

<u>APPLICATION NO:</u>	25/00201/FUL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	St Gabriels	<u>PARISH:</u>	
<u>LOCATION:</u>	The Poplars, Wheathill Road, Huyton		
<u>PROPOSAL:</u>	ERECTION OF 1NO. DETACHED GARAGE TOGETHER WITH THE ERECTION OF A BOUNDARY WALL TO THE PERIMETER		

Knowsley Local Plan Policies Map Allocation

Primarily Residential Area

Site Description

The application site sits at the corner of Wheathill Road and Tarbock Road, Huyton. The site contains a detached dwelling. The dwelling is set at an angle within the plot and faces onto Wheathill Road and the junction with Tarbock Road. An existing vehicular access, with sliding access gates, is located on the western boundary of the site taking direct access from Wheathill Road to an existing area of hardstanding and an attached garage. A pedestrian gate is also located further to the north of the vehicular access point.

The western boundary of the site is enclosed by an existing brick wall and piers with composite panels above, which attains a maximum height of 1.8 m. As the boundary turns the corner from Wheathill Road onto Tarbock Road, the northwestern boundary of the site is enclosed by a timber fence which is currently fronted and concealed by a high hedge. Where the boundary of the site sits along Tarbock Road, there is an existing un-finished breeze block wall to a height of 2.36 m.

There are existing outbuildings on the site and amenity space wraps around the dwelling to the side and rear. There is existing planting within the site curtilage adjacent to the site boundaries.

There are no planning records relating to the existing boundary walls that enclose the application site, although the brick wall with composite infill panels and access gates are shown on Google Streetview images from at least 2019. The block wall pre-dates this and can be seen on Google Streetview as far back as 2012. The existing walls are immune from any enforcement action.

Proposal

The application proposes a new boundary wall with piers and capping stones along Wheathill Road and Tarbock Road which would be some 2.38 m high for a run of approx. 25.65 m in length along Wheathill Road, turning the corner onto Tarbock Road.

It is proposed that the new wall and associated piers would be finished in render and would replace the existing timber fencing and high-level hedge and planting. Despite

the details on the plan, it is understood from discussion at Officer's site visit that the applicant envisages using breeze block to match the existing wall along Tarbock Road; this is discussed in detail further on in this report.

It is also proposed to increase the height of an existing block wall located along the boundary with Tarbock Road by course high with capping stones. The resulting height would be 2.38 m high. This would lift a section of existing block wall to the same height as the adjacent section.

The garage would abut the existing highway which comprised of brick wall and piers with composite infill panels. The side elevation of the garage would be an integral part of the boundary with its side elevation forming part of the boundary treatment along Wheathill Road. The garage would have dimensions of 6 m wide by 8.5 m deep. It would have a duo-pitched roof with the ridge running the length of the building and attaining a maximum height of 4m. The lower part of the eaves would be 2.25 m high. The roof slope of the garage along the side elevation would sit 1.63 m above the proposed wall.

Consultations

Highway Authority - Object on the grounds that the development would encroach onto the public highway.

Representations

This application has been publicised by letters sent to 11 neighbours. It has also been advertised by Site Notice. No representations have been received.

Planning History

None.

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.

NATIONAL PLANNING POLICY FRAMEWORK

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

- H5 - Development within Primarily Residential Areas
- H8 - Extensions and Alterations to Residential Properties
- DQ2 - Security in the Built Environment
- DQ3 - Gateway Sites and Corridors

KNOWSLEY LOCAL PLAN: CORE STRATEGY

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

SUPPLEMENTARY PLANNING DOCUMENTS

Householder Development SPD (2016)

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Assessment

Principle of Development

The principle of works associated with an existing dwelling, which is located within a Primarily Residential Area is considered acceptable and policy compliant, subject to the development appropriately addressing all relevant detailed planning considerations.

Layout and Design

Saved UDP Policy H5 provides the Council's guidance on development within Primary Residential Areas and should be considered when determining a development's potential impact on neighbouring occupiers and the local street scene.

The Council's general approach to planning applications for domestic extensions and other "householder" proposals is set out in Saved UDP Policy H8. Policy CS2 in the Core Strategy requires new development to amongst other things, '*promote good quality design and ensuring that development respects its setting taking account relevant design requirements, and best practice.*' Policy CS19 is of particular

importance with all householder development proposals being expected to demonstrate a high standard of sustainable design that can contribute towards and sustain the local distinctiveness of the Borough.

The Householder Development Supplementary Planning Document is a material consideration for the purposes of this application and provides guidance to applicants in relation to householder development.

Policy DQ2 sets out the Local Planning Authority's approach to security in the built environment and advises that new development should be designed to provide good levels of personal and property security. In particular it advises that long lengths of blank or uniform walls should be avoided where these would create dead frontages and should be designed to avoid causing harm to visual amenity, the amenities of occupiers of nearby property and highway safety.

The proposed wall which fronts Wheathill Road and the junction of Wheathill Road and Tarbock Road would replace timber fencing set behind a high hedge. It is also proposed to increase the height of an existing section of block wall along the Tarbock Road frontage to match a higher section of block wall along this boundary. The proposed garage would be integral part of the boundary treatment along Wheathill Road and would be 4 m high. The immediately surrounding properties are made up of in the main residential properties. Section 7.11 – 7.12 of the Householder Development SPD specifically provides guidance in relation to boundary structures and advises that the design and detailing of boundary walls, particularly on highway frontages, plays an important role in defining the character of places.

The proposed development and in particular, the wall would be in a prominent location on a busy arterial gateway road through the borough. Saved Policy DQ3 of the Knowsley UDP relates to Gateway Sites and Corridors. This policy seeks to ensure that new development proposals which are within or adjacent to, or visible from identified routes should seek to enhance the visual appearance of the route. Tarbock Road (A5080) is specifically listed at criterion 1 of this policy.

The proposed development would be dominant and very much in the foreground of the streetscene. The proposal would also result in the loss of a hedge at the junction of Tarbock Road and Wheathill Road. The hedge is thought to be low quality of limited ecological merit; however, the planting does soften this prominent corner of the site and offers amenity value to the streetscene.

As noted above, the application indicates the finish of the development would be white render whereas the applicant wishes to construct the walls in unfinished breeze block similar to the existing wall along Tarbock Road. As proposed, the proposed boundary walls along Wheathill Road and Tarbock Road due to the prominent location, design, height and finish would appear stark and prominent within the streetscene and would be materially out of keeping with the surrounding area which would result in significant harm to the character and appearance of the existing dwelling and the wider streetscene.

It is considered that the existing block wall along the Tarbock Road boundary reinforces Officer's assessment, and the introduction of additional walls of a similar design would only serve to further degrade the existing poor quality boundary treatment. It is Officer's view that this would equally apply should the proposed construction be of unfinished blockwork. Additionally, the loss of the hedge planting which would be replaced by the high level solid wall would magnify this visual intrusion.

Furthermore, the development would be highly visible from a strategic gateway linking to the regional and national transport network and is not considered to be of high quality design, consequently it would fail to enhance the appearance of this identified network corridor.

The proposed garage by virtue of its siting forward of the dwelling and sited immediately adjacent to the public footpath together with its design, height and proposed finish would result in an incongruous form of development within the streetscene which would be harmful to the character and appearance of the application site and the surrounding area.

For the reasons set out above, overall, it is considered that the proposed development is unacceptable due to the detrimental impact on the character and appearance of the application site, street scene and wider area contrary to the NPPF, Policies CS2, CS19 of the Knowsley Local Plan: Core Strategy, Saved Policies H5, H8, DQ2 and DQ3 of the Knowsley UDP and the Householder Development SPD.

Highways Considerations

The Local Highway Authority have raised objection to the proposed development. Highways have stated that the submitted plans show that the proposed building line [of the garage] would include gutters, fascias or eaves which would overhang the public highway. They have advised that this is not permitted without the express consent of the Highway Authority. Under Section 178 of the Highways Act 1980, it is an offence to erect any structure or part of a building (including overhanging elements) above a highway without lawful authority.

The proposed boundary would be located directly on the highway boundary, with foundations likely to extend beneath the adopted highway. This would constitute an unauthorised encroachment into highway land, which is not acceptable to the Local Highway Authority. The Local Highway Authority go on to state that under Section 263 of the Highways Act 1980, the subsoil beneath the highway is vested in the Highway Authority, and under Section 131, it is an offence to interfere with or excavate the highway without permission. This would require the applicant to obtain a valid licence under Section 50 of the New Roads and Street Works Act 1991 in order to construct the development.

As such, the Highway Authority maintains an objection on the basis that the proposal would encroach on highway land both above and below ground, creating legal, maintenance and safety concerns and the proposal in its current form would be likely to result in unlawful interference with the highway.

The Local Highway Authority have stated that their objection will be sustained unless revised plans were to be submitted which ensure that there would be no projections over the adopted highway; and that all construction, including foundations, would be entirely within private land and does not require works under the public highway.

Although the Local Highway Authority has expressed the concerns outlined above, officers are unable to identify any material planning considerations that would justify a refusal of planning permission, as the issue in question constitutes a civil matter rather than a planning one.

Given the other significant design issues raised elsewhere in this report, it is not considered that it would be justified to have the applicant amend the application to

move the proposed development off the boundary in order to ensure that development does not encroach onto highway land.

It is therefore considered that based on the above, there would be no conflict with the NPPF, Saved Policies H5 and H8 of the UDP and Policies CS2 and CS19 of the Local Plan in regard to material planning considerations that could be substantiated. In this case.

Residential Amenity

In order for proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents. Saved Policies H5 and H8 together with Core Strategy policies CS2 and CS19 combine to ensure that new development does not significantly injure the amenities of adjoining or nearby residential property. Further advice on how this should be achieved is set out in the Council's Householder Development and the New Development SPDs.

As detailed earlier on in this report it is considered that the proposed development would result in an unacceptable impact on the visual amenity of the street scene and the surrounding area, as such it must therefore be detrimental to residential amenity.

However, notwithstanding other concerns relating to visual impact reported earlier in this report the impacts specifically in relation to the surrounding neighbouring properties is assessed below.

17, 18 and 21 Cedarwood Court

Dwellings on the opposite the application site turn their backs onto Wheathill Road (Nos. 17 & 18) or present a gable elevation (No. 21) to this street. They are set at a higher level to the street (Wheathill Road) and are enclosed by a brick retaining wall and high level timber fencing / trellis with some hedges / planting above the fencing at the rear of Nos. 17 and 18.

The rear of Nos 17 and 18 would be sited approximately 23 m from the site boundary and there would be very limited interrupted views of the proposed development from the first floor rear of these properties. No. 21 would have some angled views of the development from the first floor rear elevation.

Whilst the proposal may be visible to these neighbouring properties it is sited sufficient distance away from them and as a result any impact on their existing residential amenities would not be so significant to result in harmful impacts that would form a reason to warrant refusal planning permission.

Hawthorns, Wheathill Road

Hawthorns shares its side boundary with the application site. There is an existing hedge along the side boundary and a high level hedge to their site frontage. The neighbouring property sits squarely facing Wheathill Road. It is considered that there would be very limited views of at all from this property.

The views from this property of the proposed development would be so limited that any impact on their existing residential amenities would not be so significant to refuse planning permission on residential amenity grounds in this instance.

179 – 189 Tarbock Road

There are dwellings directly opposite the site boundary along Tarbock Road. These properties are located between approximately 23 and 29 m from the site boundary

and would have direct views of the proposed boundary wall from the front of their properties.

Having found that the proposed development would be harmful to the visual amenity of the streetscene and the surrounding area, it follows that the development would also have a detrimental impact on the residential amenity of these residents

In conclusion, the proposal would be detrimental to the amenity of the occupiers of existing residential dwellings. The proposal, therefore, conflicts with the NPPF, Saved Policies DQ3, H5 and H8 of the Knowsley replacement UDP and Policies CS2 and CS19, of the Local Plan: Core Strategy.

Conclusion

For the reasons detailed above, the proposed development is considered to be unacceptable and contrary to the National Planning Policy Framework (NPPF), relevant Local Plan policies, Saved UDP policies and the guidance set out in the Council's Supplementary Planning Documents (SPDs). As there are no material planning considerations that would provide sufficient grounds to reach a different conclusion, it is recommended that planning permission be refused.

Recommendation

That planning permission be refused for the following reasons:

- 1) The proposed boundary walls along Wheathill Road and Tarbock Road due to the prominent location, height and finish would appear stark and prominent within the streetscene and would be materially out of keeping with the surrounding area which would result in significant harm to the character and appearance of the existing dwelling and the wider streetscene, contrary to the National Planning Policy Framework (2024), Saved Policies H5, H8 and DQ3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policies CS2 and CS19 of the Knowsley Core Strategy: Local Plan, adopted January 2016 and the Householder Development Supplementary Planning Document (2016).
- 2) The proposed garage by virtue of its siting forward of the dwelling and immediately adjacent to the public footpath together with the design and the proposed finish would result in an incongruous form of development within the streetscene which would be harmful to the character and appearance of the application site and the surrounding area. As such the proposed development conflicts with the National Planning Policy Framework (2024), Saved Policies H5, H8 and DQ3 of the Knowsley Replacement Unitary Development Plan, adopted June 2006, Policies CS2 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and the Householder Development Supplementary Planning Document (2016).

Signed Case Officer¹: M Wishart

Signed Authorising **Jo Sheridan**
Officer²: _____

Date: 12/06/2025

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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