

<u>APPLICATION NO:</u>	22/00553/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	
<u>LOCATION:</u>	1 Gorse Cottages, Gerrards Lane, Halewood, Knowsley, L26 4XE		
<u>PROPOSAL:</u>	CHANGE OF USE OF LAND TO FORM PART OF RESIDENTIAL CURTILAGE (USE CLASS C3) TOGETHER WITH THE ERECTION OF A SINGLE STOREY SIDE EXTENSION AND ERECTION OF DETACHED GARAGE		

Site Description

The application property is located along Gerrards Lane and is situated within a rural location within the Green Belt.

The property forms part of a pair of semi-detached cottages. The property is contained by close boarded fencing at the side facing Gerrards Lane beyond which is agricultural land. The curtilage of the rear garden wraps around its neighbour beyond which is agricultural land. The property is contained by metal railings to the rear beyond which is a small number of isolated semi-detached dwellings.

The application property has a gable roof and is rendered in white finish in its entirety. The property has previously been extended in the form of a two-storey rear extension.

Parking is available at the side of the application property and at the rear property boundary.

Proposal

As originally submitted, the application sought permission for the erection of a single storey side and rear extension together with the demolition of existing shared out building and two horse sheds together with change of use of land. The application has been substantially revised since its initial submission. The revised plans now form the basis of this decision.

The applicant is now seeking the erection of a single storey side extension, together with erection of an outbuilding located at the rear and the change of use of land previously used as a menage to form part of the residential curtilage to provide a garden. The existing swing gates located at the rear will be replaced with electric sliding door and the erection of a masonry wall and will match existing height and finish as the host property.

The proposed single storey side extension measures 3m in width by 4m in depth. It would have one window at its principal elevation. The roof is pitched and measures 2m at the eaves and 3.3m at its highest point and includes 1 Velux window. The materials will match that of the application property.

The proposed garage would measure 4.87m in width by 9.9m in depth. A gable roof is proposed which measures 2.28m at the eaves and 2.93m at its highest point. It will be faced in timber cladding to respond to its agricultural surroundings. It would have one

garage door at the gable end and one door at its side elevation.

In addition, the application seeks to convert the use of a land from a menage to its previous use as a residential garden.

The proposed development would provide an additional bedroom and storage facilities.

Consultations

Highways - .The Highways Authority raise objection to the introduction of a new parking space to the front of the property which will increase in reversing movements either to or from the highway. The Highways Authority require the removal of this proposed space before support can be afforded.

MEAS – The application site is recorded on the Merseyside Historic Environment Record and is an 18th century building. Due to the limited nature of the proposed development it is not considered that archaeology need to be considered further for this application.

Design and Conservation Officer – No objection to principle of development. The application property is recorded on the Historic Environment Record. The outbuilding appears to be of Victorian construction and has the original roof. This should be retained.

Cadent Gas – No objection but request an informative to be added to the decision.

Representations

This application has been publicised by letters sent to 7 neighbours. One letter of objection has been received on the following matters:

- The proposed development would be over-development of an already extended property and would not be in keeping with the character and appearance of the premises and a flat roof is not in keeping with a property of its age and character.
- The demolition of the outbuilding adjoins the neighbours outbuilding and its demolition could impact the structure of the adjoining building. The demolition of the horse boxes would affect the character of the rural area.
- Our property does not benefit from off-road parking which they were cognisant of the fact when purchasing the property. A further car parking space laid would remove the only available parking space on the public highway.
- There is also a gas mains supply at the front of the application site which provides gas to the adjoining property.

The Local Planning Authority has worked positively with the applicant to ensure neighbours are not adversely affected by the proposed development. Revised proposals have been submitted due to the scale of development taking it significantly above the 50% threshold for extensions in the Green Belt. The scale of development is now reduced to a single storey side extension with a pitched roof which is more sympathetic to the host property.

Parking provision at the front has been removed. Parking will be available at the rear of the property so there should not be any loss of parking provision to neighbouring owners.

The applicant did not submit a bat survey accompanying the planning application. Given that it falls outside of survey period, the applicant has decided to no longer demolish the existing outbuildings.

Access to utility services are not a planning issue and is subject to separate procedures. Notwithstanding this, Cadent Gas raise no objection to the proposed development.

Planning History

Ref: 74/14554/HIST – Erection of ground floor extension to rear of dwelling to provide bedroom with en suite shower room for disabled person conditions. Granted 11th December 1992.

Ref: 13/00157/FUL – Erection of fencing to Gerrards Lane boundary, construction of menage and erection of midden. Granted 13th August 2013.

Ref: 15/00477/FUL – Erection of part two storey part first floor extension to rear of existing dwelling. Granted 7th October 2015.

Ref: 22/00351/FUL – Erection of a two-storey side and rear extension. Application withdrawn.

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

CS5 – Green Belt

CS19 - Design Quality and Accessibility in New Development

G7 – Alteration, Extension or Replacement of Existing dwellings in the Green Belt

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.

Regarding the adopted Development Plan policies, the proposed application has regard to policies CS2, CS5 and CS19 of the adopted Local Plan Core Strategy (2016) and saved policies G7 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; adequate parking and garden space would remain for use by residents of the extended property and that it does not result in disproportionate additions which would affect the openness of the Green Belt.

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

Effect on Green Belt

Policy CS5 relates to development in the Green Belt. It states that 'inappropriate development' will not be permitted except in very special circumstances in which it has been demonstrated that the harm to the Green Belt would be clearly outweighed by other considerations.

Paragraph 147 of the Framework (2021) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of the Framework (2021) states that when considering any application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances' will not exist unless the potential harm to the Green Belt by reason of its inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 149 of the Framework (2021) states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt. Exceptions to this include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The PPG states that assessing the impact of a proposal on the openness of the Green Belt, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- Openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- The duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- The degree of activity likely to be generated, such as traffic generation.¹

Saved Policy G7 of the Unitary Development Plan sets out the Local Planning Authority's approach to the alteration and extension of buildings located in the Green Belt. The supporting text states that as a general guideline enlargement of over 50% will not be allowed.

Single Storey Extension

The original dwelling house measures a total cubic volume of 249.75m³. The property has been previously extended in the form of a two-storey rear extension which was granted planning permission in 2015. This addition results in an additional 93.31m³ cubic space.

The property also benefits from an outbuilding shared with the neighbouring property measuring 34.6m³. However, it is located more than 5m from the original dwelling house and therefore does not contribute to the volume calculation.

Given the previous addition, this results in a volume allowance for a further 31.56m³ addition.

The application as originally submitted would have resulted in additions increasing the overall volume of the dwelling by 90% and would constitute as inappropriate development in the Green Belt due to disproportionate additions to the dwellinghouse.

During the course of this application the Local Planning Authority has worked positively with the applicant who has submitted revised plans significantly reducing the quantum of development. The proposed development now measures 32m³.

The proposed development would result in a volume allowance in marginally in excess of the 50% limit by (1.2%). Whilst this is marginally above the 50% threshold, it is considered on balance that the slight exceedance would not result in the building have a materially greater impact than a building of 50% larger provided that the visual effects of the development on the wider landscape are acceptable.

Landscape impact

Assessing the impact of the proposal on the openness of the Green Belt requires judgment based on the circumstances of the application site. Openness is capable of having both spatial and visual aspects. The spatial analysis is dealt with earlier in this report.

In terms of visual impacts, the applicant has not submitted a visual impact assessment to assess visibility. It is considered that the proposed development would be most visible from Gerrards Lane which abuts the property boundary. However, the development is relatively small in the context of the host property and is surrounded by agricultural land on all sides and six semi-detached dwellings located at the rear.

¹ PPG Reference ID: 64-001-20190722

The development would be visible from long distance views taken from where the junction at where Gerrards Lane/Foxhill Lane meet. Given the development is single storey and relatively minor in scale in the context of the host property it would still enable long distance views beyond the host property thereby preserving the openness of the Green Belt from these perspectives.

There is a public right of way located at the north of the adjacent agricultural field. However, when viewed from this aspect the development would be obscured by existing vegetation and would face what is already the gable wall of the host property. Furthermore, when viewed from the south the proposed single storey extension would not be visible as it would be obscured by the application property.

At the rear property boundary along Gerrards Lane, the development would be obscured by existing outbuildings located on site. As you travel away from application property the proposed extension would be partially obscured by hedgerow located along the public highway.

Accordingly, the development is not considered that its effects could be seen from the wider area and are more localised to the public highway directly fronting the property. Given that the development has been significantly reduced in scale from that originally submitted, it would appear less prominent with the exception of viewpoint from Gerrards Lane directly fronting the property. On balance, the proposed development would not have a materially greater impact on the openness of the Green Belt than what already existing and is not inappropriate development in the Green Belt.

Change of use Menage to Garden

The applicant is seeking to change of use of the menage to the north east of the site to a use as a private garden. During the site visit it was noted that the applicant had already converted the menage to private amenity space. The Menage is previously developed land and is enclosed by a 2m high fence – it is considered that its use as a private garden would not have a greater impact on the openness of the Green Belt and there would be no landscape impact associated with this aspect of the development.

Outbuilding

The outbuilding measures 9.9m in width by 4.87m in depth. It would be served by a lean to single pitch roof measuring 2.2m at the eaves and 2.93m at its highest point. It would provide an overall cubic volume of 123.67m³.

This aspect of the site is situated on what was the former menage, which this application proposes to change into a domestic garden. However, the menage did not include any built form in this location and as such the erection of an outbuilding in this vicinity would result in a greater impact to the openness of the Green Belt than what currently exists. Having regard to paragraph 147 of the NPPF (2021), this aspect of the development proposal is therefore harmful to the Green Belt and should not be approved except in very special circumstances unless the harm resulting from the proposal is clearly outweighed by other considerations.

In this regard, the Local Planning Authority has accepted the principle of changing the use of the existing menage to a residential garden. As such, the erection of the outbuilding could be undertaken under Permitted Development Rights given that it is not being used as a separate, self-contained living accommodation. The recent appeal decision at Sunnyside Cottage, Tarbock Green (PINS Ref:

APP/V4305/W/22/3295258) identified that the Local Planning Authority should not be restricting permitted development rights on the change of use of previously developed land to domestic gardens in the Green Belt and that whilst development could give rise to development in the Green Belt it would be limited to the criteria of the Town and Country Planning (General Permitted Development (England) Order 2015 (as amended).

In order to be built under permitted development the outbuilding and other additions must not exceed 50% of the total area of land around the original house. This threshold would not be breached given the significant land available within the existing site area.

In addition it would need to have a maximum eaves height of 2.5m and overall height of 4m. However, as the proximity of the outbuilding is within 2m of the property boundary it should not exceed 2.5m in height. Subject to minor repositioning away from the property boundary and reduction in height this would then create a fall back position for the applicant if permission were to be refused. Notwithstanding this, the repositioning of the outbuilding would bring it closer to the public highway where it would appear more visually prominent within the Green Belt.

The outbuilding in this location enables the parking of vehicles by secured means reducing impact to the public highway (discussed later in this report) and is sympathetically designed in the use of materials so that it responds positively to its rural location which would be outside of the Local Planning Authority's control if built under permitted development. Taking these matters into consideration, whilst the development is considered to be inappropriate development, the applicant could erect an outbuilding closer to the public highway which would have a greater impact on the openness of the Green Belt. As such, it is considered on balance that very special circumstances exist to ensure appropriately designed and sited development is achieved and permission should be granted.

Design

Single storey side extension

The Householder Development SPD is a material consideration for the purposes of this planning application. It advises that single storey side extensions should be designed so that it preserves the street scene, protect light and privacy of neighbours whilst providing sufficient parking spaces.

The SPD requires that extensions should be constructed in materials and style to match the original dwelling and should be served by a pitched roof for aesthetic reason and wherever possible the angle of the pitch of the new roof should match that of the original dwelling.

The proposed single storey side extension would be faced in materials to match that of the application property. The level of development has been substantially reduced and would have less of an impact on the street scene than as originally submitted. Considering the overall wider context of the area, it is considered that the proposal is acceptable with regards to visual amenity and would only be observed from the gable end of the property. It would not adversely affect the openness of the Green Belt and is acceptable within its rural location in the street scene whilst benefiting from adequate outdoor amenity space. The proposed development will not result in significant harm to the visual amenities of the adjoining property, or the wider area given its remote location and is therefore in accordance with Policies CS2, CS5 and CS19 of the Knowsley Core Strategy.

Outbuilding

The garage would measure 9.9m in width by 4.87m in depth. The gable roof would measure 2.2m at the eaves and 2.93 at its highest point. It would contain one large door at the gable end and one access door located at its side elevation. The external finish will be timber clad to respond to its agricultural surroundings.

The Householder Development SPD states detached buildings should be behind the building line or well screened by hedging or similar landscape treatment.

The garage would be situated at the rear of the property where it would be accessed via new sliding electric gate with a new wall to be built in masonry to match the existing height and finish. It would therefore sit behind the building line of the application property however it would sit in front of the building line with the properties at the rear fronting Gerrards Lane. Consideration is given to the existing horse boxes which are located adjacent to the property boundary facing Gerrards Lane. Given that the outbuilding is set in and located at the rear of the property boundary and would occupy roughly the same footprint it is considered acceptable in terms of scale and design.

The amendments made to the entrance at the rear would be constructed of materials to match the existing together with the existing heights and design features of similar appearance to the dwelling and is considered appropriate particularly as the changes to the boundary wall could be pursued under permitted development rights. The garage is considered appropriate in terms of its size and location and the use of timber clad will respond positively to the wider agricultural setting. However, a condition is placed on this application which requires the garage to be stained in dark brown to ensure it reduces its appearance from the street scene and to ensure it responds positively in terms of the character of its rural location.

Conversion of Garden

Permission was granted in 2013 for the land to be converted to a menage. The menage was only in use for a relatively short period of time and is no longer in use. The applicant has already landscaped this area to provide a garden area. This application seeks to approve this use and it is considered acceptable in terms of design and use as incidental to the enjoyment of the residential property.

Residential Amenity

No 2 Gorse Cottage

No 2 is the adjoining neighbouring property. It has previously been extended in the form of a two-storey rear conversion although it has no windows located at the rear.

The extension is located at the gable end of the application property and would not be visible to the neighbouring occupiers. Given the substantial amendments to the development proposals as originally submitted together with the retention of shared outbuilding there would be no adverse effects to residential amenity in relation to this property.

No 1 Gerrards Lane

No.1 is a semi-detached property located at the rear of the application property. Due

to the distance between these properties provided by the large rear garden there would no adverse effects in relation to the single storey rear extension.

No other properties would be affected.

Highways

The Highways Authority initially raised an objection to the introduction of a new parking space to the front of the dwelling which will increase reversing movements to and from the highway at this location.

The Highways Authority consider that the site has ample parking provision to accommodate any increase in demand arising from the proposed side extension and that the proposed garage is considered acceptable and the sliding gate is sufficient to accommodate a vehicle waiting for the gates to open.

On the basis of advice from the Highways Authority the applicant has removed the proposed parking bays at the front of the property and sufficient parking arrangements are available within the curtilage of the application site. As such, no impact to highway safety will occur as a result of the proposed development.

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. The use of timber clad on the outbuilding shall be stained in dark brown to reduce the overall visual impact of the new outbuilding.

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
14.12.2022	I04673-B1	REV A	PROPOSED GARAGE FLOOR PLAN
14.12.2022	I04673-B2	REV A	PROPOSED GARAGE ELEVATIONS
20.01.2023	003	REV A	PROPOSED FLOOR PLANS
20.01.2023	004	REV A	PROPOSED ELEVATIONS
20.01.2023	005	REV A	LOCATION PLAN AND PROPOSED BLOCK PLAN

Signed Case Officer: **John Fleming**_____

Signed Authorising Officer: _____

Date: _____

Appendix 1 – Site Photographs





Wider surroundings



