

REGENERATION AND ECONOMIC DEVELOPMENT DEPARTMENT

APPLICATION NO: 22/00193/FUL

APPLICANT: Mr Marty Ruane

WARD AFFECTED: Roby

DEVELOPMENT: ERECTION OF A TWO STOREY SIDE EXTENSION

LOCATION OF SITE: 6 Acacia Avenue, Huyton, Knowsley, L36 5TW

KNOWSLEY LOCAL PLAN ALLOCATION –

Primary Residential Area

RELEVANT POLICIES

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

H8 - Extensions and Alterations to Residential Properties

ARTICLE 35

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.

PLANNING HISTORY

An application was approved for a single garage with utility at the rear, (74/00065/HIST – approved 24/05/1974).

TECHNICAL CONSULTATIONS:

N/A

NEIGHBOUR NOTIFICATION:

This application has been publicised by letters sent to 7 neighbours. 1 Objection has been received consisting of the following main points.

Original Plans

- I am concerned that the proposed drainage features would encroach over the boundary.

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- There would be loss of light to the kitchen, bathroom, hall, stairs and landing.
- There has been no notice served on me for building over my boundary, if the extension were built entirely within the site boundary of the applicant, I would have no objection to the proposal.

Amended Plans

- Whilst the nature of the amendment acknowledges my objection to the previous proposals, the revised plans have not been adjusted sufficiently to avoid having features that will encroach on and over-sail my property.
- The eaves as well as other guttering and other pipes should be shown on a plan.
- For the proposal to not over sail the boundary the side elevation wall will need to be 450mm from the boundary to permit sufficient width for eaves and guttering.
- Negotiations for access will need to be agreed via party wall agreement prior to commencement of work.

ISSUES AND ASSESSMENT:

PROPOSAL

The application is for the erection of a two storey side extension*.

The application has been amended twice, once to set back the extension slightly from the boundary and once to set back the extension at first floor level by 1 metre.

DESIGN, ACCESS AND CRIME PREVENTION

The design of the two storey side is considered acceptable as it would be set back at first floor level by 1 metre. Therefore, the proposal complies with para 7.2 of the Householder Development SPD. The roof would also be pitched like the main dwelling. Overall, the Extension is consistent with Core Strategy Policy CS19, and the Householder SPD.

RESIDENTIAL AMENITY

In relation to 8, there would be no impact from the side extension as it would take place on the opposite side of the property.

In relation to the impact on 4, there are side windows on the side of 4 which would be affected by the proposal (kitchen bathroom, stairs and landing). With regard to the bathroom stairs and landing, these are not classed as main habitable room windows. Therefore, loss of light/outlook in these rooms would not lead to significant harm to amenity. In relation to the kitchen, there is an additional main habitable room window at the rear which would provide sufficient light and outlook for this room. The side window is a secondary window. Overall, the extension would not impact a main habitable room window or cause significant harm to residential amenity. Therefore, the applications complies with Policy CS19 and the Householder Development SPD.

OTHER CONSIDERATIONS

In relation to land ownership, the application has been subject to amendments to set back the extension slightly from the boundary. Representations have been made that the extension would result in elements of the proposal (such as guttering etc) being outside the boundary of the property. This has been queried with the applicant who has stated their belief that the guttering would be within their boundary. The local planning authority does not have the legal authority or expertise to determine boundary disputes as these are covered separately under the Party Wall Act. Therefore, an informative

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will be included advising that any planning permission granted does not give the legal right to build outside the boundary.

CONCLUSION

The proposal is acceptable in design and would not harm the amenity of neighbouring properties. The application complies with local planning policies and is recommended for approval.

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 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 Policy CS19 of the Knowsley Local Plan Core Strategy, adopted January 2016 and saved Policies H5 and H8 of the Knowsley Replacement Unitary Development Plan, adopted in June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
26/07/2022	CHA-DR-A-GAP-001	Rev 02	Proposed Plans and Elevations
31/05/2022	CHA-DR-A-LPE-001	00	Site Location Plan
31/05/2022	CHA-DR-A-LPE-002	00	Site Plan

Informatives

1) Party Wall Act

It should be noted that the grant of planning permission does not confer any legal right to build on land outside the boundary of the property. Any work outside the boundary would

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need to the permission of the relevant owner. The Party Wall Act (1996) provides a non planning framework for boundary disputes, further guidance is available below.

<https://www.gov.uk/party-walls-building-works>

Andrew Hunt
26 July 2022

Alan Kilroe
26 July 2022

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