

APPLICATION NO: 23/01164/FUL **CASE OFFICER:** John Fleming

WARD: Prescot North **PARISH:** Knowsley Parish Council

LOCATION: 42 Berryhill Avenue, Knowsley, Knowsley, L34 0EL

PROPOSAL: ERECTION OF A SINGLE STOREY REAR EXTENSION

Site Description

The application property is a mid-terrace dwelling. It is brick facing and incorporates brown UPVC windows and porch. At the side of the application property is a white UPVC door which serves as an entry way to the rear of the application property leading to a shared outbuilding.

The application property benefits from a gable roof arrangement which is stepped in design with the neighbouring dwellings.

The property accommodates a hardstanding drive sufficient to accommodate 2no. vehicles within the curtilage of the property boundary.

Proposal

As originally submitted, the proposals sought the erection of a single storey rear extension together with loft conversion incorporating a rear dormer. Following discussions with the applicant, the loft conversion aspect of the proposals has been withdrawn and development proposals solely relate to that of the single storey extension. It is the applicant's intention to undertake the loft conversion under their permitted development rights.

The proposed single storey extension would measure 4.3m in width by 6.25m depth and would include bi-folding UPVC doors at the rear. The extension would accommodate a gable roof measuring 2.52m at the eaves and 3.77m at its highest point together with 4no. Velux windows.

The proposals would provide an open plan kitchen and sun lounge together with internal alterations to include a new downstairs bathroom.

Consultations

Not applicable.

Representations

This application has been publicised by letters sent to 7 neighbours. No representations have been received.

Planning History

No planning history associated with the application property.

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that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear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, a domestic extension 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 development proposals have been revised since their original submission. The proposed loft extension was not considered in keeping with the application property as originally submitted. Following discussions with the applicant it was confirmed that no increase to the roof ridge would be required and as such the development proposals could be undertaken under permitted development rights allowed under Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended). Accordingly, the applicant has decided to undertake the roof alterations under the provisions set out by the GDPO 2015 and this application solely relates to the erection of a single store rear extension.

The Householder Development SPD states that rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to neighbours nor should it appear unduly dominant. It further states that single storey rear extensions will only be allowed beyond 4m if it does not breach the 45-degree rule.

The proposed development occupies a footprint of 6.25m length x 4.3m width. As such, consideration needs to be given as to whether the 45-degree rule is breached. However, in this circumstance the proposed development would be located between the existing outbuilding to be retained together with the neighbouring extension. The proposed development would not extend beyond the rear elevations of either structures and as such the 45 degree rule is already influenced by existing built form. The proposed rear extension would be faced in materials to match the existing property and as such, the proposal is considered in keeping with the application property and would not appear incongruous or inconsistent with the wider street scene given its location at the rear of the property. The development proposals would accommodate a gable roof situated between the existing outbuilding and the neighbour's rear extension and is therefore acceptable in terms of scale in relation to neighbouring development. It is therefore considered that the development is appropriate in terms of visual appearance and use of materials to match and would not result in an incongruous feature and is acceptable in terms of design.

Residential Amenity

No. 40 Berryhill Avenue

No. 40 is the adjoining terraced house. It shares the outbuilding with the application property and appears to have been previously extended in the form of a single storey rear extension according to aerial imagery. During the site visit, it was observed that due to the influence of the existing outbuilding there would be no visual affect between the proposed development and the single storey rear extension which was not visible on the ground. Notwithstanding this, due to the proposed roof arrangement, the proposed gable roof would be visibly taller than the current flat roof outbuilding. However, the applicant could have submitted an application for a prior approval application which would allow an extension up to 6m. The proposed extension is

marginally longer by .25m. Given no neighbours raised any objections and with a slight reduction the proposed development could have been built under the prior approval process which represents a fall back position the applicant could undertake. Given that no objections have been raised it is not considered that the roof would be materially different than what is currently in situ as the extension serving no. 44 is still visible above the flat roof structure. As such, there would be no adverse impacts to residential amenity to the occupiers to no. 40 sufficient to warrant a refusal of planning on this basis.

No. 44 Berryhill Avenue

No. 44 is the neighbouring terraced property. The outbuilding serving no. 44 appears to have been previously converted and forms the common law boundary with the application property. The proposed extension would not extend beyond the rear elevation of no. 44 and as such there would be no impact to the occupiers of no. 44 in terms of residential amenity.

No other properties would be affected.

Highways

The proposed extension would not give rise to adverse effects to highways safety.

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.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
30.06.2023	LOCPLAN		LOCATION PLAN
26.09.2023	NO1		EXISTING AND PROPOSED LAYOUTS
27.09.2023	NO 2		PROPOSED ELEVATIONS
27.09.2023	NO 3		PROPOSED ELEVATIONS

Signed Case Officer¹:

John Fleming

**Signed Authorising
Officer²:**

K Foster

Date:

28 September 2023

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.

Appendix 1 – Site visit photographs

