

APPLICATION NO: 23/00720/FUL **CASE OFFICER:** John Fleming

WARD: Whiston Town Council **PARISH:** Whiston & Cronton

LOCATION: 51 Windy Arbor Road, Whiston, Knowsley, L35 3PA

PROPOSAL: CONSTRUCTION OF DROPPED KERB AND HARDSTANDING AND ASSOCIATED WORKS FOR VEHICULAR ACCESS TOGETHER WITH THE ERECTION OF A SINGLE STOREY OUTBUILDING ADJACENT THE REAR CURTILAGE

Site Description

The application property is a semi-detached dwelling. A dwarf brick wall fronts the application property and provides 1 point access to a shared drive associated with no. 49. To the rear of the property is private amenity space enclosed by a mix of timber fencing and concrete panel fencing. The ground floor area of the private garden sits at a slightly higher elevation than the ground floor level of properties at the rear.

Proposal

The application seeks the construction of a new drop kerb to serve the application property together with the erection of outbuilding.

The outbuilding would occupy a footprint of 6m width by 7.07m depth and include 2no windows in the side elevation and 1no. bi-folding door and accommodate a flat roof measuring 2.49m at its highest point.

Consultations

Highways – No objection.

Representations

This application has been publicised following letters sent to 6 neighbours. No representations have been received.

Planning History

No previous 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

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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
CS7 – Transport Networks
CS19 - Design Quality and Accessibility in New Development
H5 – Primarily Residential Area.
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 a primarily residential area within the adopted Development Plan. As such, the proposed works to a domestic property are 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

The applicant intends to demolish the existing dwarf wall to accommodate a new vehicle crossing. As such, there are no impacts in terms of character and appearance of the street scene given similar arrangement exists within the wider street scene.

The outbuilding would be built in brick and contain 3no. openings. Whilst it would include 2no. windows at the side elevation it would not overlook neighbouring properties. Notwithstanding this, although the orientation is off set the application proposals would fall under the remit of permitted development rights due to the maximum height being limited to 2.5m. As such, despite an application being submitted the applicant could undertake the works under permitted development rights and as such it is considered acceptable.

Residential Amenity

No. 53 Windy Arbor Road

No. 53 is the adjoining semi-detached property and has been extended at the rear. It includes a number of mature trees alongside the common law boundary within its rear curtilage. The proposed drop kerb would not adversely affect residential amenity of the residents of this property. In addition, the outbuilding would be largely obscured by vegetation within no 53's private amenity space and the development could be erected under permitted development rights. As such, it is not considered that development would be adversely affect.

No. 49 Windy Arbor Road

No. 49 is the adjacent semi-detached property which shares access to the application property. This property appears vacant however, the extended drop kerb would not affect residents amenity and the application form confirms the new driveway would be installed with permeable surface meaning that it could be installed under permitted development rights.

The outbuilding would be obscured by tall close boarded timber fencing. The development is not considered to adversely affect residents amenity given the tall timber fencing found along the common law boundary. As such, no impact to existing or future residents amenity would occur as a result of the proposed development.

No's 19 & 21 Fisher Avenue

The above properties form part of a group of terrace properties located at the rear of the property boundary. The ground floor level of the application property is around 30cm above the ground floor level of these properties located at the rear. The outbuilding will be constructed of brick and would have a maximum height of 2.5m. Given that the outbuilding falls under the scope of permitted development it is not considered that this aspect of the proposals would adversely affect residential amenity.

Highways

The Highways Authority have confirmed no objection to the proposed development. As such,

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

development will not lead to a severe adverse highways impact and therefore is considered acceptable.

Conclusion

The proposal would be acceptable in terms of design, residential amenity and highways. 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 proposed outbuilding 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
08.05.2024	A100		LOCATION PLAN AND PROPOSED SITE PLAN
22.03.2024	A101		PROPOSED OUTBUILDING PLANS AND ELEVATIONS
08.06.2023	--		MATERIALS VEHICLE ACCESS CROSSING & OFF ROAD PARKING AREA
08.06.2023	--		BOUNDARY SPECIFICATION

Signed Case Officer: John Fleming

Signed Authorising Officer: K Foster

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

Date:

5 June 2024