

APPLICATION NO: 24/00379/FUL **CASE OFFICER:** Kim Vo

WARD: Roby **PARISH:**

LOCATION: 1 Fernbank Avenue, Roby, Knowsley

PROPOSAL: ERECTION OF A REAR CONSERVATORY.

Site Description

The application relates to a two-storey semi-detached dwelling at no.1 Fernbank Avenue, which is located on a corner plot where Fernbank Avenue meets Briar Drive. The application property has an existing single storey rear extension leading out to a decking area and a two-storey side extension. There is hard surfacing to the front, providing off-street parking provisions for at least 2no. vehicles. The application site is located within a Primarily Residential Area as defined by Saved Policy H5 of the Knowsley Replacement Unitary Development Plan (UDP) (Adopted June 2006).

Proposal

The proposal seeks to erect a single storey rear extension to form as a conservatory. It would project 3.048m from the rear of the existing rear extension and measure 3.703m wide. A glazed hipped roof is proposed and would measure 3.2m to the ridge. A set of patio doors will be installed to the rear elevation. To the east side elevation, facing brickwork is proposed up to the height of the existing fence (1.5m) and then obscure glazing is to be provided above. The proposed development will be finished in matching facing brickwork and glass to the exterior, uPVC glazing bars and glass to the roof and uPVC windows and doors.

Since submission, amended plans have been received to alter the elevation design to increase the glazing to the exterior.

Consultations

None required.

Representations

This application has been publicised by letters sent to 11no. neighbours. 1no. letter of objection was received and the material planning considerations can be summarised as follows:-

- The proposal will increase the extent of the side elevation to 6m which will encroach into the garden area and affect privacy;
- The proposal will result in loss of views and sunlight to windows and gardens;
- The proposal will impact upon the enjoyment of homes for neighbours.

Planning History

04/00843/FUL - Erection of two storey side and single storey rear extension. Granted, 1st September 2004.

04/00618/FUL - Erection of two storey side and single storey side extension together with erection of single storey rear extension. Withdrawn, 15th July 2004.

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.

Knowsley Local Plan Core Strategy (January 2016)

Policy CS2: Development Principles

Policy CS19: Design Quality and Accessibility in New Development

Saved Policies - Knowsley Replacement UDP (June 2006)

Policy H5: Development within Primarily Residential Areas

Policy H8: Extensions and Alterations to Residential Properties

Supplementary Planning Documents (SPDs)

Householder Development (June 2016)

Ensuring a Choice of Travel (September 2010)

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

The main considerations for this application are:

- Compliance with Householder Development SPD;
- Neighbouring Amenity;
- Design and Visual Amenity;
- Access, Parking and Highway Safety;
- Waste Management.

Compliance with Householder Development SPD

Rear Extension

Together with the existing rear extension, the proposal would result in a total

projection of 6m from the original rear wall. This would go beyond the 4m threshold and would also intersect a 45-degree line, when taken from the mid-point of no.7 Briar Drive's nearest habitable room window. However, the Householder Development SPD states that the guidelines may be relaxed for conservatories. The proposal is for a conservatory which will be mostly glazed to the exterior and would also incorporate obscure glazing to the side elevation facing towards no.7. The breach in guidance is therefore considered to be acceptable in this specific case and the proposed conservatory would accord with Part 7.4 of the Householder Development SPD.

Neighbouring Amenity

A neighbouring objection has been received stating that the proposal will increase the extent of the side elevation to 6m which will encroach into the garden area and affect privacy. The objector also noted that the proposal will result in loss of views and sunlight to windows and gardens and will impact upon the enjoyment of homes.

No. 7 Briar Drive

The proposed conservatory would extend close to the shared side boundary with no.7 Briar Drive, which is the adjoining neighbour to the east. It would result in a 6m rear extension overall that would intersect a 45-degree line, when taken from the mid-point of no.7's nearest habitable room window. Notwithstanding this, the proposal is for a conservatory that will be glazed to the majority of the exterior and the roof. This will allow for a level of light to pass through to no.7's rear garden and rear elevation openings and therefore, the impact in terms of loss of light and overshadowing is considered to be acceptable. Whilst glazing is proposed to the upper half of the west, side elevation, the proposed plans indicate that this part will be obscure glazed, and a condition will be included to secure this. Consequently, the proposal is also deemed to have a limited impact in terms of loss of privacy to no.7 and the existing fence will provide a degree of screening. Additionally, the proposal is also not considered to result in significant loss of views to no.7's openings, given that the proposed conservatory will be mostly glazed and fully sited within the application site. The shared side boundary also veers towards the southwest which allows for the range of views for no.7's rear openings to be relatively open.

No.3 Fernbank Avenue

No.3 Fernbank Avenue is the adjacent neighbour to the west. The proposal will include clear glazed elevations which will face towards this neighbour. However, a distance of over 3m will be provided and the existing boundary fence will provide a degree of screening. The proposal would also not intersect a 45-degree line when taken from the mid-point of no.3's nearest habitable room window and is therefore considered to have an acceptable impact in terms of overshadowing, loss of outlook or loss of privacy.

In view of the above, it is considered that, on balance, the proposal would be acceptable and would not have a significant, detrimental impact upon residential amenity to these neighbours, in accordance with Policy CS19 of the Local Plan, Saved Policy H5 and H8 of the Knowsley Replacement UDP, and the Householder Development SPD.

Design and Visual Amenity

The proposed conservatory is considered to appear as a proportionate and subservient addition to the main dwelling due to its single storey height. Whilst the proposal would result in a total projection of 6m from the original rear wall (with the inclusion of the existing rear extension), it would be limited to a width of 3.7m. This would ensure that the cumulative impact of the existing and proposed extension's footprint do not overwhelm or dominate the original dwelling. Given its siting to the

rear, the proposal would also not appear highly visible from public vantage points along Fernbank Avenue. The proposal will also have a matching hipped roof and will be finished in matching materials. Moreover, there are properties within the vicinity which feature conservatories, and the proposal would appear in keeping with these existing developments. As such, the proposal is considered acceptable regarding its impact upon design, the street scene and visual amenity, in accordance with Policy CS19 of the Local Plan, Saved Policy H8 of the Knowsley Replacement UDP and the Householder Development SPD.

Access, Parking and Highway Safety

The proposal would not affect existing parking or access arrangements given its siting towards the rear. It is therefore considered that the proposal would have an acceptable impact upon access, highway safety and parking provision in accordance with Policy CS2 and CS19 of the Local Plan, Saved Policy H8 of the Knowsley Replacement UDP, the Householder Development SPD and the Ensuring a Choice of Travel SPD.

Waste Management

The proposal would not affect the existing waste storage arrangements and is therefore acceptable in terms of waste management and storage, in accordance with the Householder Development SPD.

Conclusion

The application is for an extension to an existing dwellinghouse within a Primarily Residential Area and the principle of the proposal is considered acceptable. The proposed development would also have an acceptable impact upon neighbouring amenities; design and visual amenity; parking and highway safety; and waste management. On this basis, the proposal complies with all relevant local and national planning policies and guidance.

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 extensions 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 development hereby permitted shall be used or occupied until the glazed elevation to the west side of the proposed conservatory (facing towards no. 7 Briar Drive Roby, Knowsley, L36 9XG), as shown on the

approved plans, has been glazed with obscure glass to level 4/5 (where 1 is the lowest and 5 the greatest level of obscurity). The obscure glazed side elevation shall be retained as such thereafter.

Reason: In order to safeguard the residential amenities enjoyed by the occupants of adjoining residential property and to ensure the development complies with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy and Saved Policy H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006, and the National Planning Policy Framework.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
11/07/2024	-	-	Location Plan
17/09/2024	AT148 02	Rev. A	Existing and Proposed Plans and Elevations

Signed Case Officer¹: **Kim Vo**

**Signed Authorising
Officer²:** **K Foster**

Date: **4 October 2024**

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

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