

Regeneration and Economic Development Department

APPLICATION NO: 21/00578/FUL

APPLICANT: Miss Hannah Gilligan

WARD AFFECTED: Swanside

DEVELOPMENT: CHANGE OF USE OF LAND TO FORM ADDITIONAL GARDEN LAND
WITHIN THE CURTILAGE OF 50 MALVERN AVENUE

LOCATION OF SITE: Land Adjacent To 50 Malvern Avenue, Roby, L14 6TS

KNOWSLEY LOCAL PLAN ALLOCATION –

Urban Greenspace and Educational Land - Urban Greenspace And Educational Land

Primary Residential Development - Primary Residential Development

RELEVANT POLICIES

KNOWSLEY LOCAL PLAN: CORE STRATEGY

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

H5 - Development within Primarily Residential Areas

DQ2 - Security in the Built Environment

TECHNICAL CONSULTATIONS:

None Required

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 9 neighbours. No representations have been received.

ARTICLE 35

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.

ISSUES AND ASSESSMENT:

PROPOSAL

The application is for a change of use of land adjacent to a semi-detached house on Malvern Avenue to garden area incorporated into the curtilage of the house. The house is at the end of Malvern Avenue adjacent Malvern Primary School, with the entrance to the school grounds located at the end of the road. The land is triangular in shape and the full depth of the property curtilage with the width being 5.7m at the front and narrowing to 1.8m at the rear. A footpath runs alongside the land leading to an electrical sub-station to the rear of 47 and 49 Hillary Avenue, with other footpaths also leading to the sub-station. Fencing would be installed to the perimeter of the land to enclose it within the curtilage of the property in accordance with permitted development rights. The land is being sold to the applicant by Knowsley MBC.

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

POLICY CONSIDERATIONS

The proposed change of use complies with the above noted planning policies whilst the applicant states that they intend to erect a boundary treatment under their permitted development rights from the Town and Country (General Permitted Development) (England) Order 2015. The land does not form part of a playing field, rather it is land which lies next to a path running to a substation.

DESIGN, ACCESS AND CRIME PREVENTION

The incorporation of the land into garden area raises no design issues whilst the boundary treatment would not require planning permission and so design does not fall into consideration. The application raises no crime or anti-social behaviour issues, as it just effectively moves the property boundary a small distance westwards.

HIGHWAYS

There are no highways issues raised by the application.

RESIDENTIAL AMENITY

The application proposes to incorporate a small sliver of land into the garden area of a house within a primarily residential area and raises no residential amenity concerns.

CONCLUSION

The proposal is to incorporate a small triangle of land within a garden area and fence it in accordance with permitted development rights. The proposal raises no visual or residential amenity concerns within the wider residential and school environment area. The application complies with planning policies and is therefore recommended for approval.

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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
12/07/2021	AS/166A/2020	-	Location Plan

Lee Osborne
23 January 2022

Alan Kilroe

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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24 January 2022

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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avenue dlp.doc.rtf