

<u>APPLICATION NO:</u>	23/02361/FUL	<u>CASE OFFICER:</u>	Reece Black
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	3 Budworth Drive, Halewood, Knowsley		
<u>PROPOSAL:</u>	ERECTION OF SINGLE STOREY EXTENSION TO REAR OF DWELLING *RETROSPECTIVE*		

Site Description

The application site is located at 3 Budworth Drive, Halewood and is located in an area that is allocated as Primarily Residential Area in the Development Plan. The application property is a semi-detached dwellinghouse, is a composition of brick, pebble-bashed and K-rend facing on its front, side and rear elevations. The property also features white UPVC openings and brown, interlocking roof tiles on the roof of the original dwellinghouse and black, flat, interlocking roof tiles on the existing extension.

The property benefits from an existing single storey side extension as well as an external carport together with garage style door and dropped kerb to facilitate access to the private amenity space. There is also a small, lightweight shed in the garden.

The application site is situated on a corner plot, facing both Warton Close and Budworth Drive. The property is South facing, with the front elevation on the gable wall of the dwellinghouse. The private garden space is located to the side of the dwelling. The site is located within a residential estate of predominantly other two-storey, semi-detached dwellings and is encircled by residential properties.

Proposal

The application seeks permission for the erection of a single storey rear / side extension. This is a retrospective application that seeks to gain permission for the retention of the development which is nearing completion.

The proposed development would project 3.46m and would have a width of 5m. The proposal would be served by a mono-pitched roof and would measure at a height of 2.47m at the eaves and 3.55m at its highest point.

Consultations

Halewood Town Council - No Comments Received.

Representations

This application has been publicised by letters sent to 8 neighbours.

There have been 1 letter of objection, 0 letters of support and 0 letters of comment.

The representations are summarised as follows:-

An objection received from 1 Warton Close on grounds of harm to residential amenities from overshadowing.

- Hand drawn plans submitted are inaccurate. The plans give the impression that the side wall of the rear extension is between 33cm and 39cm away from the shared boundary. The side wall is currently 9cm away from the shared boundary line, and so will be less when completed.
- The specific objection is that the extension by reason of its size, height and width – as proposed and as currently constructed – is causing excessive overshadowing on our living space resulting in significant shading and loss of natural daylight.
- The rear extension is in breach of 45-degree rule.
- The impact of overshadowing and loss of light was captured in photographs submitted as part of the objection, taken during July, August and October.
- Extension obstructs daylight and sunlight from entering the living room.

Planning History

APP. NO: 15/00473/FUL
PROPOSAL: ERECTION OF SINGLE STOREY EXTENSION TO SIDE AND REAR
DECISION: GRANTED
DECISION DATE: 6 October 2015

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.

The site is identified as a site allocated for housing development in the adopted Unitary Development Plan. 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.

**KNOWSLEY LOCAL PLAN: CORE STRATEGY
SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT
PLAN (ADOPTED JUNE 2006)**

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.

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.

Assessment

Saved Policy H8 in the Replacement Unitary Development Plan states that proposals for extensions to dwellings will be permitted provided that:

- a) The proposals would not (due to their scale and massing) result in a disproportionate addition to the original dwelling
- b) The design and materials used would reflect those used on the original dwelling
- c) The proposal would not adversely affect the amenity or privacy of occupiers of adjacent dwellings
- d) The proposal would not create potential hazards for highway users by obstructing visibility for pedestrians or drivers of motor vehicles; and
- e) Adequate parking and garden space would remain in use by the residents of the extended property

The Householder Development SPD states that single storey rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours. It also states that a single storey rear extension located on or immediately adjacent to the party boundary with a neighbouring dwelling will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling.

Design

The existing dwelling is brick facing, with white UPVC openings and tiled roof. The proposed development be white rendered facing and include materials which are keeping in with those found at the application property and would have a pitched roof.

6.10 of the Householder Development SPD states that, normally the Council would require that materials for an extension should generally be the same of similar as on the main dwelling. The proposal would be K-rendered facing on the blockwork. Given that the proposed development is for a single storey rear extension it would not be considered to have a significant impact on design grounds. In addition, there is not a strict design code or uniformity on the external facing materials of dwellings in the locality. The proposal would have a level of visibility from the street scene, given the location of the dwelling and plot, it would not hold a significantly prominent view and the exterior finish of the proposal would not cause significantly adverse harm.

Therefore, it would be acceptable to relax this requirement on this occasion. The tiled roofing and fenestration employed would match the design, style and layout and respond positively to the original dwelling.

Overall, the proposed development would have an acceptable design and would be in keeping with the requirements of Policy H8 and the Householder Development SPD.

Residential Amenity

1 Warton Close

No.1 is the paired semi-detached dwelling to the application property. The front and rear elevations of the two properties sit in-line with one another. No.1 benefits from a detached garage adjacent behind the rear elevation of the dwelling.

The proposed development as shown from site photos both during the site visit and from the occupants of no.1 in their objection show that there is a level of overshadowing present from the proposal.

However, as the guidance states that when considering what is generally acceptable for single storey rear extensions, which are located on or immediately adjacent to the party boundary with a neighbouring dwelling will normally be considered acceptable if it would not surpass the prescribed 4m. The proposed development is less than this in its projection.

In addition, under the previous application 15/00473/FUL, Planning Permission was granted for a rear extension which had a projection of 3m. Although this consent is dated, it should hold some weight for the determination of this application, given the scale of development. As noted, that the projection of 3m would be compliant with Permitted Development, although the proposed development is approximately 0.6m further than the previously approved and would still be compliant with the Householder Development SPD. It is considered, however, that had the projection of the proposed development been revised from 3.6m and brought back to what would be permitted under Permitted Development, that this would not have a materially significant impact on any impact of overshadowing.

It would be considered that the impact of overshadowing is attributed to the roof of the proposal. The roof of the proposed development is approximately 3.55m, which is only 0.25m greater than what was approved under 15/00473/FUL, and heights of up to 4m are allowed under Permitted Development for single storey extensions, therefore, as a reference point it would not be considered that the roof would be unduly dominant or result in overshadowing to an unacceptable degree.

It is considered given the location of the paired, semi-detached dwellings and the detached garage in the rear garden of no.1, there is an element of tunneling and overshadowing at present. The proposed development would likely exacerbate this issue, but whether it would be to an unacceptable impact and whether any potential mitigation would be sufficient to prevent or remove any overshadowing caused from the proposal, which would be considered not likely.

It is accepted that the proposed development would result in a degree of overshadowing, however, on the premise and balance that the scale of the proposal would be in accord with policy guidance on projection, and the height of the development is less than what is allowed under Permitted Development, it is considered that this would not result in any unacceptable degree of overshadowing. Furthermore, the layout and orientation of nearby buildings and structures furthers this problem, however, it would not be considered that the proposed development would cause overshadowing to a degree that would result in the application not being supported.

The objection also made reference to the 45-degree rule and asserted that the proposed development would breach this threshold. The Householder Development SPD states however, that for extensions beyond 4m in projection, these would only be acceptable should the proposal not breach the 45-degree rule threshold. Given that the proposed development would not project beyond 4m, the 45-degree rule would not be employed on this occasion when assessing whether or not the proposal would significantly impact the amenities of no.1.

The objection raised that the hand drawn submitted plans are not accurately drawn proposed development. Stating that the plans indicate there would be 0.33m-0.39m between the side elevation of the proposal and the boundary treatment between the two properties. From measurements taken on the plans, this distance was measured at 0.25m. From measurements taken on site between the existing side elevation of the proposal and the boundary treatment, it was measured at 0.15m. It is acknowledged that there are slight discrepancies, however, the material impact from this is considered negligible and that there would not be a significant material impact as a result of this. In addition, there are no relevant planning guidelines for building proximity in relation to building up to boundaries. These are matters that are covered under separate legislation (The Party Wall Act 1996). The plans themselves would not be considered to significantly differ from what has been built and would not present a materially significant impact.

Overall, the proposed development would be in accord with the Householder Development SPD and would not be considered to have an unacceptable impact on the amenities and privacy of the occupants of no.1.

No other residential properties are considered to suffer adverse harm to their amenities or privacy.

Highways

The proposed development is to be sited at the rear and would be considered to have no effect on existing parking provisions. Therefore, the proposed development would not have an impact on the parking utilised by the application property or would cause any adverse impact on highway safety.

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 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 regard to fenestration and roof tiles 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
22/09/2023	-	-	PROPOSED FLOOR PLAN
22/09/2023	-	-	PROPOSED REAR ELEVATION
22/09/2023	-	-	PROPOSED SIDE (WITH EXISTING FENCE) (NORTH FACING)
22/09/2023	-	-	PROPOSED SIDE (SOUTH FACING)
22/09/2023	01	-	LOCATION PLAN
22/09/2023	-	-	PROPOSED ROOF PLAN
22/09/2023	-	-	DESIGN AND ACCESS STATEMENT

Signed Case Officer¹:

Reece Black

**Signed Authorising
Officer²:**

K Foster

Date:

19 February 2024

Informatives

Not applicable.

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