

<b>DECISION DATE</b> 4 February 2009	<b>APPLICATION NO.</b> 08/01110/FUL A6	<b>PLANNING COMMITTEE:</b> 9 March 2009
<b>DEVELOPMENT PROPOSED</b>  ERECTION OF 3 NO. FLATS ON LAND ADJACENT TO 4 ST PAULS DRIVE		<b>SITE ADDRESS</b>  4 ST PAULS DRIVE LANCASTER LANCASHIRE LA1 4SR
<b>APPLICANT:</b>  Mr And Mrs Clark Mawcroft Cottage Mawcroft Grange Drive Apperley Lane Leeds West Yorkshire LS19 6DJ		<b>AGENT:</b>  Provizion First Architecture

#### **REASON FOR DELAY**

Awaiting consultation responses.

#### **LAND USE ALLOCATION**

The site is unallocated but within the established Urban Area of the city.

#### **PARISH NOTIFICATION**

None.

#### **STATUTORY CONSULTEES**

**County Highways** - No objection in principle for the development of the site for residential use, but the inadequate and inconvenient parking and access would not be practical and lead to on-street parking. No cycle storage facility.

**Environmental Health** - Recommends refusal because no Contamination Desk Study has been submitted.

**United Utilities** - No objections.

**Property Services**- No comment on proposals but note needed re separate consent need from Council as former site owner.

## **OTHER OBSERVATIONS**

14 letters received objecting to the proposals on the following grounds:

- Over intensive development, out of keeping with the scale and character of the neighbouring development;
- Student flats are inappropriate in this area and there is no need for further student flats in the residential areas of the city;
- Loss of view and open space;
- Inadequate and inconvenient off street parking from unmade private lane will lead to increased on street parking and congestion and loss of amenity for neighbours;
- The site has a history of subsidence and further excavation should not be allowed;
- Trees on site were felled last summer.

## **REPORT**

This application is brought before the Committee at the request of Councillor Denwood.

### **The Site and its Surroundings**

This site is located in a suburban residential area of semi detached two storey houses, within the side garden to 4 St Pauls Drive, on the west side of the road. The site rises steeply by approximately 3m from north to south (between the two existing neighbouring houses) and even more steeply from west to east (from the private back lane through to the site frontage).

The site frontage is bounded by a low, mature, well kept, hedge. The rear of the site narrows considerably and is fully occupied by a double garage set well into the steeply rising garden. Vehicular access is from the rear via an unmade private lane. These garages and access appears to have been constructed to serve the existing house at no. 4 which has no other rear access or off street parking facility.

### **The Proposal**

This proposal is a full application for the excavation of the site by up to 2.5m on the cross fall and the erection of a three storey building, of traditional domestic design and construction, containing three conventional two-bedroomed flats. This would be sited south of Number 4, within part of their current domestic garden area. The rear garages would be demolished and the rear of the garden further excavation would occur to provide three parking spaces (two of them in tandem) and to also provide pedestrian access to the proposed flats and the existing house.

The ground floor would be set about 600mm above that of the existing house on the low side to the north and about 250mm below that of the existing neighbouring house (Number 6) on the high side to the south. As a consequence the new building would only be about 200mm below the elevated Number 6 at the ridge and 500mm, but it would tower above the lower setting of Number 4 by 3.2m at the ridge and 3.4m at the eaves at a distance of just 1.5m at the rear corners. This equates to the building being almost one and a half storeys above Number 4.

### **Streetscene Impact and Amenity**

Whilst the relationship of the proposal to Number 6 would be acceptable at the front, the building would still appear to be set high against the gradient of the road and very high and dominant indeed in relation to the lower Number 4. From the rear, the height of the building would be completely out of keeping with the scale and character with both dwellings to the side, and would physically and visually dominate the lower dwelling. This impact would be compounded by the loss of privacy from the elevated bedroom windows looking out across the neighbouring rear gardens.

The proposed development would therefore represent an over-development of the site which be out of keeping with the scale and character of the surrounding development and would create an unduly dominant feature, both in the streetscene and the rear garden aspect of the surrounding development. It is the view of the local planning authority that this would be seriously detrimental to the character and appearance of the locality and injurious to the residential amenities of neighbouring occupiers. It would consequently be contrary to the design policies contained within the saved Lancaster District Local Plan (Policy H12 – Standards for New Housing), within the Supplementary Planning Guidance Note 12 – ‘The Residential Design Code’, and within Core Strategy Policy SC 5 (Achieving Quality in Design).

### **Highway Considerations**

In respect of the off-street parking, current standards would normally require a minimum of 1.5 off street spaces per residential flat and 2 spaces per family house. This would give a total requirement of 6.5 spaces for the proposal and the existing dwelling (Number 4). In this case the proposed scheme deprives the existing dwelling of its two garage spaces and provides just two functional parking spaces in their place, with no cycle or other storage space for either the flats or the existing house. This equates to a shortfall of 4.5 spaces with little realistic opportunity to provide any further, due to the restricted site layout and steep gradient. This leads the local planning authority to conclude that the development would conflict with the requirements of Lancaster District Local Plan (Saved) Policy T16 (Parking Standards - Residential Development and proposals outside the Lancaster Central Parking Area).

In this respect again therefore the proposed development represent the over development of the site with inadequate off street parking and cycle storage to meet the Council's standards. This would lead to an unnecessary increase in on-street parking and congestion which would be contrary to the interests of highway safety and detrimental to the amenities of surrounding occupiers. Furthermore the lack of secure cycle storage facilities would not assist in pursuit of encouraging more sustainable modes of transport.

### **Land Contamination**

No evidence has been submitted to suggest that the site is suitable for residential development in terms of contamination.

### **Conclusion**

In view of the foregoing streetscene, amenity and highway circumstances it is considered that this application should be resisted.

### **HUMAN RIGHTS IMPLICATIONS**

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **RECOMMENDATION**

That **PLANNING PERMISSION BE REFUSED** for the following reasons;

1. Over development of the site.
2. Detrimental to the street scene and the character and appearance of the locality.
3. Injurious to the amenities of neighbouring occupiers.
4. Inadequate off street parking and cycle storage.
5. No contamination desk top study submitted.