

Regeneration and Economic Development Department

APPLICATION NO: 22/00404/FUL

APPLICANTS: Ms Jill Brown

WARD AFFECTED: Whiston & Cronton

DEVELOPMENT: ERECTION OF SINGLE STOREY REAR AND SIDE EXTENSION
(DEMOLITION OF GARAGE)

LOCATION OF SITE: 18 Banner Hey, Whiston, L35 3JS

KNOWSLEY LOCAL PLAN ALLOCATION:

Primarily Residential Area

RELEVANT POLICIES:

Knowsley Local Plan Core Strategy (2016):

- CS2 - Development Principles
- CS19 - Design Quality and Accessibility in New Development

Knowsley Replacement Unitary Development Plan (2006):

- H5 - Development within Primarily Residential Areas
- H8 - Extensions and Alterations to Residential Properties

TECHNICAL CONSULTATIONS:

None.

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 6 neighbours. Two letters of objection have been received. A summary of the objections raised are as follows:

- The extension would block all light and visibility into our kitchen located at the side of the property.
- Issues raised concerning anti-social behaviour.
- The development would result in having a negative impact on the value of our property and future house sale.
- Too big for the size of these properties and is out of character with existing extensions and structures within the area.
- Impact to neighbours' quality of life.
- Too close to boundary fence and due to this will block the amount of light entering the dining room and garden.
- Loss of light

The majority of the objections will be considered through the determination of the application against the Local Planning Authority's Development Plan policies. However, some of the objections raised concern matters that are unrelated to planning (i.e. house prices, anti social behaviour) which are either not relevant to planning and/or are covered by separate legislative procedures.

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.

PROPOSAL

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The proposed development relates to the construction of a single storey side and rear extension together with the demolition of the existing garage at the property located at 18 Banner Hey, Whiston.

The proposals would seek to provide new downstairs living accommodation for a disabled person comprising of 1 no. bedroom and shower room.

RELEVANT PLANNING HISTORY

22/00288/PDE – Prior approval for the erection of a single storey rear extension maximum depth from original rear wall: 5.95m maximum height 3.48m height of eaves 2.28m. Prior approval refused 15th June 2022.

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; and
- Policy CS19: Design quality and accessibility in new development.

Knowsley Replacement Unitary Development Plan (2006)

- Policy H5: Development within Primarily Residential Areas; and
- Policy H8: Extensions and alterations to residential properties.

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 a Primarily Residential Area in the adopted Development Plan and a domestic extension is therefore considered to be acceptable in principle, subject to compliance with local planning policy and guidance listed above.

Regarding the adopted Development Plan policies, the proposed application complies with 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.

DESIGN

The proposed single storey side and rear extension is of a stepped design. The single storey side extension projects 1.3m from the side elevation and projects 3.4m in depth. The proposed single storey rear extension is stepped and would project a maximum depth of 3.3m from the original dwellinghouse spanning a total width of 6.3m.

The proposed extension would be served by a new combination door and window to its rear elevation together with an additional window serving the downstairs shower room also located at the rear elevation. The proposed roof is of a hip design measuring 2.3m at the eaves and 3.2m at its highest point. The roofline located above the shower room would sit slightly lower at 3.1m.

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The Householder Development SPD is a material consideration for the purposes of determining this planning application. It states that single storey side and rear extensions should normally have a pitched roof for aesthetic reasons. Accordingly, the roof structure is consistent with the Councils guidance and would be in keeping with the host dwelling.

The proposed extension would be faced in materials to match the existing property and as such, the proposal is considered to be in keeping with the property and would not appear incongruous or inconsistent within the wider street scene. 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

The properties located at the rear of the property boundary are unlikely to be affected by the proposals as a result of the existing vegetation.

The main concerns regarding residential amenity relate to the neighbouring properties at no. 16 and no. 20 Banner Hey. A number of objections have been raised by neighbours concerning residential amenity on the grounds of loss of light, scale of the proposed development which is out of keeping with the character of the area, too close to boundary fence etc. These issues will be addressed below.

No. 16 Banner Hey

No. 16 Banner Hey is the adjoining semi-detached property. In this regard the effect of residential amenity relates to the single storey rear extension aspect of the development proposals.

The development provides a separation distance of .2m from the property boundary and would be located within the applicant's boundary in its entirety. Whilst concerns have been raised suggesting that the development is too close to the boundary this is not a valid reason for refusal.

The single storey rear extension projects a maximum depth of 3.3m The Householder Development SPD is a material consideration for the determination of this planning application and recommends that single storey rear extensions located on or immediately adjacent to the party boundary with a neighbouring dwelling will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. The single storey rear extension is therefore within the tolerance set by the Householder Development SPD and is therefore considered acceptable.

Objections have also been raised in relation to loss of light and that the proposed works are out of keeping with the character of the properties within the area. As referred to above, the extension is within the Council's tolerance set in the Householder Development SPD. In addition, the works are only .3m larger than what could be allowed under permitted development rights. The GPDO is a national grant of planning permission which allows certain developments to be undertaken without the submission of a planning application subject to compliance with the provisions set out in the GPDO. As such, this represents a fallback position that the applicant could undertake. On balance, it is considered that the scheme is not of a significant scale that would have adverse impacts to residential amenity and would not result in a significant loss of light that would warrant refusal given that it is in accordance with the Council's guidance.

With regards to the character of the local area, it is noted a number of properties along Banner Hey benefit from rear and/or side extensions some of which are of a similar scale to the one proposed and is therefore not considered to be out of character with the properties located along Banner Hey.

No. 20 Banner Hey

No. 20 is set back from no. 18 due to the orientation of properties along the street scene. No. 20's kitchen is served by a window located at the side elevation, which is the main window for the room. There is a glass door located at the rear of property but is obscure glazed therefore limiting the outlook to the rear of the property.

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The proposed single storey side and rear extension would leave a separation distance of .9m to the property boundary and would project 1.4m at its nearest point from the rear elevation of the garage located at no. 20. The applicant has sought to address issues with the previously refused application under app ref: 22/00288/PDE by reducing significantly reducing the depth of the proposed extension. Whilst the proposals would reduce the distance between the properties, it is substantially reduced in scale as previously submitted and the demolition of the garage will increase access to light from what is currently being experienced. Furthermore, it is considered that the window of the neighbouring property facing the proposed development would be largely obscured by the property boundary fence.

Notwithstanding this, again the applicant could prepare works that would be permissible under permitted development rights in relation to the side extension and therefore represents a fallback position the applicant could undertake. The scale of the extension is therefore not considered to be of a significant scale to warrant refusal.

Whilst there would be some loss of light associated with the development, on balance it is considered that sufficient light would remain to neighbouring occupiers.

Given the scale of the extension and the design of the pitched roof, the proposed works would not appear to be unduly overbearing in relation to neighbouring properties nor would it significantly affect the outlook or levels of light to adjacent neighbouring properties. The development proposals are therefore considered appropriate and would not lead to adverse effects to residential amenity.

HIGHWAYS

The property currently benefits from hard standing to the front and side of the property which provides parking. The proposed development will result in increasing the number of bedrooms from 3 to 4. However, there will not be a change of use in terms of number of occupiers.

Notwithstanding this, the Ensuring a Choice for Travel SPD recommends that 4-bedroom properties should provide a maximum of 3 parking spaces. Given that parking space will still be retained even after the development of the side extension it is considered no impacts to the public highway would occur.

OTHER ISSUES

None.

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.

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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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
02.07.2022	2006856-01 REV A		EXISTING FLOOR PLANS AND ELEVATIONS AND LOCATION PLAN
02.07.2022	2006856-02 REV A		PROPOSED FLOOR PLANS AND ELEVATIONS

J Fleming
15.08.2022

Signed by

Mark Quinn

23/08/2022

INFORMATIVE

COAL AUTHORITY

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); 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

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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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