 m between the rear elevation of No. 38 and the start of the extension, furthermore and there are existing structures along the common boundary.



Taking all of the above factors into account, it is considered that despite the breach of the 45-degree line, the proposed extension would not result in significant

detrimental impacts on this neighbouring property to a point where it would appear overly dominant or that it that it would result in overshadowing or loss of light to warrant refusal in this instance.

On balance, the development would not have an unacceptable adverse impact on residential amenity through loss of light, overshadowing or by appearing overly dominant.

Other Considerations

Contamination Considerations

The application site is identified as a Waste Tipping Site, the wider residential development was erected within the vicinity of a former landfill which was investigated and monitored under planning approvals referenced 04/00485/OUT, 09/00067/REM and 11/00403/FUL. 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 Officers have reviewed the application proposed and advised that for each property the following build phase remediation and validation was undertaken:

- Installation of a gas/vapour protection membrane (to amber 1 requirements, 1200 gauge membrane, 150mm clear void). Following installation each plot was visually inspected for compliance with the specification including the subfloor void and airbricks, protection membrane type and installation validation. Independent integrity testing of the membrane was undertaken at 1 in 3 properties.
- Provision of a 600mm clean cover soil system underlain by a high visibility geotextile membrane in all areas of soft landscaping including gardens.

Based on the information available to them 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 hard standing of the patio area and beneath 600mm within the garden. It is therefore considered prudent to ensure that no pathways are created by which any contamination may either migrate off-site or affect site users and to control dust during excavation works. These matters can be addressed and secured by a suitable planning condition if planning permission is granted.

Subject to the imposition and compliance with the condition recommended by Environmental Health, it is considered that the development can be suitably managed and the risk from land contamination to occupiers of the property and the surrounding area can be minimised and the development would comply with the NPPF, Policies CS2 and CS19 of the Local Plan and Saved Policies ENV5 and ENV6 of the UDP.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways. The proposal complies with the NPPF, relevant Core Strategy and Replacement UDP policies and guidance in relevant SPD 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 (2023) , Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006.

- 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 details in respect to the following matters:
 - Gas/vapour protection membrane. The measures to be installed must comply with the British Standard BS 8485:2015 +A1:2019:
 - i. What specific gas/vapour membrane will be used? The membrane specification must be at least equal to that already installed under the property.
 - ii. How will it be installed and specifically how will the new membrane be integrated with the existing gas protection measures, including ventilation arrangements.
 - iii. The name of the competent persons / company installing the membrane?
 - iv. How the installation of the membrane will be validated?
 - Cover system
 - i. How material excavated for the foundations and other earthworks from beneath the existing patio and/or beneath the high visibility membrane will be removed and disposed of offsite and will not impact the clean cover system in place at this property.

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 Local Planning Authority. The statement shall demonstrate that works have been carried out in accordance with the agreed methodology detailed in Point 1 above.
- C. Water suppression shall be used, as required, to ensure there are no dust emissions from the excavated materials whilst being moved or being stored on site.

Reason: In the interests of safety 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 Policies ENV5 and ENV6 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
22/07/2024	-	-	SITE LOCATION PLAN
22/07/2024	2407/RSC/200/02	-	PROPOSED

Signed Case Officer¹: M Wishart

Signed Authorising Officer²: K Foster

Date: 19 September 2024

Informatives

- NOTE FOR APPLICANT:** The applicant's attention is drawn to the following comments;
- The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered

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

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

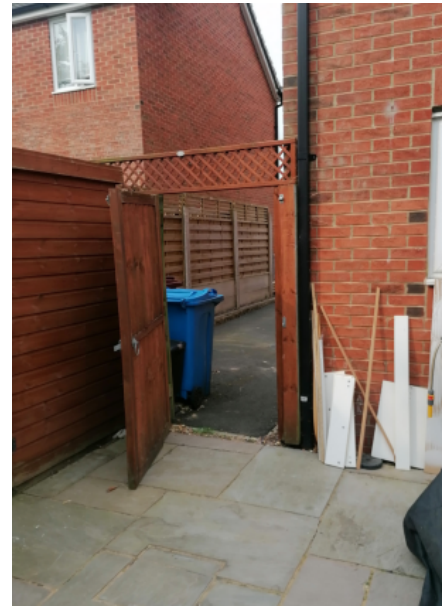
Standing Advice valid from 1st January 2023 until 31st December 2024

- 3 The responsibility to properly address contaminated land issues lies with the owner/developer of the site, irrespective of any involvement by this Authority. The applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0151 443 4712) as soon as is practicable should contamination be encountered during the development of the site.

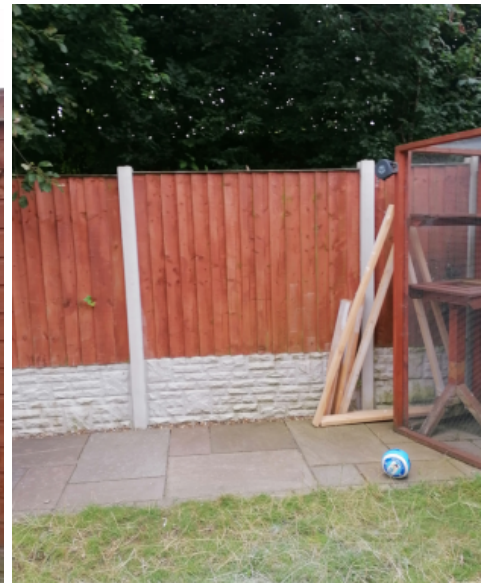
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Appendix 1 – Site Photographs





Boundary with No. 38 Sandfield Crescent



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Boundary with No. 42 Sandfield Crescent