

Regeneration and Economic Development Department

APPLICATION NO: 22/00411/FUL

APPLICANTS: Ms Barrow

WARD AFFECTED: Whiston & Cronton

DEVELOPMENT: DEMOLITION OF CONSERVATORY AND THE ERECTION OF A SINGLE STOREY REAR EXTENSION

LOCATION OF SITE: 15 Stockswell Road, Tarbock Green, WA8 4PH

KNOWSLEY LOCAL PLAN ALLOCATION:

Green Belt

RELEVANT POLICIES:

Knowsley Local Plan Core Strategy (2016):

- CS2 - Development Principles
- CS5 – Green Belt
- CS19 - Design Quality and Accessibility in New Development

Knowsley Replacement Unitary Development Plan (2006):

- Policy G7 – Alteration, Extension or Replacement of Existing Dwellings in the Green Belt
- Policy H8 – Extensions and Alterations to Residential Properties

TECHNICAL CONSULTATIONS:

None.

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 2 neighbours. One letter of objection has been received relating to the first-floor balcony on grounds of impact to residential amenity and privacy concerns. These issues will be considered later in this report.

ARTICLE 35

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.

ISSUES AND ASSESSMENT:

PROPOSAL

The proposed development relates to the demolition of an existing conservatory and the construction of a single storey side and rear extension to the property located at 15 Stockswell Road, Cronton.

The proposals seek to provide new kitchen and living area together with a Juliette balcony to the first floor serving the rear bedroom. The extension would project 2.37m beyond the rear elevation of the original dwelling house and span a width of 3.23m connecting to the existing two storey side extension.

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RELEVANT PLANNING HISTORY

02/01019/FUL – Erection of conservatory to rear of dwelling. Granted 29th January 2003.

74/09238/HIST – Erection of 2 storey extension to provide kitchen and bathroom extension and facilities for disabled person. Granted 12th December 1985.

74/10610/HIST – Retention of two storey ext with amended window details. Granted 18th November 1987.

74/13941/HIST – Erection of single storey kitchen and dining room extension to rear of dwelling. 7th February 1992.

93/00036/APP – Erection of front porch, attached garage to side and conservatory to rear of dwelling. Granted 3rd December 1993.

POLICY CONSIDERATIONS

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires development proposals to be determined in accordance with the Development Plan unless material considerations indicate otherwise. Policies relevant to the development proposal consist of the following policies and guidance:

Knowsley Core Strategy (2016)

- Policy CS2: Design principles;
- Policy CS5: Green Belt; and
- Policy CS19: Design quality and accessibility in new development.

Knowsley Replacement Unitary Development Plan (2006)

- Policy H8 – Extensions and Alterations to Residential Properties.
- Policy G7 – Alteration, Extension or Replacement of Existing Dwellings in the Green Belt

Other material considerations:

- National Planning Policy Framework (the “Framework”) (2021); and
- Planning Practice Guidance (PPG); and
- Householder Development Supplementary Planning Document (SPD) (2016).

The proposed development is identified as land located within the Green Belt where development will generally be restricted subject to national and local planning policy.

Regarding the adopted Development Plan policies, the proposed application accords with Policy CS2, CS5, CS19 of the Knowsley Core Strategy (2016) and Policies H8 and G7 of the Knowsley Replacement Unitary Development Plan (2006).

These policies 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, avoids overlooking and overshadowing, as well as unacceptable overbearing impact and that adequate parking and garden space would remain for use by residents of the property.

GREEN BELT

Paragraph 147 of the Framework 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 states that when considering any planning 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

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inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other consideration.

Paragraph 149 of the Framework states local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include (amongst others) 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

Policy G7 of the saved Unitary Development Plan policies sets out the Local Planning Authority's approach to extension of existing dwellings in the Green Belt will be permitted provided that they meet the following criteria:

- a) The form and materials of the development would respect the appearance of the existing dwelling and its setting, and preserve the openness of the Green Belt;
- b) The development and any associated vehicular access routes, boundary treatment, garden, storage of vehicular parking areas would be provided without harming or unreasonably impacting on the amenity of any neighbouring property and the appearance of the surrounding areal and
- c) In the case of proposals to extend an existing dwelling or for the construction of detached buildings within 5m of the existing dwelling, the proposal would not (either by itself or in conjunction with earlier developments) result in a disproportionate addition over and above the size of the original dwelling.

The supporting text states that as a general guideline enlargements of over 50% will not be allowed.

During the site visit it was apparent that the existing conservatory had already been demolished and works had commenced on the proposed extension under what the applicant had believed to be their Permitted Development Rights. The applicant was informed that due to the design of the proposals that planning permission for the proposed extension would be required.

The volume of the original building is approximately 394m³. The extensions previously built currently amount to an increase of approximately 209m³ including the former conservatory. As such, the resulting volume of previous extensions is just over 50% threshold allowed under Policy G7 by approximately 13m³ or 3.04%. In the previous decision relating to the erection of the conservatory, porch and garage under application (reference:93/00036/APP), it was considered that this was acceptable in this instance as the excess is small and maintained the original character of the property. Notwithstanding this, the reduction in terms of built form results in a footprint of 174m³ and represents a 44% increase to the total building volume of the original dwelling house. Accordingly, the proposed development would reduce the built form below the 50% threshold. As such, it is considered that the proposed development is more sympathetic to the built form of the existing dwelling than the former conservatory and is not considered to be inappropriate development in the Green Belt.

DESIGN

Construction has already commenced on the proposed development. The proposed side and rear extension would be faced in materials to match the existing property and the proposal is therefore considered to be in keeping with the host property.

¹ PPG Reference ID: 64-001-20190722

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The Householder Development SPD generally recommends that flat roofs should be typically avoided in favour of pitched roofs to match the host property. However, in this instance the flat roof would be consistent with the two storey rear extension which is also served by a flat roof and would not appear to be incongruous or inconsistent with the wider street scene given its location at the rear of the property.

The design of the proposal is therefore acceptable and in character with the existing property in terms of its visual appearance and use of materials to match.

RESIDENTIAL AMENITY

No 17 Stockswell Road

The host property benefits from an existing part two storey rear extension located on the far side of the property. The proposed development would sit between the side elevation of the two storey rear extension and the property boundary and would not extend passed the rear elevation of the existing extension. As such, the proposed development would be obscured by the existing extension from the occupiers at no. 17. Accordingly, it is not considered that the development would result in adverse living conditions to the occupiers at no. 17 with regards to residential amenity.

No. 11 Stockswell Road

The Householder Development SPD states that the erection of single storey rear extensions up to 4m in depth will generally be supported. Given the demolition of the existing conservatory which is larger than what is currently being proposed and that the proposed development only projects 2.37m beyond the rear elevation of the existing dwelling house it is not considered that the ground floor element of the proposals would adversely effect the occupiers at no. 11.

Notwithstanding the above, as originally submitted the application sought provision for a balcony above the flat roof to be accessed from double doors located at the rear bedroom on the first floor. The proposed balcony would be contained by obscured glazing. The roof measures 3m at its highest point but the addition of the glazed units would provide a total height of 4.09m. During the site visit, this officer expressed concerns that access on to the flat roof to the balcony would give rise to significant adverse impacts to residential amenity and the privacy of neighbouring occupiers as it would enable the occupiers of the host property viewpoints into habitable rooms of the adjoining property and also viewpoints previously not available over the property boundary. Following the site visit an objection was received on the grounds of impact to lack of privacy to this effect.

The Local Planning Authority has worked positively with the applicant to address this issue. The plans have been revised removing access to the flat roof and instead a Juliet balcony is now proposed which is contained by a glazed panel. This amendment will help to ensure that access cannot be gained on to the flat roof and prevents current and future occupiers from being able to look into habitable rooms of the adjoining property or directly over the boundary wall. This change is necessary to ensure the residential amenity of neighbouring occupiers at no. 11 is preserved. However, a condition should be placed on this application to ensure this.

Due to the proposed changes, it is not considered that the application would give rise to adverse impacts to residential amenity of no. 11. It is not considered that the development would result in having adverse effects on residential amenity in relation to neighbouring properties.

HIGHWAYS

No impacts on highways associated with this development.

OTHER ISSUES

None.

CONCLUSION

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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) The roof area of the single storey rear extension hereby permitted shall not be used as a balcony, roof garden or similar amenity and the glazed panel in accordance with approved drawing DWG02 REV D shall be retained at all times thereafter.

Reason: In the interest of residential amenity and to comply with Policy H8 of the Knowsley Unitary Development Plan (adopted June 2006).

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
19.07.2022	01		LOCATION PLAN, EXISTING ROOF PLAN, FLOOR PLANS AND ELEVATIONS
26.08.2022	DWG02 REV D		PROPOSED FLOOR PLANS/ELEVATION/SITE PLAN

J Fleming
15.09.2022

Alan Kilroe
16 September 2022

INFORMATIVES

COAL INFORMATIVE

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits);

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shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.

It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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