

<u>APPLICATION NO:</u>	23/02788/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	40 Pottery Close, Whiston, Knowsley, L35 3RW		
<u>PROPOSAL:</u>	ERECTION OF TWO STOREY SIDE AND REAR EXTENSION (DEMOLITION OF GARAGE AND SINGLE STOREY REAR STRUCTURE)		

Site Description

The application property is located at the centre of a cul-de-sac fronting a roundabout. It is semi-detached and features a garage at the side and single storey rear extension.

The properties located on the street scene consist of a staggered arrangement with the design of specific dwelling houses being relatively uniform.

The property benefits from a hardstanding drive capable of accommodating 1no. vehicle.

Proposal

The application proposals have been altered since their original submission. The proposals as revised consist of a two storey side and part single storey part two storey rear extension located entirely within the curtilage of the property boundary.

Following the demolition of existing structures the two storey side extension would 2.52m in width and span 12.31m in depth. It would then turn and span a width of 7m at ground floor level. The two storey rear aspect would be set in 1.98m from the common law boundary of the adjoining property and would have a maximum width of 5.2m. It would project 3.24m from the rear elevation.

The extension would extend the hip roof measuring 5.43m at the eaves and 7.06m at its highest point. The single storey rear extension would accommodate a pitch roof measuring 4.1m at its highest point.

The proposals would provide a lounge, utility room, open plan kitchen and dining room. At first floor level an additional 2no. bedrooms and 1no. bathroom is proposed.

Consultations

Highways -.No objection subject to condition.

Representations

This application has been publicised by letters sent to 5 neighbours. No

representations have been received.

Planning History

No 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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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.

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

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.

The site is identified as within a Primarily Residential Area within the adopted Development Plan. As such, the extension to a domestic property is considered acceptable in principle, subject to compliance with local planning policy and guidance.

Regarding the adopted Development Plan policies, the proposed application has regard to policies CS2 and CS19 of the adopted Local Plan Core Strategy (2016) and saved policy H8 of the Unitary Development Plan (2006), together with the Householder Development SPD (2016).

These policies and guidance 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.

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

Design

Revised plans have been received to clarify measurements and ensure that these correspond between the proposed floor plans and elevations. Whilst there are some minor discrepancies the applicant has provided key measurements to confirm the dimensions the proposed extension will be built to and also to clarify the proximity of the extension in relation to the property boundary. On the basis of the information it has been able to consider the development as proposed.

The character of the street scene is predominantly comprised of semi-detached properties. 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 to neighbours. Likewise, it advises rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to neighbours or appear unduly dominant.

The SPD advises that a set back of 1m is required to avoid the creation of a terracing effect. This may be relaxed in the case of a staggered or irregular arrangement such as the application property. Due to the nature of the application property together with the staggered arrangement in relation to the neighbouring property which does include a 1m set back there would be no terracing effect created and a set back is therefore not required.

The two storey side extension would be faced in materials to match the existing dwelling house. In addition, the hip roof would be extended and would therefore be in keeping with the host property and those found within its immediate vicinity.

Although the SPD advises windows should not be located at gable end of properties, these would serve non habitable rooms and would simply provide some limited light given the neighbouring extension and would not be visible.

The two storey rear extension includes a hip roof which would sit lower than the existing roof helping it appear subservient to the host property albeit only appreciable from the private amenity space of neighbouring properties. As originally submitted, the two storey rear extension would not comply with the Local Planning Authorities guidance relating to rear extensions due to the projection and the fact it breaches the 45 degree rule. Revised plans have been received setting in the rear aspect by 1.98m from the common law boundary of the neighbouring property. The revised proposals are acceptable in terms of design and scale in relation to the host property.

The single storey rear extension would include 1no. large glazed opening at the rear and would accommodate a pitch roof in accordance with the SPD.

Overall, the development is acceptable in terms of design.

Residential Amenity

No. 41 Pottery Close

No. 41 is the adjacent semi detached property. It has been extended in the form of a two storey side and rear extension. Due to the staggered arrangement of these properties no. 41 is slightly set back from the front elevation of the proposed extension. A 45 degree plan has been provided which demonstrates the 45 degree rule would not be breached in relation to the nearest habitable window.

The proposed two storey side extension includes windows located at the gable end. These serve non-habitable rooms and due to neighbours extension would not result in any effects to residential amenity.

Due to the staggered arrangement of dwellings, the proposed extension would not project beyond the rear elevation of no. 41. As such, there would be no adverse impact on residential amenity.

No. 39 Pottery Close

No. 39 is the adjoining semi-detached property. As originally submitted, the two storey rear extension projected 4.62m beyond the rear elevation of the original house. The Householder Development SPD advises that two storey rear extensions up to 3m are acceptable and that development beyond 3m would need to ensure that the 45 degree rule is not breached. As originally submitted the 45 degree rule would be breached. The Local Planning Authority has worked positively with the applicant who has set in the two storey aspect by 1.98m to ensure the 45 degree rule is not breached.

No. 39 includes a single storey rear extension. The development would not project more than 4m beyond the rear elevation of the neighbouring property rear elevation and as such there would be no adverse effect to residential amenity in relation to existing or future occupiers.

No other properties would be effected.

Highways

Due to the increase in the number of bedrooms parking provision of 3no. vehicles within the curtilage of the property are required. The current parking arrangement provides space for 1no. vehicle. The applicant has provided a parking plan demonstrating that 3no. vehicles can be accommodated within the curtilage of the property boundary and this has been accepted by the Highways Team.

Notwithstanding this, a condition should be applied to this application to ensure that 3no. parking spaces are provided. Subject to this condition there would be no adverse impact on highway safety.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways (subject to condition attached). 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 will 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.

- 4) Notwithstanding the proposed car parking layout Dwg No 20 submitted, no part of the development hereby permitted shall be brought into use until the dwarf wall fronting the public highway has been demolished and drop kerb has been extended in accordance with the specification of the Local Planning Authority. The additional car parking area shall be made of porous materials, or provision shall be made to direct run of water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The agreed area shall be retain as such at all times thereafter.

Reason: To ensure that adequate off-street parking is available in accordance with Policies CS2, CS7 and CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved policy H8 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
23.01.2024	1		BUILDING SPECIFICATION
23.01.2024	LOCPLAN		LOCATION PLAN
12.03.2024	19		PROPOSED BLOCK PLAN
19.03.2024	5A		PROPOSED GROUND FLOOR PLAN
07.03.2024	17		PROPOSED FIRST FLOOR PLAN
12.03.2024	20		CAR PARK PLAN
06.03.2024	14A		PROPOSED SIDE ELEVATION
12.03.2024	16A		PROPOSED REAR ELEVATION

07.03.2024	13A		PROPOSED SIDE ELEVATION
FRONT ELEVATION	21A		EXISTING AND PROPOSED FRONT ELEVATION
12.03.2024	6A		PROPOSED FIRST FLOOR EXTENSION

Signed Case Officer¹: **John Fleming**

**Signed Authorising
Officer²:** **Alan Kilroe**

Date: **21 March 2024**

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.

INFORMATIVES

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

