



**THIS HOUSEHOLDER PLANNING APPLICATION HAS BEEN CALLED TO THE DEVELOPMENT CONTROL COMMITTEE BY COUNCILLOR CHRIS ROWE ON THE GROUNDS OF IT BEING OUT OF CHARACTER WITH OTHER PROPERTIES IN THE AREA.**

## **1. APPLICATION SITE**

### **1.1 The Site**

The application site is Jamar, Halton Station Road, Runcorn. The site comprises of a detached hipped roof bungalow set in an above average sized plot.

In terms of recent planning history, an application for a two storey side extension to the existing bungalow was submitted in 2015 (application reference 15/00592/FUL). This application was withdrawn due to design concerns raised by the Local Planning Authority to allow time for a scheme to be redesigned and resubmitted at a later. The current application is the redesigned proposal for extensions/alterations to this bungalow.

Located to the south west of the application site is a parcel of land which is currently being developed for a 2no.semi-detached two-storey dwellinghouses which were granted planning permission in 2015 by application 15/00473/FUL. The adjacent parcel of land which is currently being developed was previously part of the residential curtilage of the bungalow called Jamar which is located within the site boundary of this application.

Located to the north east of the site is a bungalow called Dothan which is located on Halton Station Road. This property is located in an above average sized plot with the bungalow itself being approximately 20m from the boundary with the application site.

Located to the north west of the site is a footpath which links Ashbrook Avenue with Mapleton Drive with residential estate comprising of a mix between of single storey and two storey properties located beyond.

Located to the south east of the site is Halton Station Road which is a one-way street linking the A557 with Wood Lane and Ashbrook Avenue and the two-way section of Halton Station Road which links to the A56. Beyond this is the Chester to Manchester railway line which is at a lower level.

There is an incline along Halton Station Road from the junction with the A557 and there are a mix of single storey and two storey properties.

## **2. THE APPLICATION**

### **2.1 The Proposal**

This application proposes the erection of a single storey side extension, single storey rear infill extension, including the raising of the roof to facilitate a loft conversion including dormer windows to the front and rear elevations. This would result in the ridge level increasing by approximately 1.75m.

## **3. POLICY CONTEXT**

### **3.1 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

### **3.2 Halton Unitary Development Plan (UDP) (2005)**

The site is designated as a Primarily Residential Area in the Halton Unitary Development Plan. The following policies within the adopted Unitary Development Plan are considered to be of particular relevance;

- BE1 General Requirements for Development;
- BE2 Quality of Design;
- H6 House Extensions.

### **3.3 House Extensions Supplementary Planning Document (SPD) (December 2006)**

The purpose of the House Extensions SPD is to complement the Halton UDP by providing additional guidance for anyone intending to extend or alter their house.

## **4. CONSULTATIONS**

### **4.1 Network Rail**

Network Rail has no comments to make on this application.

## **5. REPRESENTATIONS**

- 5.1 The application was initially advertised by 10 neighbour notification letters sent on 13<sup>th</sup> April. Following the description being updated to more accurately describe the proposed development and the submission of an amended plan and an updated application form (including a revised certificate of ownership), a further 10 neighbour notification letters were sent out on 25<sup>th</sup> April and a site notice was posted on Halton Station Road on 26<sup>th</sup> April.
- 5.2 Representations from 10 households have been received from the publicity given to the application. Of the 10 households who have responded, 2 are in support of the application and 8 are in objection. A summary of the issues raised is below:

### **REASONS FOR SUPPORT**

- The proposal would be a great addition to the street;
- Once extended, Jamar would sit comfortably in its surroundings;
- Sufficient outdoor space would be maintained;
- Neighbouring properties would not be compromised;
- Jamar would have ample parking;
- The proposal would enhance the Halton Station Road street scene bringing the tired property to a modern standard.

### **REASONS FOR OBJECTION**

- The proposal would double the size of the present bungalow on a small restricted plot which would represent an overdevelopment of the site;
- The proposal would be out of character with the other ten single storey bungalows in Halton Station Road and the further group of single storey bungalows along and adjoining Wood Lane;
- A loft conversion is an understatement;
- The raising of the roof and dormer windows will overlook existing properties;
- There would be no land left to be used as garden;
- Insufficient off-road car parking would be available;
- Noise, dust, pollution, vibrations and commotion would be caused by the proposed building works;
- Another year of working at unsociable hours would need to be endured;
- Views would be compromised;
- Increased vehicle movement on Halton Station Road would result which would create dangerous highway conditions;
- A new driveway and garage are being built;
- The plan states that the garages will be removed and they have been removed already;
- Exacerbation of existing run-off and flooding problems;

- The applicant informed neighbours that the gutter height would remain at the current height;
- The application form states that no pre application advice has been given;
- The land ownership certificate on this application has been falsified which is a criminal offence under Section 65 (5) of the Town and Country Planning Act 1990;
- There have been falsified land ownership certificates on a number of planning applications relating to Jamar. Planning permissions should be revoked and fresh applications with correct ownership certificates and notifications should be resubmitted;
- Works have commenced without the necessary planning permission;
- The two houses adjacent were illegally applied for;
- Part of the application site has been annexed by the applicant and is subject to legal action;
- The residents/owners of Jamar aren't subject to the same rigorous planning process / restrictions as other local residents. Is it because they work for Halton Borough Council / Halton Housing Trust?

## **6. ASSESSMENT**

6.1 The most relevant policy to the determination of this planning application is Policy H6 'House Extensions' of the UDP which states the following:

**Proposals for house extensions will be permitted provided that all of the following criteria can be satisfied:**

- a) The proposal would not unacceptably alter the appearance or character of the original dwelling but relate closely to it and harmonise with it in terms of their scale, proportions, materials and appearance.**
- b) The proposal would not create dangerous highway conditions by obstructing visibility for pedestrians or drivers of motor vehicles.**
- c) Reasonable private garden space is provided for use by the residents of the extended property.**

Also, particularly relevant is Policy BE1 (2c) 'General Requirements for Development' of the UDP states the following:

**It must avoid unacceptable loss of amenity to occupiers or users of adjacent land or buildings, by virtue of, noise, disturbance, noxious fumes, and dust or traffic generation. Adjacent residential uses should not suffer unacceptable loss of amenity through overlooking, overshadowing or overbearing appearance.**

This along with the other relevant policies in the UDP form the basis on which a decision on this application should be made.

6.2 This proposal can be separated out in three elements (side extension, rear infill extension and raising of roof and associated dormer extensions).

### 6.3 Side Extension

The guidance in section 5 of the House Extensions SPD relates to side extensions on semi-detached, linked detached and end terrace properties rather than a detached property which is the case with this application. That said, the principles can still be relevant in this case in considering the design standard of the proposal:

- The extension should not exceed more than 50% of the width of the frontage of the original dwelling. **THIS PROPOSAL WOULD BE LESS THAN 30% OF THE WIDTH OF THE EXISTING PROPERTY.**
- A minimum of 800mm shall be retained between the sidewall of the extension and the inside of the plot boundary to allow for access to the rear for bin and cycle storage. **WELL IN EXCESS OF 800MM FROM THE PLOT BOUNDARY WOULD BE MAINTAINED ON BOTH SIDES OF THE PROPERTY.**
- A minimum gap of 800mm shall be retained between the sidewall of the first floor and the plot boundary. **NO TWO STOREY EXTENSION IS PROPOSED AND WELL IN EXCESS OF 800MM FROM THE PLOT BOUNDARY WOULD BE MAINTAINED ON BOTH SIDES OF THE PROPERTY.**
- The extension shall be set back a minimum of 1 metre from the main front elevation of the existing dwelling. **THERE IS NO REQUIREMENT FOR THE PROPOSED EXTENSION TO BE SETBACK FROM THE FRONT ELEVATION OF THE PROPERTY AS IT IS DETACHED, WELL SET IN FROM BOTH BOUNDARIES AND WOULD NOT RESULT IN A TERRACING EFFECT.**
- The roof of the extension shall have a lower ridge height, than the existing house. **THIS IS A REQUIREMENT TO AVOID TERRACING WHICH WOULD NOT OCCUR IN THIS CASE.**
- A minimum of two off road car parking spaces shall be provided. **AS SET OUT PREVIOUSLY, THIS IS AN ABOVE AVERAGE SIZED PLOT AND TWO OFF ROAD PARKING SPACES WITHIN THIS RESIDENTIAL CURTILAGE IS EASILY ACHIEVED.**

The principle of a side extension is considered to be acceptable subject to the general principles for all extensions which will be considered later in section 6.6 of the report.

### 6.4 Rear Infill Extension

The guidance in section 6 of the House Extensions SPD relates to rear extensions. This states that the Council will use the 45 degree rule to help assess the impact of any rear extension upon the amenities of neighbouring

properties and to protect them from overshadowing or obstruction caused by extensions on or close to the boundary. **THIS SINGLE STOREY REAR INFIULL EXTENSION IS SUFFICIENTLY DISTANT FROM NEIGHBOURING PROPERTIES AS TO NOT TO CAUSE OVERSHADOWING OR OBSTRUCTION WHICH WOULD BE SERIOUSLY DETRIMENTAL TO RESIDENTIAL AMENITY.**

The principle of a rear infill extension is considered to be acceptable subject to the general principles for all extensions which will be considered later in section 6.6 of the report.

### 6.5 Raising of the Roof and Dormer Extensions

There is no specific guidance in the House Extensions SPD relating to the raising of a roof so it must be considered on the general principles for all extensions with the key considerations being the effect on the street scene and the character of the area and the amenity of neighbours. These issues will be considered in section 6.6 of the report as the proposal as whole is considered against the general principles for extensions.

The guidance in section 7 of the House Extensions SPD relates to dormer extensions. Whilst not being a particular feature of the Halton Station Road street scene, front and rear dormers are proposed and need to be considered on their merits. It states that where dormers are on the front or rear elevation of the dwelling or readily visible from public space, their scale and design are particularly important and the following criteria will apply:

- They should not normally exceed more than one third of the width of the roof. **THE PROPOSED DORMERS ARE SMALL IN DIMENSION AND ARE SIGNIFICANTLY BELOW ONE THIRD OF THE WIDTH OF THE ROOF.**
- They should not project above the ridge of the roof. **THE PROPOSED DORMERS WOULD NOT PROJECT ABOVE THE RIDGE OF THE ROOF.**
- Dormers which wrap around the side ridges of a hipped roof are not acceptable. **THE ROOF WOULD NOT BE HIPPED.**
- The face of a dormer should be set back by a minimum of 1 metre behind the main wall. **THE FACE OF THE DORMERS WOULD BE CLOSE TO 1 METRE BACK FROM THE MAIN WALL AND WOULD BE SUFFICIENTLY INSET IN THE ROOF.**
- A dormer should not extend to the full width of the roof, but should be set in from the side/ party walls. Two smaller dormers may be better than one large one. **TWO SMALL DORMERS ARE PROPOSED IN EACH ROOF PLANE AND THEY WOULD BE SET IN FROM THE SIDE WALLS AND BE POSITIONED TO ENSURE THAT THEY ARE SYMMETRICAL.**
- Dormer windows should vertically line up with existing windows and match their style and proportions. **THE PROPOSED DORMERS HAVE BEEN ALIGNED WITH WINDOWS BELOW ON THE FRONT ELEVATION TO ENSURE SATISFACTORY APPEARANCE. THEY**

**ARE NOT ALIGNED ON THE REAR ELEVATION, HOWEVER THIS IS NOT CONSIDERED TO BE SERIOUSLY DETRIMENTAL IN TERMS OF APPEARANCE.**

- Flat dormer roofs are not acceptable unless considered appropriate to the particular building or the street scene. **THE PROPOSED DORMERS ARE OF A GOOD DESIGN STANDARD WITH A PITCHED ROOF.**
- Dormer cheeks should normally be clad in materials to match the existing roof. **ANY SUBSEQUENT PLANNING PERMISSION SHOULD BE SUBJECT TO CONDITION WHICH ENSURES THAT THE MATERIALS USED MATCH OR CLOSELY HARMONISE WITH THE FINISHES SHOWN ON THE PLAN (RENDERED FINISH)**

The raising of the roof is found to be acceptable (see section 6.7), consequently the dormers proposed to be located in the enlarged roof are considered to be of an appropriate scale and design and are acceptable in principle subject to the general principles for all extensions which will be considered in section 6.6 of this report.

#### 6.6 General Principles for all Extensions

General principles for all extensions are set out in section 3 of the House Extensions Supplementary Planning Document.

##### **Design in relation to existing dwellings**

The proposal would change the application property from a hipped roof bungalow to a gable ended dormer bungalow. This would inevitably have a different appearance to the existing property but that does not automatically make it unacceptable. Having been through the exercise of looking at the suitability of the various elements of the proposal, it appears that each element of the proposal has regard for the House Extensions SPD and the resultant appearance would be a dwelling of acceptable appearance.

For information purposes, the property subject of the application benefits from permitted development rights and by virtue of the fact that the property is detached and set in an above average plot would allow for various extensions/alterations to be undertaken without the need for planning permission. This could include single storey extensions on both sides of the bungalow, a single storey rear extension and roof alterations (a hip to gable conversion, a rear dormer (likely to be flat roof due to roof height).

The approach taken with the proposed development would result in a well-designed property, whereas the alterations which could be undertaken through permitted development rights without raising the ridge would likely result in a property of a lower design standard.

How the resultant property would integrate into the street scene and impact on the character of the area is to be considered below.



It is noted that the applicant intends to render the property. There are other examples of properties on Halton Station Road which are rendered including the front elevations of no.16 and 17 and this material choice is considered to be appropriate. The materials to be used should follow the detail shown on the plans and the application form and it is considered appropriate to condition this on any subsequent permission. The proposal makes provision for an appropriately designed roof with dormer windows. The overall approach taken with regard to window openings in the property is considered to be acceptable.

### **Effect on the street scene and the character of the area**

It is acknowledged that the proposal would result in a property of differing appearance to the one which currently exists. Halton Station Road has a variety of property types including both single storey and two storey buildings as well as differing roof types with some properties having hipped roofs and some being gable fronted etc.

It is noted that directly next to the application property that 2no. semi-detached two storey dwellings are in the process of being completed which are set at a lower level and that the neighbouring property to the north east is a hipped roof bungalow set at a higher level. It is also noted that to the rear (north west) of the application site on Elvington Close there is a mixture of single and two storey dwellings.

Having taken all these factors into account, the view taken is that the proposed alterations to this property would not have a significantly detrimental impact on the Halton Station Road street scene or on the character of the area both of which contain variety.

### **Amenity of neighbours**

An extension should respect the existing standard of daylight and privacy experienced by neighbours, in particular:

- Where principal windows will allow views to other principal windows of a neighbouring property, a minimum distance of 21 metres must be maintained.
- Where principal windows directly face a blank elevation, a minimum distance of 13 metres must be maintained.

The above distances are more applicable to relationships between first floor windows rather than ground floor openings as a boundary fence can often provide privacy between properties. Considering the property subject of the application and the new principal (habitable) windows proposed (both at ground floor and first floor level), they would be positioned in excess of 21m from the principal windows of neighbouring properties (Dothan, Halton Station Road, 1 & 3 Ashbrook Avenue and 1,3,5 & 7 Elvington Close) which are directly facing.

One of the representations makes the point that there is not 21m between windows of Jamar and the nearest new house within the garden of Jamar.

This is correct, however the key issue is relationships which allow views between principal windows (i.e. windows which are directly facing). As stated above, many of the principal windows in this property are at ground floor level and a boundary fence can ensure privacy between properties. In terms of the new openings at first floor level (dormer windows), none of these openings would offer a direct view of a principal window in the nearest new house located to the south of the property and it is not considered that privacy would be unduly compromised.

### **Parking & Garage Space**

The guidance in section 8 of the House Extensions SPD relates to Parking & Garage Space. It states that extensions will not normally be allowed if they have the potential to reduce off-road parking. In most circumstances a minimum of two off-road parking spaces should be provided. The size of a parking space should be a minimum of 2.4 metres x 5 metres.

As stated previously, this property is located in an above average sized plot and accommodating two off-road parking spaces can easily be accommodated.

It is noted that historically, the property had two driveways and provision for a significant amount of off-street parking, however even after the loss of one driveway to allow the development of 2no. semi-detached dwellings, the property still has a driveway which can accommodate in excess of two cars in the north eastern corner of the site (which is shown on aerial photographs for in excess of 10 years). This access point from Halton Station Road and the associated driveway is lawful.

It is noted that a second access point to the site subject of the application in the south eastern corner has been created. As Halton Station Road is a classified road, this required planning permission. This has not been included on this planning application. A planning application to address this breach of planning control should be submitted, however the Highway Officer has confirmed that they would likely support an application and it is not to detriment of highway safety. Representations note that a new driveway and garage is being built. This may need planning permission and should this be the case, a planning application to address this breach of planning control should be submitted.

One of the representations tries to argue that the property would have 6 bedrooms and would need 3 parking spaces. The submitted plans show 4 bedrooms and the provision of 2 parking spaces is acceptable.

The extension and alterations proposed to this property would not reduce the off-road parking spaces below two (provision in excess of this would exist) and is considered acceptable in this respect.

### **Garden Space**

The guidance in section 9 of the House Extensions SPD relates to Garden Space. It states that enough private garden space should be left after any

extensions have been built to accommodate various leisure pursuits, to ensure that enough space is kept between neighbouring houses to avoid a cramped overcrowded feel and to prevent overlooking between windows. The minimum garden area acceptable to the Council is 50sqm of usable garden space, and this should be private enclosed space e.g. rear garden.

As stated previously, the property is located in an above average sized plot and would have well in excess of the minimum 50sqm private garden space after undertaking the proposed extensions. The proposed extensions would result in the property becoming a 4 bedroom property and even having regard for the 90sqm guideline for new-build four bedroom dwellings in the Design of Residential Development SPD, this proposal would provide in excess of that figure.

#### 6.7 Issues raised in the representations not addressed above

It is inevitable that most forms of development even small scale developments such as house extensions cause some level of disruption. This does not form a reason to refuse this planning application.

In terms of restrictions on working hours, no special sensitive uses have been identified adjacent to the site. Based on the scale of development and the likely level of noise and disturbance, a condition restricting working hours is not considered necessary or reasonable in this case. Noise and disturbance are subject to control under separate legislation (The Control of Pollution Act 1974)

In planning terms, no-one has the right to a view over land not in their control.

With regard to the proposal increasing vehicle movements along Halton Station Road, this is a householder planning application which does not seek to increase the number of properties but merely increase the size of the existing property. It is not considered that the granting of extensions on this property would significantly increase vehicle movements along Halton Station Road to the significant detriment of highway safety.

With regard to the applicant informing the neighbours that the gutter height would remain the same, this is the case on the current proposal as the height to eaves level would remain unaltered.

One of the representations states that the application form indicates that no pre-application advice has been given which they understand to be incorrect. The dialogue being referred to is advice that was given during the processing of the previous application (15/00592/FUL), which was withdrawn regarding the suitability of the proposal and potential amendments to address concerns made. This shows the Local Planning Authority's pro-active approach to decision making as set out in the NPPF.

The note on the original plan submitted with this application stated that the garage will be removed. This note has now been removed by the applicant as the garage was actually removed in 2016.

In relation to the exacerbation of flooding or surface water run-off issues, the site is located in Flood Zone 1 which is the lowest risk of flooding. Based on the increase in footprint of the property, it is not considered that a refusal on the basis of flooding or surface water run-off can be sustained.

Issues have previously been raised in respect of the serving of correct land ownership certificates in relation to planning applications submitted for Jamar, Halton Station Road, Runcorn. The application process relies on people acting in good faith. Applicants are expected to provide true and accurate information. The issues centred on the site not being owned by the applicant but by the applicant's mother. The applicant has stated that the owner of the site (his mother) was aware of the applications and the Council has also received written confirmation of this. Based on this and the fact that the owner of the site has not complained, any attempt to prosecute under section 65 of The Town and Country Planning Act 1990 would not be successful and a waste of public money. The issues were investigated under the Council's Corporate Complaints Procedure and by the Local Government Ombudsman, who found no fault in the way the Council handled the matter.

The Council does not intend to revoke the planning permission of the 2no. semi-detached houses on the now adjacent site granted by application 15/00473/FUL.

Members should note that the applicant has completed Certificate of Ownership - Certificate B on the current application and has served notice on his mother as land owner.

On representations made on this application, a neighbouring property alleges that part of the application site has been annexed by the applicant and that they own it and it is subject to legal action. No evidence has been supplied to demonstrate that this is the case, despite numerous requests being made. The person who has made this allegation is fully aware of this planning application which is the purpose of the pre notification (serving of notice).

In any case, members should note that private issues between neighbours including land and boundary disputes are not material to the determination of a planning application. You do not need to own a site in order to submit a planning application, however you do need to own or control the land in order to implement a planning permission.

If someone tells the council the information it has is untrue, it will decide what action to take. The Council acted on this information and asked the applicant to clarify if the application site was correct. Initially there was an error on the plan which has since been rectified by the applicant to reflect land which he states is within the ownership of his mother. The impact of the proposed development is considered above and based on the relationships with

neighbouring properties, it is considered to be acceptable. Even if it were demonstrated that the boundary line between Dothan and Jamar is closer to Jamar than is shown on the submitted plan, the distance between the buildings would remain unaltered and the impact from an amenity perspective would in Officers view remain unaltered. It is noted that if the boundary were to be closer than shown, this would impact on the ability to park a car at the side of the property however as stated previously in the report, there is more than sufficient off-road parking space within the curtilage of this property.

Representations state that works have commenced without the necessary planning permission. At the time of undertaking a site visit, no works had commenced on the extensions / alterations in the description of this planning application.

In terms of the recommendation made on this planning application, who the applicant is or who they may work for has no bearing on this. The recommendation made is based on the Council's adopted policies and guidelines.

## **6.8 Conclusions**

Considering all the above, the proposed alterations would be of an appropriate design which would respect the Halton Station Road street scene and the character of the area. It would also respect the amenity of neighbouring properties as well as ensuring sufficient private amenity space and parking would remain. The proposal is considered to comply with Policies H6, BE1 and BE2 of the adopted Halton Unitary Development Plan and the House Extensions Supplementary Planning Document.

## **7. CONCLUSIONS**

The proposal would inevitably result in the property having a different appearance to the existing property. Each element of the proposal has regard for the House Extensions SPD and the resultant appearance would be a dwelling of acceptable appearance.

The proposed alterations to this property would not have a significantly detrimental impact on the varied Halton Station Road street scene or on the character of the area

The property is positioned sufficiently distant from neighbouring properties having regard to the House Extensions SPD to ensure that residential amenity in terms of daylight and privacy is not unduly compromised.

The property is located in an above average sized plot and accommodating two off-road parking spaces, as well as private garden space in excess of the minimum requirement of 50sqm could easily be accommodated after undertaking the proposed extensions.

Based on all the above, the proposed development is considered to be acceptable.

## **8. RECOMMENDATIONS**

Grant planning permission subject to conditions.

## **9. CONDITIONS**

1. Time Limit – Full Permission;
2. Approved Plans;
3. External Facing Materials – (Policy BE1);

## **10. SUSTAINABILITY STATEMENT**

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.