

<u>APPLICATION NO:</u>	24/00341/FUL	<u>CASE OFFICER:</u>	Lee Osborne
<u>WARD:</u>	Halewood South	<u>PARISH:</u>	Halewood Town Council
<u>LOCATION:</u>	Land Adj 2 Roseheath Drive, Halewood, Knowsley		
<u>PROPOSAL:</u>	VARIATION OF CONDITION 2 ATTACHED TO PLANNING PERMISSION 23/01713/FUL (ERECTION OF 2NO. SEMI DETACHED HOUSES AND ASSOCIATED WORKS) TO ALLOW FOR THE REPOSITIONING OF THE 2NO. SEMI-DETACHED HOUSES.		

Site Description

The site is a plot of land adjacent to 2 Roseheath Drive and bounded by Roseheath Drive on the south side and Kempself Way and the rear boundary of 1 Kempself Walk to the north. There is a detached building within the site at the rear (facing Kempself Way) and an electric substation bridging the side boundary of the site which is the party boundary with the rear garden of 186 bailey's Lane. The area consists of mostly terraced housing with some semi-detached dwellings.

Proposal

There is planning permission for the erection of a pair of semi-detached two bedroomed houses on the site together with vehicular accesses and hardstanding for car parking, accessed off Roseheath Drive. Planning permission for one of the planning permissions for the site granted planning permission for the dismantling of the electric substation and the erection of a substation at the rear of the site accessed off Kempself Way.

The current proposal seeks to site the pair of semi-detached houses further back into the site and to retain the substation. The approved scheme have the pair of semi-detached houses approximately in the same building line at the front as the adjacent row of terraced houses, including 2 Roseheath Drive. The proposal is to step the pair of semi-detached houses back from the building line of the adjacent terrace approximately half the depth of the houses so that the ridge of the roofs of the houses is in line with the rear elevation of the adjacent terrace. The houses would project further back at the rear approximately 4.9m to the rear of the existing houses. The rear gardens of the proposed houses would be approximately 5m deep; one house would have an addition area of land towards the rear of 1 Kempself Walk on which the proposed substation has been erected and which is proposed to be converted to a garage. The front gardens would have a depth of approximately 11.8m-12.5m; the house neighbouring 2 Roseheath Drive would have approximately 0.9m from the gable to the party boundary whilst the other house would have approximately 3.7m from the gable to the party boundaries with houses fronting Bailey's Lane. The proposed houses would be 5m wide, which is wider than the first scheme approved (4.8m wide) but not as wide as the previously approved scheme (5.9m wide).

As the application is for the variation of a condition attached to a planning permission approved in 2023 the proposal is exempt from BNG requirements.

Consultations

Highway Authority- No objections, and request condition that parking installed prior to occupation.

Merseyside Fire and Rescue Authority - No objections and advice given.

Halewood Town Council - No comments received

Representations

This application has been publicised by letters sent to 11 neighbours. No representations have been received.

Planning History

22/00259/FUL - ERECTION OF 2 NO. SEMI DETACHED DWELLINGS TOGETHER WITH ASSOCIATED WORKS. Granted: 17.11.2022.

23/01713/FUL - ERECTION OF 2NO. SEMI DETACHED HOUSES AND ASSOCIATED WORKS. Granted: 05.10.2023.

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

CS2 - Development Principles

CS19 - Design Quality and Accessibility in New Development

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

H5 - Development within Primarily Residential Areas

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 discussing those with the applicant. However, whilst a solution was identified prior to the application submission the applicant nonetheless decided to submit the application with the scheme as shown on the drawings submitted, and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

Assessment

The application site is situated within a Primarily Residential Area and is for a variation of a condition attached to a previous approval of a pair of semi-detached houses and as such the principle of development has been determined and agreed previously.

Visual Amenity Considerations

The proposed revised siting of the pair of semi-detached houses would result in the houses projecting further at the rear than the adjacent terrace of dwellings approximately 4.9m. The gable of 2 Roseheath Drive is approximately 2.5m to the party boundary with the application site, and there would be approximately 0.9m from that party boundary to the gable of the approved neighbouring house. The front garden areas would be approximately 11.8m – 12.5m deep. This depth of front garden is uncharacteristic of the area, with front gardens being typically substantially less deep. With such deep front gardens and houses so far set back from the road than those in the locality the development would be anomalous in the street scene and be slightly discordant, to the detriment of the street scene and visual amenity. However, it is considered that the impacts would not be such to warrant a refusal of permission.

The set back of the houses 4.9m back from the adjacent terrace would not overly impact on the rear outlook of the property, with the proposed dwelling not falling within the 45 degrees view line of the closest rear windows of 2 Roseheath Drive. The proposed house would have an adverse impact on the rear garden of 2 Roseheath Drive in terms of outlook and amenity due to the proximity of a two storey building 0.9m from the party boundary and extending 4.9m back from the rear elevation line of that neighbouring property. However it is considered that the impacts would not be severe and would be acceptable.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Highways Considerations

The dwellings would meet the parking requirements of the Local Planning Authority and there are no highway safety concerns raised.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Residential Amenity Considerations

It is considered that any overshadowing of the dwelling would not be overly significant as there would be approximately 3.4m from the side elevation of the house and the side of 2 Roseheath Drive. It is considered that the house projecting 4.9m

further back than 2 Roseheath Drive whilst having some impact on the rear of that property it would not be to a significant degree. The proposed house would have some impact on the rear garden of next door in terms of overshadowing it is considered that it would not be severe to a degree to warrant refusal, particularly when taking orientation of the dwellings into consideration. Due to the small length of the rear gardens, set back of the properties and proximity of the neighbouring house it would be prudent to remove permitted development rights to protect the residential and visual amenities of the neighbouring and proposed properties and the area in general.

The application complies with Policies CS2 and CS19 of the Core Strategy and Saved Policy H5 of the UDP.

Conclusion

Whilst the proposed re-siting of the dwellings would have some impacts on the neighbouring house and the street scene it is considered that the impacts would not be severe to such a degree as to warrant refusal. It is considered that the proposal complies with planning policies and is recommended for approval.

Recommendation

That Planning Permission be granted subject to the following condition(s):-

- 1) 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.

- 2) The hours of construction, and deliveries, shall only take place 0800 to 1800 Monday to Friday, 0800 to 1300 Saturday and not at all on Sundays or Public Holidays.

Reason: In the interests of protecting the amenity of neighbouring occupiers and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policies H5 and ENV2 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 3) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and full specification of materials to be used externally on the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and the development shall be carried out only in accordance with the agreed schedule of materials.

Reason: In the interests of visual amenity and to comply with the National Planning Policy Framework, Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016, and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 4) The parking provision shown within the curtilage of each dwelling, and the ECVF shown on the external wall of each dwelling, on the approved plans shall be provided prior to first occupation of the dwelling to which it relates.

The parking area shall be permeable in accordance with the submitted details, and the EVCP shall be to the submitted specifications and design. For the avoidance of doubt surface water shall not drain onto the public footpath and highway. The parking areas shall be made available for the intended use at all times thereafter.

Reason: In the interests of highway and pedestrian safety and to comply with Policies CS2 and CS7 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006

- 5) Notwithstanding any submitted details no dwelling shall be first occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority.

The details shall relate to all land surfaces not built upon and shall include:

- a) Land-levels and gradients resulting in the formation of any banks, terraces or other earthworks.
- b) Hard surfaced areas and materials.
- c) Planting plans, specifications and schedules, planting size, species and numbers/densities, trees to be retained and a scheme for the timing of works.
- d) Existing plants / trees to be retained
- e) Detailed regime for the ongoing and longer term maintenance of all soft landscaping.

For the avoidance of doubt the scheme shall include bird nesting boxes, details to be provided with the landscaping scheme.

The approved landscaping works shall be implemented and completed prior to the occupation of the dwelling to which it relates or the following October - March following occupation in the case of the soft landscaping works if the dwellings are completed in the period April - September.

Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and to comply with Policy CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 6) Details of the colour of the meter cupboard doors shall be submitted to and agreed in writing with the Local Planning Authority prior to installation, and the meter cupboard doors installed in accordance with the agreed details.

Reason: In the interests of visual amenity and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and Saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

- 7) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. Development on the part of the site affected must be halted and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These shall be implemented prior to the dwelling being first occupied.

Reason: In the interests of human safety and the water environment and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 8) No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Reason: In the interests of human safety and the water environment and to comply with Policy CS2 of the Knowsley Local Plan Core Strategy adopted January 2016.

- 9) The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 a) - f) and 2 a) - b), or any amendments made to that Order, shall not apply:

- (i) no extensions shall be carried out to the dwellings
- (ii) no garages or carports shall be erected within the curtilage of the dwellings
- (iv) no buildings or other structures shall be erected within the curtilage of the dwellings
- (vi) no dormer windows shall be added to the dwellings

unless on application to the Local Planning Authority, planning permission for such development has been granted.

Reason: To protect the residential and visual amenities of the dwellings and area and to comply with Policies CS2 and CS19 of the Knowsley Local Plan Core Strategy adopted January 2016 and saved Policy H5 of the Knowsley Replacement Unitary Development Plan adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
27/06/2024	0001-03 - SECTION 73	-	STREET SCENE

27/06/2024	0001-02 - SECTION 73	-	PROPOSED PLANS AND ELEVATIONS INC. EVCP AND BAT BOX BRICK DETAILS
27/06/2024	0001-01 - SECTION 73	A	LOCATION PLAN AND PROPOSED SITE PLAN

Signed Case Officer¹: **Lee Osborne**

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

Date: **19 September 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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