

<u>APPLICATION NO:</u>	23/02639/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	31 Yew Tree Road, Halewood, Knowsley, L25 9QN		
<u>PROPOSAL:</u>	ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION (RETROSPECTIVE)		

Site Description

The application property is a semi-detached dwelling and is brick facing/rendered.

The application property is currently under renovation following the granting of planning permission under application reference 22/00349/FUL with the single storey side and rear extension having been erected. The homeowner has also undertaken works to the roof which fell outside the scope of that application and consist of a hip-to-gable loft conversion including rear facing dormer together with the erection of a detached outbuilding at the rear of the private amenity space.

The application property is contained by a dwarf brick wall which provides parking on an area of hardstanding capable of accommodating 1no. vehicle.

Proposal

Following the grant of planning permission under application reference 22/00349/FUL, the applicant has commenced works which are largely completed with the exception of the internal improvements. However, the applicant has not built the development as required by the approved plans of the aforementioned planning permission. Accordingly, retrospective permission is sought concerning the proposed single storey side and rear extension.

The application proposals span a width of 2.19m from the gable end of the property connecting to the adjacent neighbour's garage and spans a depth of 11.34m. It then turns and wraps around the rear elevation of the original dwelling house spanning a width of 8.59m. The rear aspect projects 3.42m from the original dwelling house.

According to the plans submitted, the proposed extension accommodates a pitched roof at the side measuring 2.82m at the eaves and 4.02m. The rear aspect accommodates a flat roof including parapet wall which obscures the roof lantern from view measuring 3.35m in height.

The rear aspect of the development is built up to the boundary of the adjoining occupier and includes a slight overhang measuring roughly 40mm with regards to the coping stone found on the flat roof.

The proposals provide a study, utility, W/C, open plan kitchen and dining room.

Consultations

No consultations required.

Representations

This application has been publicised by letters sent to 8 neighbours. Two letters of objection have been received from the same neighbour. The following matters are raised:

- The building has contravened previous planning consent and built considerably higher. The objector notes that this is not however the main concern.
- The building has been built on the party line and includes coping stone which overhangs the property. No notification has been issued which may affect the neighbours ability to sell the house or compromise their ability to extend their own property.
- Due to the manner in which the development is built the fence panels cannot be put back into place as these now form the party wall affecting visual amenity and outlook. Previous private arrangement that fence panels would be retained but cannot be reinstalled due to footing on neighbours land.

The Local Planning Authority sympathises with the issues raised. However, with the exception of height, all other matters raised constitute civil issues and fall outside the scope of planning. As such, these are matters of trespass which can only be dealt with via private law and are therefore not material planning considerations which can be taken into consideration (i.e. part wall notification, proximity to common law boundary, overhanging coping stone, location of fencing). Given that correct notification has been provided by the applicant to the adjoining neighbour it is therefore a matter for the civil courts to determine.

As originally submitted, the plans did not accurately reflect what has been built on the ground (i.e. window arrangement of side extension at the front elevation, connection of side extension to neighbouring property at no. 33) and revised plans together with certification was provided to correct this.

Consideration has been given to the necessity to re-consult on the amended plans received. In this instance, it was considered that the amendments did not constitute a substantial difference given that they reflect what has been built on the ground and neighbours had already been notified through publicity. The Local Planning Authority has acted fairly and reasonably taking into account the duty to fully consider representations from interested parties and considers that no one has been deprived of the opportunity to make any representations given that one round of consultation has already taken place. Notwithstanding this, all representations received concern civil matters and only relevant planning considerations regarding design and visual amenity will be appraised against planning policy set out below.

Planning History

Ref: 22/00349/FUL – Erection of single storey and rear wrap around extension. Granted 4th August 2022.

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.

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 rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to neighbours nor should it appear unduly dominant. In addition, further guidance is provided in respect of single storey side extensions states that extensions should be designed to preserve the street scene, protect light and privacy of neighbours.

The development as constructed provides a wraparound extension faced in red engineering brick to match the ground floor aspect of the front elevation. The side element connects to the gable end of the neighbouring property and includes 1no.

square window which matches the aesthetic of the existing openings found at the host property. It accommodates a pitched roof which helps ensure the development responds positively to the appearance and character of the street scene.

Unlike the side extension, the rear aspect accommodates a flat roof with parapet wall which contains the roof lantern within. Although the plans indicate a cross over with the flat roof above the pitch roof this cannot be observed from the street scene. As the flat roof is not visible from the street scene the use of flat roof is acceptable. However, as currently built the roof is taller than previous plans allowed for and include a slight overhang concerning the coping stones which are roughly 40mm over the boundary line.

The use of coping stones elevates the roof beyond a typical flat roof and is acceptable in terms of design. Whilst this overhangs the neighbour's property correct notice has been provided and it is a civil matter to be addressed. Concerning the height it measures a total of 3.35m according to the plans submitted. Whilst this is taller than previously approved plans it is considered acceptable in terms of design given the principle of a flat roof has been previously accepted and the increase at a height of 33.5cm is not considered significant enough to warrant a refusal of this application.

The rear elevation includes 1no. window together with bi-folding door which matches that of the host property. The red facing brick is similar in appearance to that of the adjoining property at no. 29 and as such is acceptable in terms of design.

Overall, the development is acceptable in terms of how it responds to the character of the street scene and the original dwelling house.

Residential Amenity

No. 31 Yew Tree Close

No. 31 is the adjoining semi-detached property. The extension as built is built up to the common law boundary and includes a slight overhang concerning the coping stones. As discussed above, this is a civil matter and any issue of trespass can only be determined by the civil courts.

Notwithstanding this, consideration needs to be given as towards the residential amenity of existing and future occupiers in relation to this property. The proposed development extends 3.42m in depth from the original dwelling house. The Householder Development SPD recommends that rear extensions up to 4m in depth will generally be considered acceptable. Whilst the height of the extension is built taller than what was previously approved this is slight increase at 33.5cm taller than the previous approved plans. Despite comments received the outlook would still be retained given that the extension does not project beyond 4m. As such, whilst the Local Planning Authority understands the concerns raised by neighbours it is not considered that the increase in height would be detrimental to residential amenity sufficient to warrant refusal of this application

No. 33 Yew Tree Close

No. 33 benefits from a small single storey extension. The extension projects 3.42m from the original elevation according to the plans submitted. The Householder Development SPD states that rear extensions up to 4m are acceptable. As such, it is not considered that this occupier will be adversely affected by the proposed

development.

No other properties would be affected.

Highways

The proposed extension would not give rise to adverse effects to highways 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 will be granted subject to the following condition(s):-

- 1) 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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
04.12.2023	004		LOCPLAN
04.12.2023	002		PROPOSED FLOOR PLAN
04.12.2023	003		PROPOSED ELEVATIONS

Signed Case Officer: **John Fleming**

Signed Authorising Officer: **K Foster**

Date: **10 January 2024**

INFORMATIVE

The permission does not authorise a trespass on (or over) neighbouring land nor does it provide authorisation required under the Party Wall Act 1996 etc.

