

APPLICATION NO: 24/00204/FUL **CASE OFFICER:** Andrew Hunt
WARD: Shevington **PARISH:**
LOCATION: 40 Boyes Brow, Tower Hill, Kirkby, Knowsley, L33 2DZ
PROPOSAL: RETROSPECTIVE APPLICATION FOR THE ERECTION OF
OUTBUILDING IN REAR GARDEN

Site Description

The application site is an end terrace dwelling at (Boyes Brow). The site is slightly elevated above Boyes Brow and is located on the corner of the row of houses. There is a shared wall with the nearest property to the west. There is a row of dwellings to the north east, and other dwellings to the west, north west and north. To the south and south west there is a grassed area and the road of Boyes Brow.

Proposal

The proposal is a retrospective application for the erection of an outbuilding in rear garden. However, a site visit has confirmed that the outbuilding has the necessary features of an independent dwelling (a bathroom, kitchen and sofa bed) with one window for each room and is therefore not considered incidental to the enjoyment of the dwellinghouse.

Consultations

N/A

Representations

This application has been publicised by letters sent to 7 neighbours. 3 Objections have been received consisting of the following main points:

- This accommodation offers fully independent accommodation. There was no consultation with neighbours regarding its erection or possible use.
- In addition, no regard was given to the possible negative impacts of noise or light on the long term mental health and well-being of local residents.
- This area has insufficient parking to accommodate more cars.
- Loss of privacy from the outbuilding.
- There is significant noise from the property at night with people visiting using the separate entrance.
- The dwellings is a residential living space, I am concerned there could be multiple occupants at the site.
- The building is used as a self contained living accommodation, not an

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

- outbuilding.
- The building is built close to the wall.
- I am concerned about compliance with fire safety.

Planning History

None relevant.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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

CS2 - Development Principles
CS19 - Design Quality and Accessibility in New Development

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

H5 - Development within Primarily Residential Areas

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.

ISSUES AND ASSESSMENT:

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

PRINCIPLE OF DEVELOPMENT (DWELLING)

The application form describes the building as a domestic outbuilding with some ancillary living space and a bathroom, however a site visit confirmed that the outbuilding has the necessary features of an independent dwelling (a bathroom, kitchen and sofa bed) with one window for each room and is therefore not considered incidental to the enjoyment of the dwellinghouse.

The application site is situated within a Primarily Residential Area, therefore, the development is acceptable in principle subject to impact on amenity and other considerations. However, as the outbuilding is located in the rear garden of 40 Boyes Brow its use as an independent dwelling would fail to provide appropriate privacy as neither dwelling would have its own private garden space and there would also be no parking which for an independent dwelling in this location would not be acceptable in relation to highways impacts. Therefore, the use of the building by separate owners from the main house would not be compatible with residential amenity either as a dwelling or a holiday let. A condition will therefore be imposed that requires the building to be used by a family member of the occupant of 40 Boyes Brow.

RESIDENTIAL AMENITY

Policy CS19 in the Core Strategy requires new developments to maintain a good standard of amenity for all existing and future occupants of land and buildings by avoiding unacceptable impacts on existing residents and future occupiers.

In relation to 38, there is some loss of light and outlook to the rear kitchen window of 38. However, the structure of the outbuilding is within permitted development limits and therefore the structure itself would not require planning permission (were it incidental to the dwelling of 40). The internal layout of the building could be changed to remove independent living elements and planning permission would no longer be required. Given the fallback position, this is a material consideration of significant weight. As a result, there would not be sufficient grounds to refuse the application on loss of light or outlook.

In relation to 11 Buttermere Close. There is a side window which faces west towards 11, however, this is only single storey and would not provide any greater visibility than allowed from the garden of number 40. The structure of the building also falls in permitted development limits and subject to the condition that requires the occupant to be related to the occupant of 40 Boyes Brow it is considered that there would not be significant harm to the privacy of 11.

Overall, it is considered that the structure of the building will not cause significant harm to neighbours. However, it is considered that the use of the building separately to the main dwelling would have the potential to cause noise impacts. A planning condition is therefore required to prevent the building being occupied except in connection with the main dwelling of 40. Overall, subject to this condition the development complies with Core Strategy Policy CS19.

OTHER CONSIDERATIONS

In relation to fire safety, this is a matter for building control rather than the planning system. In addition boundary issues are addressed via the party wall act rather than the planning system.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

CONCLUSION

The development would be unacceptable as an independent dwelling however, it could be made acceptable provided it is functionally linked to the main dwelling of 40.

As a result, with conditions it would not cause harm in relation to the amenity of neighbouring properties. The proposed development complies with policies included within the Core Strategy (2016), Knowsley Replacement Unitary Development Plan (saved policies 2009) and National Planning Policy Framework (2023).

RECOMMENDATION:

That Planning Permission be granted subject to the following condition(s):-

1) Plans

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:-

- a. Block and Site Plan (received 22/04/2024).
- b. Existing Layouts (1050/24) - (received 25/04/2024).

Reason: For the avoidance of doubt.

2) Ancillary

The self-contained building hereby permitted shall only be used for the purpose of providing residential accommodation for the owner (or relatives of) 40 Boyes Brow. The outbuilding shall not be used for residential accommodation by anyone who is not a family member of the owner of 40 Boyes Brow.

Reason: In order to prevent the inappropriate use of the building as a separate dwellinghouse.

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Alan Kilroe

Date:

18 June 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

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

c:\users\bidej\appdata\local\microsoft\windows\inetcache\content.outlook\i1ys56ie\1 willaston drive.docx

1) N/A

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

c:\users\bidej\appdata\local\microsoft\windows\inetcache\content.outlook\i1ys56ie\1 willaston drive.docx