

<u>APPLICATION NO:</u>	24/00392/FUL	<u>CASE OFFICER:</u>	Kim Vo
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Whiston Town Council
<u>LOCATION:</u>	41 Pottery Lane, Whiston, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF A TWO STOREY SIDE EXTENSION WITH A PROPOSED UNDERCROFT TOGETHER WITH THE ERECTION OF A NEW BOUNDARY WALL.		

Site Description

The application relates to a two-storey detached dwelling at no.41 Pottery Lane, which is located on a corner plot where Pottery Lane meets Doulton Place. There is hard surfacing to the front and west side, providing off-street parking provisions for at least 2no. vehicles. There is also a brick boundary wall and timber gates located to the west of the dwelling. 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 proposed two storey side extension would project 2.88m from the original side wall with a total depth of 5.69m. A matching dual pitch roof is proposed and would measure 7.5m to the ridge. To the front and rear elevations, a window with matching heads and cills are proposed at first floor. At ground floor, the proposed extension would be fully open to the front and rear to form an under croft parking area. At first floor, an additional bedroom and bathroom would be provided. The proposal will be finished in matching render and brickwork to the exterior, matching concrete roof tiles, and matching white uPVC frames to the windows and doors.

The proposed new brick boundary to the west will replace the existing. It will be 215mm thick and have an overall height of 1.2m.

Since submission, amended plans have been received to reduce the ridge height and set back the front elevation of the proposal.

Consultations

Highway Authority (17.09.2024 and 23.09.2024): Withdraws previous objection as it is now satisfied that there is sufficient parking space in the under croft.

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

Environmental Health (16.08.2024): The application site is within the vicinity of a former landfill which was investigated under planning approval ref: 14/00462/FUL, where earthworks were undertaken, and remediation measures put into place. As such, there is potential contamination and conditions are requested to provide an implementation plan; a validation statement; and for water suppression to be used to minimise dust emissions.

Whiston Town Council: No comments received.

Representations

This application has been publicised by letters sent to 11no. neighbours. No representations have been received.

Planning History

14/00462/DISCON - Discharge of condition 3 , 6, 7 & 8.

14/00462/FUL - Erection of 1no 2bed two storey dwelling, with associated car parking, landscaping, and 2m high timber fence to rear of plot. Granted, 16 December 2014.

04/00421/OUT - Outline application for residential development. Refused, 29 July 2004.

74/13768/HIST - Proposed erection of 1 number bungalow and new access. Refused, 12 December 1991.

74/12864/HIST - Proposed erection of 1 number dwelling and new access. Refused, 05 October 1990.

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 (UDP), 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 UDP (June 2006)

Policy H5: Development within Primarily Residential Areas

Policy H8: Extensions and Alterations to Residential Properties

Policy ENV5: Contaminated Land

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;
- Waste Management;
- Land Contamination;
- Other Matters.

Compliance with Householder Development SPD

Proposed Two Storey Side Extension

The proposed extension would fail to provide a 1m setback from the main front wall, and also between the proposed extension and the side boundary. However, the application site is located on a corner plot and no.47 Pottery Lane is distanced over 15m away. The proposal would therefore not result in a terracing impact and the 1m requirement can be relaxed in this specific case. The proposal will feature a matching dual-pitch roof which would be set lower than the main ridgeline and would also be set back by 1 course of brickwork from the main front wall. There are no openings proposed to the side elevation. The two storey side extension would therefore accord with the guidelines under Part 7.2 of the Householder Development SPD.

Extensions on Corner Plots

The application site is located on a corner plot however, as the proposed extension is positioned to the west side, the corner junction where Pottery Lane meets Doulton Place will remain open. The proposal would also not go beyond any established building lines and whilst a blank side gable end is proposed, this would correspond with the existing blank gable end at no.47 Pottery Lane. The proposal would also not exceed half the width of the original dwelling, would appear as a proportionate and subordinate addition, featuring a matching pitched roof. Given the location of the proposal to the west side, it is also not considered that it would affect visibility for highway users accessing from Doulton Place. The proposal would therefore accord with the guidelines under Part 7.6 of the Householder Development SPD.

Gates, Walls and Fences

The proposed new boundary wall to the west is indicated as being finished in brickwork, which will remain in keeping with the existing brickwork boundary wall to be replaced. Whilst the new 1.2m high boundary wall will be adjacent to a vehicular access and will be over 0.6m high, the existing west side wall already exceeds this height, being 0.9m high. Moreover, there are existing mature trees and vegetation to the western side boundary (within no. 47 Pottery Lane's site) which already limits visibility from this existing access. As such, on balance, the proposed new wall height is not considered to result in any greater, significant impact, than the existing boundary treatment. The proposal would therefore accord with the guidelines under Part 7.12 of the Householder Development SPD.

Neighbouring Amenity

No.47 Pottery Lane

No.47 Pottery Lane is the adjacent neighbour to the west. The proposed two storey side extension would extend close to the shared side boundary with no.47. However, a sufficient distance of over 16m would be provided between the side elevation of the proposal and the dwelling of no.47. This neighbour also has existing mature trees and vegetation along the boundary which would provide some screening of the proposal. There are also no openings to no.47's side elevation (facing towards the application site) and therefore, the impact in terms of loss of light and privacy is deemed to be minimal. The proposed new 1.2m high boundary wall is also considered to be of an appropriate height and would be well obscured by the existing trees and vegetation and by no.47's existing detached double garage.

No.3 Doulton Place

No.3 Doulton Place is the adjacent neighbour to the rear. The proposal will feature an additional window at first floor which will face towards no.3. However, this window will be distanced 19m away from the front elevation of this neighbour and no.3's existing mature trees to the front will provide a degree of screening, ensuring that any impact in terms of direct overlooking and loss of privacy will be limited. The proposed new openings are also not considered to have any greater, significant impact than the existing rear elevation openings and the proposed extension itself would not project beyond the original rear wall of the application dwelling.

No.68 Pottery Lane

No.68 Pottery Lane is the opposing neighbour to the front of the site. The proposal includes an additional window at first floor, to the front elevation which would face towards this neighbour. However, a sufficient distance of over 21m would be provided between the proposed window and no.68's front elevation. It is also not considered that the proposed window would have any, greater significant impact than the existing front elevation openings. Therefore, any impact in terms of direct overlooking or loss of privacy is 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 UDP, and the Householder Development SPD.

Design and Visual Amenity

The proposed extension would be a proportionate addition to the main dwelling and would have a ridge height set lower than the main ridgeline, which ensures that it would appear subordinate to the original dwelling. The proposed extension would be highly visible from Pottery Lane and the application site itself is situated on a prominent corner plot. However, no terracing impact will occur given the significant distance between no.47 Pottery Lane. The proposed extension would also be setback from the main front wall by one course of brickwork, ensuring that it does not appear as an overbearing or dominating addition. Moreover, there are properties within the vicinity which feature two storey side additions. The proposal would therefore appear in keeping with the character of these existing developments. The proposal will also have a matching dual pitch roof and will be finished in matching materials. The proposed replacement boundary wall is also deemed to be of an appropriate height (1.2m) and would be finished in brickwork which will be a suitable material that would match the existing brick boundary wall. 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 would create an additional bedroom, resulting in the application property becoming a 3no. bedroom dwelling. 2no. off-street parking spaces are therefore required for a 2/3no. bedroom property, as specified within Appendix A of the Ensuring a Choice of Travel SPD. The proposed side extension includes the creation of an undercroft parking area at ground floor which would have a total width of 2.55m. Whilst this would not meet the minimum width dimensions of 2.75m for side parking areas (as specified within the Householder Development SPD), it would still provide a usable side parking space for 2no. vehicles and would be the same width as the existing side parking area, which can currently be used for parking. As such, the proposal would achieve the parking standards and Highways have also raised no objection as they are satisfied that there is sufficient parking space in the undercroft. The application site is also sustainably located around a 15 minutes' walk to the Whiston railway station, and a 2 minutes' walk to bus stops along Pottery Lane, with frequent services to the wider area. 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.

Waste Management

The proposal would create an undercroft which would be fully open at ground floor. As such, a gap of over 1m would remain available to the side for access to the rear for the storage of waste and recycling bins. The proposal is therefore acceptable in terms of waste management and storage, in accordance with the Householder Development SPD.

Land Contamination

Environmental Health have been consulted and notes that the application site is within the vicinity of a former landfill which was investigated under previous planning approval ref: 14/00462/FUL. As part of the permission, earthworks were undertaken, and remediation measures were put into place to ensure that the site is suitable for a residential end use. This involved the provision of a 600mm clean cover soil system underlain by a high visibility geotextile membrane in all areas of soft landscaping including gardens. As such, there is the potential that some contamination may still exist below the hard standing areas and beneath 600mm within the garden. Conditions have therefore been requested by Environmental Health for the provision of an implementation plan; a validation statement to be submitted upon completion of works; and for water suppression to be used to minimise dust emissions. Subject to the above conditions and informative, the proposal is deemed to be acceptable in terms of land contamination, in accordance with Saved Policy ENV5 of the Knowsley Replacement UDP and the NPPF.

Other Matters

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.

Conclusion

The application is for an extension to an existing 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; parking and highway safety; and waste management. Matters relating to land contamination will also be mitigated by conditions. 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) The materials to be used on the external surfaces of the extensions 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) No development hereby approved shall commence until an implementation plan has been submitted to and approved in writing by the Local Planning Authority. The implementation plan must be carried out by a competent person and shall set out details in respect to the following matters:

Cover system

How material excavated for the foundations and other earthworks from 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 development hereby approved shall then be carried out in accordance with the approved implementation plan. Thereafter, following completion of the proposed works, a validation report to confirm that works have been carried out in accordance with the approved implementation plan shall be produced and submitted to and approved in writing by the Local Planning Authority.

Reason: Details are required prior to the commencement of development to ensure that any contamination is treated to the satisfaction of the Local Planning Authority in accordance with Saved Policy ENV5 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, and the National Planning Policy Framework, which states that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

- 5) No development hereby approved shall commence until details for the use of water suppression systems to minimise dust pollution from the excavated materials during site clearance and construction works has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: Details are required prior to the commencement of development to minimise and mitigate to acceptable levels any effects that the development may have in terms of dust pollution and to protect the amenities of the neighbouring occupiers, in accordance with Policy CS2 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
02/08/2024	PP-13258672v1	-	Location Plan
13/09/2024	02/07/41	Rev. A	Proposed Ground Floor Layout and Proposed Site Plan
13/09/2024	03/07/41	Rev. A	Proposed First Floor Layout and Proposed Block Plan
13/09/2024	04/07/41	Rev. A	Proposed Front and Side Elevation
13/09/2024	05/07/41	Rev. A	Proposed Rear Elevation and Section

Signed Case Officer¹: **Kim Vo**

Signed Authorising Officer²: **K Foster**

Date: **25 September 2024**

Informatives

1. 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.

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

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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This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact Cadent Gas at plantprotection@cadentgas.com or on 0800 688 588.

2. 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. If contaminated material is encountered the applicant/developer is required to dispose of the contaminated arisings appropriately. They should also be aware of their health and safety responsibilities to workers in respect of handling such materials. The developer should also ensure that no pathways are created by which any contamination may either migrate off-site or affect site users.