

<u>APPLICATION NO:</u>	23/02725/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	21 Foxleigh, Halewood, Knowsley, L26 7ZT		
<u>PROPOSAL:</u>	ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION AND DEMOLITION OF EXISTING CONSERVATORY		

Site Description

The application property is located on a relatively modern housing estate situated at a bend on Foxleigh. It is brick facing and rendered with mock Tudor finishes. It features a small porch and bay window together with a gable roof.

The property has a hardstanding tarmac drive at its western elevation together with small, turfed garden which also serves as landscaping treatment as part of the construction of the wider housing estate. The rear garden is contained by a brick wall and close boarded timber fencing beyond which is an area of grassland which contains some shrubbery on what appears to be the highway service strip.

The property has been previously extended at the rear in the form of a single storey rear conservatory.

Proposal

The proposals have been revised since their original submission. The proposals as now submitted seek to erect a 2storey side and rear extension.

The proposed extension would span 1.87m in width from the gable end of the property and span 5.0m in depth. It would then turn and span a width of 7.24m at the rear. The rear aspect would project approximately 3m from the existing rear elevation.

The proposed development would accommodate a hip roof measuring 4.67m at the eaves and 7.12m at its highest point. The proposal would include 1no. window and door to the front elevation, 1no. window obscured at the southwest elevation, 2no. windows at the northeast elevation together with 3no. windows and 1no. double door at the rear.

The development proposals would provide an open plan kitchen and dining room, utility together with internal alterations at ground floor level. At first floor level a new bedroom is proposed together with family bathroom.

Consultations

Highways Authority – No objection subject to condition.

Representations

This application has been publicised by letters sent to 11 neighbours. A total of 2no. objections have been received following the initial round of consultation. The objections raise the following concerns:

- The scale of the proposed extension will remove the existing boundary wall fence and replace it with a double height brick structure. This will impact light coming into the house which has 1no. window. A photograph has been provided to illustrate the current light situation of the objectors living room.
- Concern over loss of daylight due to the rear and side double height extension and how it will visually overlook the property.

Following revised proposals being received to address these concerns a further round of consultation with neighbours was undertaken. A total of 2no. representations were received comprised of 1no. letter of support and a further 1no. objection was received from a previous objector. It maintains the previous concerns raised regarding the loss of light.

Whilst it is acknowledged that there could be an element of overshadowing, the proposed extension has been reduced so that it does not project from the gable end of the property and thereby retaining boundary wall. Concerns of light have been raised however, the applicant could undertake the rear aspect under permitted development rights which are still intact subject to the omission of the side extension and this would represent a realistic fall back position that the applicant could rely upon and would be visually similar to that proposed. As such, given that the scale of development has been reduced and it would maintain a distance of 16.96m from the front elevation of these properties it is not considered that the development would significantly adversely affect access to light for these residents to an unacceptable degree to warrant planning refusal.

Planning History

The application property has a number of applications relating to the construction of the wider housing estate. One application associated with the specific application property is as follows:

Ref: 07/00436/FUL – Erection of single storey rear extension (existing conservatory to be demolished). Granted 13th July 2007.

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 – Development within 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 located within a Primarily Residential Area. As such, a domestic extension to the existing residential 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 policies H5 and 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 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 for neighbours and should avoid the creation of a terracing affect. With regards to rear extensions, it advises that development proposals should be designed to avoid overshadowing, loss of outlook or loss of privacy to neighbours.

The development proposals have been substantially altered as originally submitted. The Local Planning Authority expressed concerns that the proposals would be out of keeping with the host property given that they would project beyond both gable

elevations and would also involve the loss of the boundary wall which was part of the original landscaping design of the wider housing estate.

The Local Planning Authority has worked positively with the applicant and revised proposals have been submitted. The rear extension has been reduced so that it does not project beyond the side elevation to the northeast thereby retaining the existing boundary treatment and helping to reduce the scale of development to a more acceptable degree.

The proposed side extension to the southwestern elevation is significantly set back so it avoids the creation of terracing affect. Although the SPD advises that windows should be restricted to rear elevations to avoid overlooking neighbouring gardens and dwellings, windows are proposed on each of the gable end. The window to the southwest will be obscured and serves a non-habitable room and the windows with regards to the northeast lies adjacent to Foxleigh. The inclusion of windows to the northeast help to avoid the creation of a blank gable end which is supported in the interest of design and visual amenity.

Although the SPD states that the rooflines should mirror that of the original dwelling house, this was not possible due to the type of development proposed and angle of roof line. The proposals include a hip roof which differs from the existing gable arrangement. However, the applicant's case is that although the use of a dual aspect roof would be more appropriate visually it would appear more overbearing in relation to neighbouring properties due to its height and form. When viewed from Foxleigh at the northeast elevation the roof would follow the angle of the existing roof line and is therefore supported. The rear aspect would largely be obscured by the neighbouring property at the rear. Attempts were made to improve the design aesthetic associated with the side extension but due to the existing roof design it was not possible to accommodate a gable roof. Given the level of set back it would not be readily visible from the public highway and as such is acceptable in terms of character and appearance to the host property and wider area.

The proposals would include materials to match that of the application property and is therefore supported. Overall, it is considered that the development is appropriate in terms of visual appearance as revised.

Residential Amenity

No 20, 22, 24, 26 Foxleigh

No. 20 – 26 are a set of terraced dwellings detached properties which face the gable end of the application property. Concerns have been raised by neighbours regarding the scale of the proposed development together with impact to light.

The proposals have been revised so as to not project beyond the gable end of the property. Thereby reducing their appearance and proximity to neighbours. The proposed development would maintain an interface distance of 16.76m – 16.96m interface distance to the aforementioned properties. Whilst the Householder Development SPD does not state interface distances the Amended New Residential Development SPD advises a minimum of 12m should be retained between gable end and principal elevations. Given the interface distance is well in excess of this it is not considered that these properties would be adversely affected.

Although concerns relating to loss of light have been raised, the applicant could undertake a two storey rear extension of the same depth under permitted development

and would therefore be outside of the Local Planning Authority's control. As such, given that this would appear visually the same it is not considered that the proposed development would result in unacceptable impact to the residential amenity of these properties to an unacceptable degree.

No. 19 Foxleigh

No. 19 is the adjacent detached property. It has been extended in the form of a 2 storey side extension and single storey rear extension. The application history confirms that the side extension comprises a garage, utility room and kitchen at ground floor level together with bedroom and bathroom at the rear on the first floor. The proposed two storey side extension would project 3.4m from the rear elevation of the neighbouring property and consideration of the 45 degree rule needs to be considered. However, the first floor window at the rear elevation appears to be an en-suite bathroom. Although the extension would breach the 45 degree rule in relation to the double doors there is sufficient outlook provided by the central window.

As such, it is not considered that the residential amenity of existing and future occupiers would be adversely affected.

No. 23 Foxleigh

No. 23 is located at the rear of the application property. Due to juxtaposition of properties the rear elevation would face the gable end of no. 23. It is not considered existing and future occupiers would be adversely affected.

No other properties would be affected.

Highways

As originally submitted the proposals provided inadequate parking facilities in accordance with the Ensuring a Choice for Travel SPD which requires 3no. vehicle spaces. Revised plans have been submitted which demonstrates that 3no. cars can be parked within the curtilage of the application property to the satisfaction of the highways authority subject to condition.

As such, the proposals would not result in unacceptable impact to highway safety subject to the condition.

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 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) No part of the development hereby consented shall be occupied until the parking provision shown on areas indicated on drawing number. AL-90-001 REV P6 has been provided to the satisfaction of the Local Planning Authority. The parking provision shall be hard surfaced and shall not drain onto the highway.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Knowsley Local Plan Core Strategy, adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
17.10.2023	AL-01-001	P2	LOCATION PLAN
02.01.2024	AE-20-000	P6	PROPOSED ELEVATIONS
08.01.2024	AE-20-010	P4	PROPOSED GROUND FLOOR PLAN
02.01.2024	AE-20-020	P4	PROPOSED FIRST FLOOR PLAN
02.01.2024	AL-20-030	P4	PROPOSED ROOF PLAN
23.01.2024	AL-90-001	P6	PROPOSED SITE PLAN

Signed Case Officer¹: John Fleming

Signed Authorising Officer²: K Foster

Date: 25 January 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.

