

<b>Agenda Item</b> A10	<b>Committee Date</b> 11 May 2009	<b>Application Number</b> 09/00295/FUL
<b>Application Site</b> 7 Esthwaite Gardens Lancaster Lancashire LA1 3RG	<b>Proposal</b> Erection of a detached dwelling with integral garage	
<b>Name of Applicant</b> Ms J Deft	<b>Name of Agent</b> Mr J Braithwaite	
<b>Decision Target Date</b> 1 June 2009	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Refuse planning permission	

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

- 1.1 The application site relates to part of the existing domestic curtilage to No. 7 Esthwaite Gardens. The property in question is located at the southern end of this recently constructed cul-de-sac, which runs at an elevated position parallel to Keswick Road in the Bulk area of Lancaster City. The development comprises of 38 residential units, predominantly in the form of large semi-detached dwellings, with a group of terraced town houses at the northern end of the estate. The estate has been well designed using high quality materials.
- 1.2 The application property is accessed via a shared drive off the main estate road. It is the end property of a group of four semi-detached properties, which due to their orientation are set off and set back from the adjacent road. The side elevation of the application property currently faces, albeit on a slight angle, the rear elevations of properties on Keswick Road, with the front elevation of the dwelling facing towards the side elevation of No. 9 Esthwaite Gardens. This position has resulted in the proposed dwelling occupying a larger site than many of the other dwellings on the estate.
- 1.3 Esthwaite Gardens has been developed on a difficult site, where land levels have heavily dictated the layout of the original site. Land levels drop quite significantly to the west towards the rear of properties on Keswick Road. The northern boundary of the site comprises in part an existing retaining wall whereby properties north of this boundary are set at a higher level.
- 1.4 The application site is bound by residential dwellings to all sides. Properties to the west are two-storey terraced properties fronting Keswick Road. The rear garden boundaries of numbers 60–66 Keswick Road abut the application site, which is currently enclosed with close boarded timber fencing, approximately 2m high from the ground level of No 7 Esthwaite Gardens.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the sub-division of the existing plot and the erection of a detached dwelling with integral garage. The proposed dwelling is part two-storey with two bedrooms provided in the roof space of the main part of the dwelling, and part single storey. The accommodation comprises of a living room, kitchen/dining room, bathroom, bedroom and garage at ground floor level and two further bedrooms and shower room at first floor level. The plan form of the development creates a slight 'L' shaped development with the single storey element running along side the western boundary of the site for approximately 9 metres. This element of the scheme has a ridge height of 4.7 metres. The main element of the dwelling sits adjacent to the existing dwelling measuring 6 metres (width) by 9.5 metres (depth) to a ridge height of 7 metres.
- 2.2 The proposal provides two off-street parking spaces, including the garage.
- 2.3 The Lancaster District Local Plan proposals map indicates that the application site is situated within and area allocated for housing. Designated Urban Greenspace abuts the site to the east and south.

## **3.0 Site History**

- 3.1 The applications relevant to this site are listed in the box below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>98/01116/REM</b>	Reserved matters for the erection of 38 houses, garages and associated car parking	Permitted
<b>06/01346/FUL</b>	Conversion of existing garage into dining room and erection of a new detached garage	Permitted
<b>08/00648/FUL</b>	Amendment to planning permission 06/01346/FUL for the installation of new hardstanding for parking bay.	Permitted

## **4.0 Consultation Responses**

- 4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>United Utilities</b>	A water main runs along the access road. UU need to ensure an access strip of no less than 5m wide, measuring 2.5m on either side of the centre line of the water main. Provided this can be achieved UU have no objections to the proposal. The site must be drained on a separate system.
<b>County Highways</b>	No response received to date. Any comments submitted will be verbally presented at the committee meeting
<b>Environmental Health Service</b>	No response received to date. Any comments submitted will be verbally presented at the committee meeting

## **5.0 Neighbour Representations**

- 5.1 Neighbouring residents have been notified of the development and a site notice posted adjacent to the junction with Keswick Road and Esthwaite Gardens. To date two letters of objection have been received with the following concerns:

- The development would result in over development of the site;
- The development has an imposing and over dominant impact on neighbouring amenities;
- It will have a 'squeezed in appearance', having a negative visual impact to the surrounding area;
- The proposal will escalate increasing car parking problems in the area;
- The access is via a shared drive not within a cul-de-sac.

Any further comments submitted will be presented verbally at the committee meeting.

## **6.0 Principal Development Plan Policies**

6.1 The Development Plan comprises of the Lancaster District Local Plan (LDLP), the Lancaster District Core Strategy (LDCS) and the Regional Spatial Strategy (RSS). The submitted application should be considered in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 National Planning Policy Statements 1 (Delivering Sustainable Development) and 3 (Housing) are also relevant in this case, particularly with regards design.

6.3 **Lancaster District Core Strategy** (July 2008) Policies SC1, SC2, SC4 & SC5 are relevant.

Policy SC1 (Sustainable Development) seeks to ensure new development proposals are sustainable in terms of both location and design. This policy, albeit a generic overriding policy, states that sites should be previously developed and accessible to public transport, employment, leisure, education and community facilities.

Policy SC2 (Urban Concentration) promotes the creation of sustainable communities by focussing development within existing urban areas and minimising the need to travel. This states that 90% of new dwellings will be provided in these locations.

Policy SC4 (Meeting the Districts Housing Requirements) seeks to manage and control the release of housing sites within the district in order to deliver and meet the housing requirements identified in the RSS.

Policy SC5 (Achieving Quality in Design) seeks to ensure that new development contributes to the positive characteristics of its surroundings and the quality of life of the District by improving the quality of development and promoting good urban design. This policy supports regional and national agendas for raising the profile of good design in spatial planning.

6.4 **Lancaster District Local Plan** (April 2004) Saved Policies H12, H19 and Supplementary Planning Guidance Note (SPG) 12 are relevant.

Policy H12 states that proposals for new housing development will only be permitted which exhibit a high standard of design, layout and landscaping, and which use materials appropriate to, and retain the distinctive local identity of, their surroundings.

Policy H19 deals with new development on small sites within Lancaster, Morecambe, Heysham and Carnforth. This seeks to ensure small-scale housing development does not result in the loss of green space or locally important open space; would not have an adverse effect on the amenities of nearby residents; provides a high standard of amenity and; makes adequate provision for drainage and parking, access and servicing.

SPG 12 sets out the Councils design and amenity standards for new residential development.

## **7.0 Comment and Analysis**

### **7.1 Principle of Development**

The development site forms part of the garden area of 7 Esthwaite Gardens and is therefore considered previously developed land. National housing policy PPS3 indicates that local planning authorities should continue to make effective use of land by re-using land that has been previously developed (brownfield). The national annual target is that at least 60% of housing should be provided on previously developed land.

7.2 Local planning policies SC2 and SC4 of the LDCS supports the Councils objectives of delivering sustainable development by promoting 90% of new housing and 95% and 98% of employment and retail respectively in the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth. In terms of housing supply there are no objections to the proposal. The development should therefore be considered in context with all other development control criteria.

### 7.3 **Character and Appearance**

The proposed development results in over half of the existing garden area to No. 7 Esthwaite Garden being developed. This from a planning point of view constitutes over intensive development of the site and represents poor urban form. It is also considered that, by reason of the scale, siting and orientation of the proposed dwelling, the application also fails to respect the layout and appearance of the existing estate and as a consequence would have a detrimental impact on the character and appearance of the area. To the west side of the estate road, the majority of the properties are semi-detached units spaciouly positioned within the layout of the existing site. At present this provides an open and spacious character to the estate in addition to preserving the outlook for neighbouring residents. In this instance, the erection of an additional dwelling within the existing curtilage which would create a continuous built form along the western boundary, would fail to contribute positively to the urban fabric and would appear 'cramped' into the site.

### 7.4 **Design**

Policy H12 of the LDLP states that *new development should be integrated into its local setting and site's topography. The scale, massing, style and proportion of new buildings should relate closely to those of any adjacent buildings or group of buildings.*

7.5 The application site is situated within 1 metre of the existing dwelling and in close proximity to surrounding properties on Esthwaite Gardens. It is therefore accepted that the development must be considered in context with this existing estate. The proposed development occupies a slightly set-back location but will remain visible from within the estate and from properties on Keswick Road. In my opinion the introduction of a 'bungalow' style dwelling in this location, when it is surrounded by only two-storey properties would appear significantly out of keeping and out of context with the rest of the estate. The proposal also fails to respect the fenestration detail and proportions of surrounding properties, particularly the extent and form of the proposed roof. The development does not represent a high standard of design, contrary to PPS1, PPS3 and District policies H12 and SC5.

### 7.6 **Residential Amenity**

The two-storey element of the proposed development, despite its 'bungalow' appearance, shall extend approximately 7 metres closer to the adjoining rear boundaries of properties on Keswick Road, leaving a gap of only 2.3m between the development and this party boundary. The single storey element shall be constructed within 1 metre of this boundary. The separation distance between the application site and the rear elevations of these neighbouring properties, at its closest point, is only 11.5 metres. This is below the accepted minimum standard and would have an overbearing impact on neighbouring residential amenities and further detrimental to their outlook. This is exacerbated by the topography of the site and the continuous built form along the western boundary of the site. The scale of the development at part two storey and single storey does not outweigh this concern.

7.7 Due to the topography of the site and the orientation of the proposed dwelling, together with the careful positioning of windows, it is unlikely that the development will cause unacceptable level of overlooking and loss of privacy to other properties in Esthwaite Gardens. However, the development will have an adverse impact, by virtue of overlooking and loss of privacy, on the residential amenities of Nos. 60 and 62 Keswick Road. The rear first floor rooflight serving one of the bedrooms is positioned at a level low enough for occupiers to view out of this. This is within 15 and 16 metres of the rear habitable windows of these neighbouring properties and is below the minimum 21 metre separation distance requirement.

Not only will the development cause overlooking into the main habitable windows of neighbouring properties but will also result in significant overlooking of the private rear gardens of these properties, exacerbated by the elevated position of the proposed dwelling. The proposed rooflights on the building are within 5m of these gardens.

7.8 In conclusion, the development of the site for a separate residential dwelling would have an adverse impact on the amenities of neighbouring residents, by virtue of its overbearing impact, overlooking and loss of privacy.

#### 7.9 **Amenity for future occupiers**

The Councils design code stipulates that in determining proposals for new housing, the following minimum standards should be achieved:

- At least 50 square metres of useable private garden space which is not directly overlooked by neighbouring properties;
- Rear gardens should be at least 10 metres in depth, this may be reduced if 50 sq metres is provided;
- Small north facing gardens should be avoided.

7.10 The private rear amenity space proposed by the application is south facing and amounts to almost 50 sq metres (46.8 sq m) of useable space (excluding the 1m strip of proposed planting to the boundaries) and retains in excess of 50 sq metres to the existing dwelling. The depth of the proposed rear garden is 9 metres, plus 1 metres of planting. Despite the rear garden being slightly less than the minimum standard, a refusal on the grounds of insufficient amenity space would be difficult to sustain. In terms of whether the garden would be overlooked, the site is at an elevated position with suitable existing fencing and proposed planting to the western boundary to avoid overlooking and loss of privacy. The boundary between the existing and proposed dwelling shall be treated with a fence and planting. There is an argument to suggest that the proposed garden could be overlooked from the first floor rooms on the rear of the existing dwelling. However, this is the case for most of the properties on this estate and surrounding properties and would not be a sufficient reason to refuse the application.

#### 7.11 **Access & Parking**

The proposed development provides two off-street parking spaces in accordance with Councils parking standards. Should Members be minded to approve the development it should be noted that there are live planning permissions, as noted in section 3.0, which would remove the provision of adequate parking for the existing dwellinghouse should these consents be implemented. In order to ensure an appropriate level of parking is maintained a carefully worded condition would need to be imposed preventing the implementation of planning permissions 06/01346/FUL and 08/00648/FUL which permit the conversion of the existing garage serving 7 Esthwaite Gardens.

County Highways have not yet commented on the scheme. Any comments shall be verbally presented at the committee meeting.

#### 7.12 **Other Matters**

In response to United Utilities comments, the extent of the water main is located under the existing drive and turning head. The development shall not be constructed over this. Provided the site is drained on a separated system UU have no objections.

### **8.0 Conclusions**

8.1 With regards to the Development Plan and the above considerations, the proposed development is considered inappropriate in planning terms and would have an adverse impact on the character and appearance of the area, by virtue of over-intensive development of the site and the design of the building. The development would further be significantly harmful to the amenities of neighbouring residents.

8.2 Members are therefore advised that planning permission should be refused.

### **Recommendation**

That Planning Permission **BE REFUSED** for the following reasons:

1. The development would have an adverse impact on neighbouring residential amenities, by virtue of overlooking, loss of privacy, outlook and its overbearing impact, contrary to policies H12, H19 and SPG12 of the LDLP and SC5 of the LDCS.
2. The development constitutes over-development of the site and would have an adverse impact on the character, form and appearance of the site itself and the surrounding locality, contrary to policies H12 and H19 of the LDLP, policies SC5 of the LDLC and PPS1 and PPS3.
3. The design of the dwelling is out of keeping and out of context with the existing estate, contrary to policies H12 of the LDLP, policy SC5 of the LDCS and the principles of good design in PPS1 and PPS3.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.