

<b>Agenda Item</b> A15	<b>Committee Date</b> 28 September 2009	<b>Application Number</b> 09/00795/RCN
<b>Application Site</b> The Lilacs Kellet Road Over Kellet Carnforth	<b>Proposal</b> Removal of condition no. 4 on application number 09/00247/FUL requiring front elevation to be faced in local stone	
<b>Name of Applicant</b> Mr Paul Jackson	<b>Name of Agent</b> Barden Planning Consultants	
<b>Decision Target Date</b> 1 October 2009	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mr Daniel Ratcliffe	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

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

- 1.1 The application site is situated on the western fringe of the rural settlement on the south side of Kellet Road, which links the village of Over Kellet to neighbouring Carnforth. The site is within the Over Kellet Conservation Area. The buildings in the surrounding street vary in size and design but are largely residential, some of which take the form of converted farm buildings. There are a number of Listed Buildings within the village and the neighbouring building to the east of the site is one of these.
- 1.2 The existing dwelling is set back from the road in comparison with the two neighbouring properties either side. The property is detached with gardens to the front and rear, driveway access to the side and a detached garage to the rear side. The building, which was the subject of a recent application is, is a relatively modern design with painted cream render exterior, grey concrete roof tiles and white upvc windows. In its existing form the building adds little to its Conservation Area setting.

## **2.0 The Proposal**

- 2.1 The application requests the removal of Condition 4 from the previously approved application 09/00247/FUL. Condition 4 states:

*Notwithstanding the details shown on the approved plans/application forms, the front elevation shall be finished in traditional stone, details [type, coursing and jointing] of which shall be submitted to and agreed in writing by the local planning authority prior to commencement of the development. The development shall then be constructed in accordance with the approved details.*

*Reason: In the interest of the visual amenity of the area and so that the local planning authority shall be satisfied as to the details.*

2.2 The condition related to the front elevation only. The applicant makes the point that there is no mention of the property having a stone frontage on the original application. Instead the front elevation is detailed as 'painted roughcast render'. The remaining elevations are still to be finished in this type of render, the details of which have been agreed by the planning authority.

2.3 It is important to note that the application does not seek to change the details of the window surrounds, sills etc. which are still to be finished in stone as per the approved application.

### **3.0 Site History**

3.1 The original application (Ref: 09/00247/FUL) was considered by Planning Committee at its meeting on 8 June. A decision was deferred, to allow Members an opportunity to visit the site. The application was subsequently approved at the following Committee Meeting on 26 June 2009.

### **4.0 Consultation Responses**

4.1 The following responses have been received from statutory consultees:

<b>Statutory Consultee</b>	<b>Response</b>
<b>Over Kellet Parish Council</b>	Considering the Conservation Area location the application should be refused.

### **5.0 Neighbour Representations**

5.1 There have been two letters of objection both of which echo the views of the Parish Council, suggesting that the application should be refused due to the stone frontage being an essential element in this prominent Conservation Area location.

5.2 Councillor Mace has also commented on this application. He states that it is argued that the application of condition 4 was one of the factors which represented mitigation to local residents of the otherwise unacceptable aspects of the development. The site is in a Conservation Area and applying the condition that local stone be used in facing the building is the only "gain" to the local environment from the development. Therefore removing the condition should be rejected.

### **6.0 Principal Development Plan Policies**

6.1 The following policies are taken into consideration. Policy **E39** of the Local Plan relates to alterations and extension to buildings within Conservation Areas. It states proposals will be permitted provided they do not result in the loss or alteration of features which contribute to the special character of the building and area; and the design, scale, form and quality of the proposal is sympathetic to the character of the building and area.

6.2 Policy **H7** refers to housing and development in rural settlements, such as Over Kellet. It states that development should not have a significant adverse effect on the character of the settlement, surrounding landscape, or the amenities of nearby residents.

6.3 **Supplementary Planning Guidance Note 12:** The Residential Design Code offers general guidance and design principles.

### **7.0 Comment and Analysis**

7.1 A number of properties in the surrounding area are finished in painted roughcast render or similar. This includes the neighbouring Listed Building to the east, part of which has been painted. A number of other architectural improvements to the dwelling are proposed (as part of the planning permission already granted) and an argument can be made that the original application should have been granted without the condition in question.

7.2 The application makes the point that the use of stone could not be achieved without having to make alterations to the approved scheme. This is partly due to the fact that the approved scheme involves using part of the front elevation in its existing form and as such this would need to be altered to

incorporate the new material. For various reasons, including extensive alteration to footings and the cavity wall, the amount of work required would be impractical.

7.3 The agent also makes reference to the height of the building, which was an issue of some concern during the processing of the original application. It has been suggested that the use of stone to the front elevation would potentially raise the height of the building further.

7.4 It has become apparent that there is no special justification as to why the condition is needed in this location.

## **8.0 Conclusions**

8.1 Although it is considered that the use of stone would be preferred in this Conservation Area setting, the fact that the existing property used no such materials and there have been no similar requests in other applications in the local area suggests this would be inconsistent and unreasonable.

8.2 As highlighted by the agent, as the condition is considered to be both unnecessary and unreasonable to impose. It would certainly be the case that it would be highly unlikely to be defensible at any planning appeal. As a consequence the local planning authority concurs with the applicant that the condition should not have been imposed, and accepts that it should be removed.

## **Recommendation**

That the request to remove the condition **BE GRANTED**

1. Unconditional approval – subject to all conditions imposed on the original permission

## **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.

## **Background Papers**

1. None.