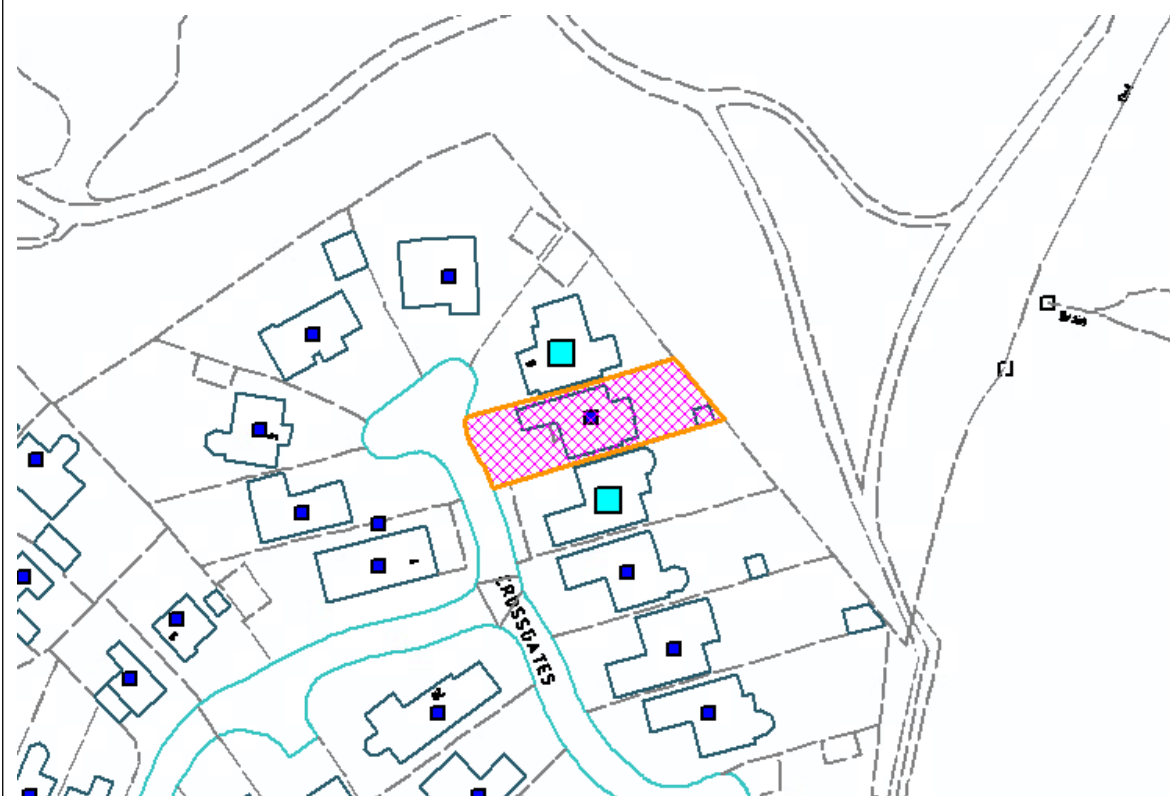


<b>APPLICATION NO:</b>	24/00018/FUL
<b>LOCATION:</b>	7 Crossgates, Widnes, Cheshire, WA8 3GA.
<b>PROPOSAL:</b>	Proposed single storey rear extension to replace existing conservatory.
<b>WARD:</b>	Halton View Ward
<b>APPLICANT:</b>	Mr Stewart Sturdy
<b>AGENT:</b>	Mr Lee Rowley
<b>DEVELOPMENT PLAN:</b>	<b>ALLOCATIONS:</b>
Halton Delivery and Allocations Local Plan (2022)	Primarily Residential Areas – RD5
Halton Core Strategy (2013)	
Joint Merseyside and Halton Waste Local Plan (2013)	
<b>DEPARTURE REPRESENTATIONS:</b>	No
<b>KEY ISSUES:</b>	None
<b>RECOMMENDATION:</b>	Approve subject to conditions

**SITE MAP**



## **1. APPLICATION SITE**

### **1.1 The Site**

The property subject of the application is 4-bedroom, two-storey, detached dwelling-house located on 7 Crossgates, Widnes, Cheshire, WA8 3GA.

The site is located within the Primary Residential on the Halton Delivery and Allocations Local Plan Policies Map.

The application proposes a single storey rear extension to replace existing conservatory.

Permitted Development rights for the enlargement of dwelling houses have been withdrawn at the site.

### **1.2 Planning History**

A planning history search was complete within the application site and has revealed the following relevant applications:

Application 8010498f for the reclamation of land by tipping and extraction of inert material for the purposes of agriculture, Open space and housing was approved by Halton Borough Council on 07.08.1980.

Outline application 80111690 for the erection of 16 detached and 2 pairs of semi-detached dwellinghouses was approved by Halton Borough Council on 25.11.1980.

Application 9025791f for proposed site layout, roads, sewers & associated works in connection with Plots for 19 detached residences was approved by Halton Borough Council on 16.08.1990.

## **2. THE APPLICATION**

### **2.1 The Proposal**

The application proposes a single storey rear extension to replace existing conservatory.

### **2.2 Documentation**

The application is accompanied by the below plans supporting the application:

- WA8 3GA/7/01 Elevations & Sections
- WA83GA/7/02 Plans

### **3. POLICY CONTEXT**

Members are reminded that planning law requires for development proposals to be determined in accordance with the development plan, unless material considerations indicate otherwise.

#### **THE DEVELOPMENT PLAN**

##### **3.1 Halton Delivery and Allocations Local Plan 2022 (DALP)**

The following policies are considered to be applicable:

- C2 Parking Standards;
- CS(R)18 High Quality Design;
- CS23 Managing Pollution and Risk;
- GR1 Design of Development;
- GR2 Amenity;
- HE8 Land Contamination;
- RD3 Dwelling Alterations, Extensions, Conversions and Replacement Dwellings.

#### **MATERIAL CONSIDERATIONS**

Below are material considerations relevant to the determination of this planning application.

##### **3.2 National Planning Policy Framework**

The last iteration of the National Planning Policy Framework (NPPF) was updated in 2023 and sets out the Government's planning policies for England and how these should be applied. Paragraph 47 states that planning law requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing. Paragraph 85 states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

##### **3.3 National Planning Practice Guidance (NPPG)**

Together, the National Planning Policy Framework and National Planning Practice Guidance set out what the Government expects of local authorities. The overall aim is to ensure the planning system allows land to be used for new homes and jobs, while protecting valuable natural and historic environments.

### 3.4 Other Considerations

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.

Equality Duty Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:- (1) A public authority must, in the exercise of its functions, have due regard to the need to: a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application. There are no known equality implications arising directly from this development that justify the refusal of planning permission.

## 4. CONSULTATIONS

### Halton Borough Council's Contaminated Land Officer

The Contaminated Land Officer was consulted on the application and raises the following comments:

*"The application site is location adjacent to Sunny Bank Park which was formerly railway land associated with tipping of waste by the railway company. Historical site investigations identified some issues associated with landfill gases, and whilst the gas management/mitigation was included in the creation of the parkland, the development of the Crossgates estate was to include gas protection measures. Therefore, the Planning Authority should request details of the protection measures included in the original construction of 7 Crossgates (if available) and the new extension must include appropriate gas protection.*

*Therefore, any approval must include a condition requiring the submission and agreement of gas protection measures, including verification of the independent installation and keying in of the extension to the existing property and its measures.*

*Suggested text of r a condition - No development shall take place until a scheme of ground gas protection is submitted and agreed in writing. This must include details of the integration with the existing property. Upon completion a*

*verification report detailing how the Gas Protection Verification Scheme has been met”.*

Will Watson  
Contaminated Land Officer

The recommended pre-commencement condition has been attached accordingly and agreed with the applicant. This is discussed further within the report.

## **5. REPRESENTATIONS**

The application was publicised by 2 neighbour notification letters sent on 18.01.24 to the surrounding properties. No representations have been received within this publicity, which expired on 11.02.24.

## **6. ASSESSMENT**

The property subject of the application is 4-bedroom, two-storey, detached dwelling-house located on 7 Crossgates, Widnes, Cheshire, WA8 3GA.

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

The House Extensions SPD outlines the general principles for all householder extensions. The SPD outlines that extensions should relate closely to and harmonise with the existing building in its scale, proportions, materials and appearance. In particular, extensions should be subordinate to the original dwellinghouse, external materials should further closely match the existing dwelling and on prominent elevations, problems of bonding should be overcome by setting the extension back from the main wall of the dwelling.

The position of the dwelling within its plot will represent one of the most important considerations. In addition, the roof pitch of an extension should be pitched to match that of the existing dwelling - flat roofs are not normally accepted unless they are a feature of the original dwelling house and windows should match the design, proportions and size of the original dwelling.

### Design in relation to existing dwelling

The proposed development seeks permission to erect a single-storey rear extension to replace the existing conservatory.

The application site currently has a single-storey rear conservatory projecting back from the original dwellings rear wall by circa 3.5 metres and spanning a width of circa 4 metres.

The proposed single-storey rear extension to replace the existing conservatory is of a size, which is acceptable to the application property. The

proposed rear extension projects back from the existing rear wall by 4.050 metres, with a width of 7.415 metres, and eave height of circa 2.46 metres.

Section 6 of the SPD states that rear extension would not normally be allowed if it projects more than a 45 degree line from the middle of the nearest affected window or exceeds a maximum of 4 metres.

The proposed rear extension does not exceed 4 metres from the original dwellings rear wall and following a site visit, it is noted that proposed extension complies to the 45 degree rule and is subordinate to the original dwelling.

A gap is retained to the boundary which will allow for access to the rear garden for the purposes of bin storage and bicycle movements.

The materials proposed for the single-storey rear extension consists of facing bricks and tiles to match the original dwelling. This is considered acceptable and has been secured by condition.

The approach taken with regard to openings is considered to be acceptable.

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

The proposed development is a rear extension, and not visible from the properties principal elevation. Therefore, is considered to not result in a detrimental impact on the character or appearance of the host dwelling or surrounding area given it will not be visible from the street scene.

#### Residential Amenity

Given the location of the proposal in relation to neighbouring properties, it is considered that light would not be significantly restricted to the detriment of residential amenity.

Given the location of the proposed openings in relation to neighbouring properties, it is considered that they would not significantly compromise privacy to the detriment of residential amenity.

#### Parking Provision

The property currently benefits from three off road parking spaces, two situated on the driveway, and one situated within the adjoining garage. These will be retained.

It is considered that the proposal meets the requirements of the Highway Authority and comply with Policy C2, GR2 and RD3 of the Delivery and Allocations Local Plan.

### Contaminated Land

The application site is designated under the 'potentially contaminated land' constraint where the single-storey rear extension is proposed.

Halton Borough Council's Contaminated Land Officer was consulted upon the application and recommends a condition attached to any permission requiring the submission and agreement of gas protection measures, including verification of the independent installation and keying in of the extension to the existing property and its measures.

The recommended pre-commencement condition has been attached accordingly and agreed with the applicant.

The proposal is therefore considered to be compliant with Policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

### Private Amenity Space

Sufficient private amenity space would still remain following the implementation of the proposed works to accord with the requirements set out in the Design of Residential Development Supplementary Planning Document.

## **7. CONCLUSIONS**

Considering the above, the proposal complies with Policies C2, CS(R)18, CS23, GR1, GR2, HE8 and RD3 of the Halton Delivery and Allocations Local Plan and the House Extensions Supplementary Planning Document and should be approved.

## **8. RECOMMENDATION**

That the applications are approved subject to the following conditions (all pre-commencement condition(s) have been agreed with the applicant:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals in the Development Plan set out below. The Local Planning Authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with planning applications in accordance with Part 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2. The Planning Authority considers that all prior to commencement conditions included within the notice require resolution prior to commencement of

development, since the works they relate to are so fundamental to the development permitted that it would have been otherwise necessary to recommend refusal of the schemes proposed. Unless otherwise expressly stated against any individual condition, the listed conditions are not considered to go to the heart of the planning permission.

3. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason :- In accordance with Section 91 (as amended) of the Town and Country Planning Act 1990.

4. Development should be carried out in accordance with the approved plans:
  - WA8 3GA/7/01 Elevations & Sections
  - WA83GA/7/02 Plans

Reason: For the avoidance of doubt.

5. The external surfaces of the development hereby permitted shall be constructed in the materials that match, or closely harmonise with, the existing dwelling.

Reason :- To ensure that the development has a satisfactory appearance, in accordance with Policy GR1 of the Halton Delivery and Allocations Local Plan.

6. No development shall take place until a scheme of ground gas protection is submitted and agreed in writing. This must include details of the integration with the existing property. Upon completion a verification report detailing how the Gas Protection Verification Scheme has been met.

Reason - To ensure that the development is not put at unacceptable risk from ground gas from previously unidentified contamination sources at the development site in line with the National Planning Policy Framework. Also in accordance with policies CS23 and HE8 of the Halton Delivery and Allocations Local Plan.

## **9. BACKGROUND PAPERS**

The submitted planning applications are background papers to the report. Other background papers specifically mentioned and listed within the report are open to inspection at the Council's premises at Municipal Building, Kingsway, Widnes, WA8 7QF in accordance with Section 100D of the Local Government Act 1972.

## **10. SUSTAINABILITY STATEMENT**

As required by:



- The National Planning Policy Framework (2019);
- The Town and Country Planning (Development Management Procedure) (England) Order 2015; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015.

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.