

<u>APPLICATION NO:</u>	23/00142/FUL	<u>CASE OFFICER:</u>	John Fleming
<u>WARD:</u>	St. Gabriels	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	4 Challoner Close, Huyton, Knowsley, L36 0XX		
<u>PROPOSAL:</u>	ERECTION OF TWO STOREY SIDE EXTENSION, SINGLE STOREY REAR EXTENSION, RELOCATION OF PORCH DOOR AND ALTERATIONS TO PORCH WINDOWS (DEMOLITION OF GARAGE)		

Site Description

The application property is a detached dwelling located on a quiet cul-de-sac. The character of the street scene is predominately brick facing properties with mock tudor accents in a staggered arrangement.

The application property is located within close proximity to the entrance of Challoner Close and is contained by mature tree planting which appears to be located on the service strip on the public highway and appears to have been in situ since 2008. To the side of the application property is mature conifers which are also located alongside the service strip of the public highway but are within the ownership of neighbouring property.

The application property benefits from 1no. parking space located on the hardstanding at the side of the property together with the detached garage which no longer qualifies as an acceptable parking space under the Local Planning Authority's current guidance.

Proposal

Following the demolition of the existing garage, the application proposals seek permission for the erection of a two storey side extension together with single storey rear extension.

The proposed part two storey side/part single storey side extension includes a bay window measuring .6m forward the principal elevation. In total the two storey aspect would span 2.47. in width and a depth of 12.9m at ground floor level where as the first floor level would span a total depth of 6.3m. The single storey side extension would accommodate a gable roof arrangement measuring 2.1m at the eaves and 3.5m at its highest point. The two storey aspect would extend the existing hip roof measuring 4.9m at the eaves and 7.4m at its highest point.

The single storey rear extension would span 8.2m in width and connect to the side extension and span 3m in depth. It would accommodate a pitch roof measuring 2.3m at the eaves and 3.6m at its highest point and would be slightly different in height due to the existing ground levels.

The proposals would provide a new study, open plan kitchen/living area, utility and W/C at the ground floor level and internal alterations to provide a new reception room.

To the first floor, the proposals would increase the size of an existing bedroom and provide an en-suite to the rear.

Consultations

Highways Authority – No objections raised subject to condition. Request informative to be added to decision notice.

Tree Officer – Tree officer has raised no objections to the proposed development and has confirmed a tree survey is not required given the trees proposed to be felled are outside of the applicants control.

CADENT – No objections raised request informative to be added to decision notice.

Representations

This application has been publicised by letters sent to 10 neighbours. No representations have been received.

Planning History

There are a number of planning applications relating to the construction of the wider housing estate. No planning applications have been submitted in respect of the individual dwelling house.

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, an alteration 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.

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 two storey side extensions should be designed to avoid having an overbearing effect or causing unacceptable loss of light or privacy for neighbours and should avoid the creation of a terracing effect. It advises that a minimum of 1m should be preserved between the extension and the party boundary to the side of the property, or the front wall of the first floor extension should be set back at least 1m from the immediately adjoining part of the main front wall of the original dwelling. This arrangement may be relaxed if, because of a staggered or irregular arrangement of dwellings.

The part two storey/part single storey side extension would be built up to the property boundary. However, due to the staggered arrangement of properties in the street scene it would not result in the creation of a terracing affect and therefore no set back is required.

During the course of the application it was apparent that incorrect certificates were served on neighbouring landowners. It is the neighbours intention to fell the trees located within service strip which would result in a brick facing wall being visible within the street scene. Whilst the trees help to obscure the existing elevation these should not have been located on the service strip. Notwithstanding this, the existing property also has a blank elevation as does the existing garage. The applicant has incorporated features including horizontal banding of the existing brick work together with velux

windows along the roofline within the side elevation and therefore adds some design aesthetic to the build in an effort to avoid a blank gable wall. This is considered appropriate in terms of design.

The proposals would provide a facelift to the property so that it resembles the majority of properties which accommodate bay windows and mock tudor accents. As such, it responds positively to the character within the street scene.

The existing ridge of the roof will be extended over the two storey side extension. Whilst it does not sit below the existing roof line, revised plans were provided to that effect and were considered out of keeping with the remaining properties found in the locality due to the interaction with the proposed bay windows. Given that the existing property is small in comparison to the neighbouring properties which it is seeking to mimic the roof arrangement is considered acceptable.

The single storey side and rear extension would accommodate a gable roof and its floor space would remain the same as what is currently in situ with regards to the existing garage. The rear extension would accommodate bi-folding doors and single leaf linear window and are located at the rear elevation which is appropriate in terms of design and residents amenity discussed further below.

Overall, the proposals would include materials which would match that of the existing dwelling house in terms of the brick, roof tile and window/door casements and would not appear to be incongruous features on the application property nor would they look out of place within the context of the wider street scene. The development is acceptable in terms of design.

Residential Amenity

No. 2 Challoner Close

No. 2 is the neighbouring detached property and benefits from a single storey rear extension. The application property is set back so that its front elevation is parallel to the rear elevation of no.2. The Householder Development SPD states that a single storey rear extension located on or immediately adjacent to the party boundary will normally be acceptable if it does not project more than 4m from the rear elevation. An extension beyond 4m or in situation where the application property is set back then it will normally only be permitted if it does not breach the 45 degree rule.

Due to the juxtaposition of properties the 45 degree rule is already breached with regards to the existing footprint of the application property. However no.2 contains mature trees at the common law boundary within its private amenity space which would obscure the proposed single storey rear extension and is considered a material consideration. Given the presence of existing trees it is not considered that the property would be adversely affected in terms of residential amenity.

No. 6 Challoner Close

No. 6 is the neighbouring detached property set back from the application property. Its front elevation is parallel to that of the rear elevation of the existing garage. The existing trees found along the common law boundary appear to be partially built on highways land and the applicant has confirmed that these are to be removed by the neighbour to necessitate the building works. As originally submitted, incorrect certificates were provided and the applicant has followed the correct process serving notice to neighbours in respect of the proposed development.

Given the single storey side/rear extension would occupy the same footprint and volume as the existing garage this would not cause any adverse effects to residential amenity.

Whilst the property would be extended at the side in the form of the two storey side extension, no. 2 faces a slightly different orientation and the habitable windows would not be directly affected by the proposed development. Notwithstanding this, the character of the street scene comprises of properties that are set back and abut the common law boundary (i.e the application property and no. 2). As such, whilst the proposed development would be closer to the common law boundary this would be typical of the character of the street scene and due to the orientation of no. 6 it is not considered that the proposed development would adversely affect the residential amenity of this property.

No. 3 Challoner Close

No. 3 is located opposite the application property. The Householder Development SPD does not set out interface distances between properties. However, it would maintain the same interface distance as what already exists and due to the orientation of application property it would be built at an angle and would not directly look into the opposite habitable rooms. As such, it is not considered that this property would be adversely affected by the proposed development.

No. 21 Biglands Drive

No. 21 is located at the rear of the application property and has been extended in the form of a two storey rear extension. It has opens located at its rear elevation which are visible from the corner of the property boundary. However, due to its orientation the proposed development would not result in adverse effects to residential amenity.

No other properties would be affected.

Highways

The application property currently offers only a single standard parking space as the existing detached garage is not sufficient to accommodate vehicle parking in accordance with current guidance. The development proposals do not seek to increase number of bedroom spaces but they would mean the loss of the existing 1no. parking space within the curtilage of the property.

A revised site plan was submitted for consideration during the course of this application. Whilst these spaces are not within strict accordance with the Local Planning Authority's parking standards due to the service strip and lighting column fronting the property, the Highways Authority have confirmed that these spaces can operate safely and be independently accessed. The Highways Authority have requested a condition be placed upon the application in the interests of highway safety.

Subject to the revised layout and condition there would be no unacceptable impacts to highways safety as a result of the proposed development.

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 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) No part of the accommodation/development consented hereby shall be occupied until the parking provision shown on areas indicated on Drawing 036-04 Rev E and the associated service strip crossing have been provided to the satisfaction of the Local Planning Authority. The parking provision shall be hard surfaced, and shall not drain onto the highway.

Reason: In the interests of highway and pedestrian safety and to comply with Policy CS7 of the Core Strategy, adopted January 2016.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
16.06.2023	036-01B		SITE LOCATION PLAN
16.06.2023	036-05A		PROPOSED ELEVATIONS
11.07.2023	036-04E		PROPOSED GENERAL ARRANGEMENT PLANS

Signed Case Officer¹: John Fleming

Signed Authorising Officer²: K Foster

Date: 11 July 2023

INFORMATIVES

Highways

It is an offence to carry out any works within the public highway without the permission of the Highway Authority. This permission requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Prior to the commencement of any works, the applicant is advised to contact the Council's Maintenance Contractor Tarmac on 0800 023 2334 or Knowsley.highways@tarmac.com

The front of this property has a 2m adopted highway service strip, as shown in blue shading on the excerpt below (taken from <https://highways.knowsley.gov.uk/>). Service strips are predominantly found around the perimeter of shared surface roads and are used to accommodate the below-ground services needed to serve adjacent properties, such as gas, electricity and water. Being adopted highway, the strips, are protected in law by the Highways Act 1980, and fall under the jurisdiction of the Highway Authority. In most circumstances, the surface of the service strip should be maintained as grass. Planting is not usually permitted in this area, as access is required by utility providers to maintain their equipment.

Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

Cadent Gas

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.

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

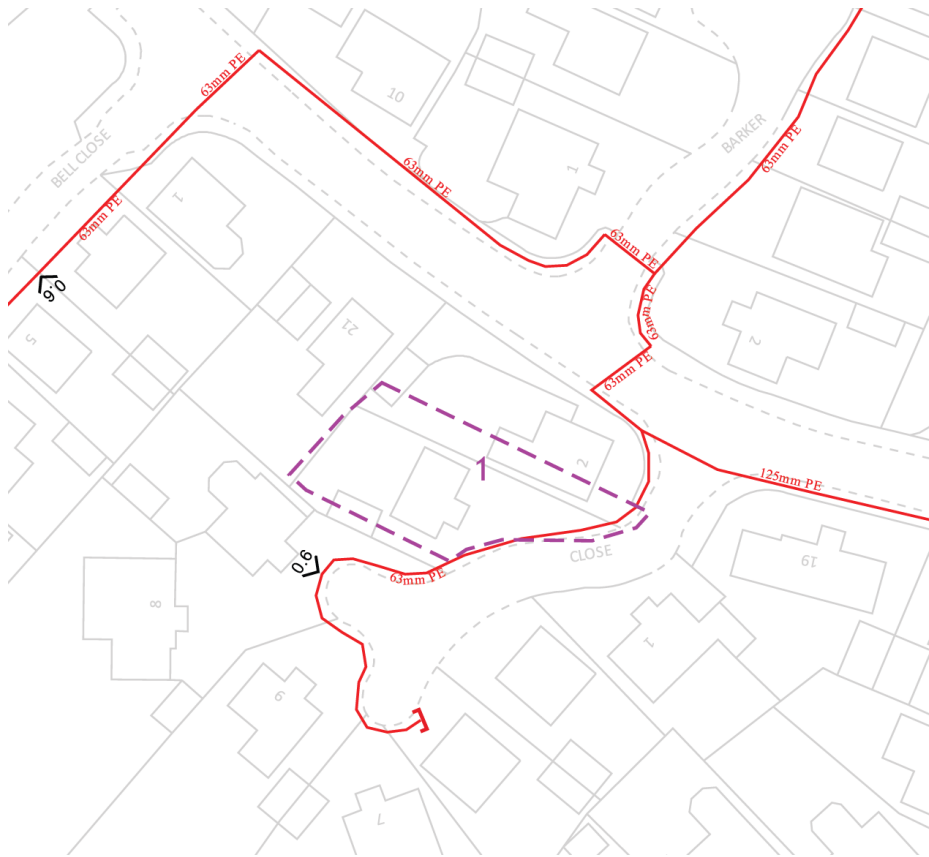
Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.



Appendix 1 – Site Photographs



