

<b>Agenda Item</b> A20	<b>Committee Date</b> 28 September 2009	<b>Application Number</b> 09/00768/FUL
<b>Application Site</b> Breckenfield Brettargh Drive Lancaster LA1 5BN	<b>Proposal</b> Demolition of existing dwelling and erection of new dwelling with integral garage and the change of use of part of field to domestic curtilage	
<b>Name of Applicant</b> Mr M Woodhouse	<b>Name of Agent</b> Mason Gillibrand Architects	
<b>Decision Target Date</b> 2 October 2009	<b>Reason For Delay</b> None	
<b>Case Officer</b>	Mrs Jennifer Rehman	
<b>Departure</b>	None	
<b>Summary of Recommendation</b>	Approve with conditions.	

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

- 1.1 The property that is the subject of this application is located within the Haverbreaks area of Lancaster. Haverbreaks is located south of the City located between Ashton Road to the east and Lancaster Canal to the west. The area is characterised by large individually designed dwellinghouses occupying significantly large plots, many of which have been subdivided over the years. The site is positioned half way up Brettargh Drive, which rises south to north at a relatively steep gradient, with the existing properties stepping down the hill.
- 1.2 The application property, known as Breckenfield, is a bungalow of poor architectural merit built approximately 30-40 years ago. It is located and accessed off the west side of Brettargh Drive, accessed via Haverbreaks Road from either end of this road. The application site covers approximately 0.6 acres and forms a rectangular plot with the existing bungalow straddling the width of the site, adjacent to two large detached two story dwellings to the north and south. To the rear, the site overlooks a large open area of paddock land.
- 1.3 The site is enclosed with a maintained privet hedge along the boundary with Mayfield to the south, a high leylandii hedge boundary with the property High Bank to the north and a stock fence boundary to the west. The site also has the benefit of substantial tree cover, with large mature specimens located around the boundaries and younger trees within the garden itself. Many of the larger trees are covered by Tree Preservation Order (TPO) number 95 (1984).
- 1.4 The site is unallocated in the Local Plan and simply forms part of the built up area of Lancaster.

## **2.0 The Proposal**

- 2.1 Planning permission is sought for the demolition of the existing bungalow and the construction of a replacement dwellinghouse.

- 2.2 The new dwelling is predominantly two-storey high, comprising of three principle building elements enclosing a small courtyard to the front. These elements form three ‘wings’ to the property all varying in style and scale. The northern wing provides an integral garage and is predominantly single storey. The western wing comprises of three buildings sections and steps up in height to a ridge height of 6.2m and an eaves height of 4.8m. The southern wing comprises of two building elements, a hipped roof section and a dual pitched roof with gable end forming part of the frontage to the dwelling. The ridge heights are 6.9m and 6.6m respectively. At the corner of the south facing wing and the west facing wing a cylindrical tower at three stories high is proposed, at a height of 8.7m. In addition to the proposed building, a swimming pond is proposed to the southern side of the dwellinghouse together with patios, a glazed canopy attached to the tower, additional hard-landscaping to the front, a brick wall with gated access enclosing the wings to form the courtyard and a 2.5m brick wall located in the far north western corner to enclose a vegetable plot.
- 2.3 The proposed new dwellinghouse has a footprint of approximately 435 square metres, excluding external hard landscaping and the swimming pond. The total floorspace proposed by the application amounts to approximately 766.8 square metres including the proposed basement level. The accommodation at ground floor level comprises of 5 large reception rooms, a sunroom, substantial halls, porch and wc facilities, plus a three bay garage and tool shed. At first floor level there are four bedrooms, two bathrooms and a sizable master suite including an en-suite and two dressing rooms with access to the enclosed roof terrace. At basement level a laundry and gym are proposed.
- 2.4 The design of the building follows a traditional Georgian style involving a mix of building elements comprising of pitched roofs, hipped roofs, parapets and modern features such as the tower. Materials comprise of a mixed palette of stone, brick and render under a slate roof, with timber sash windows and subtle architectural details including stone string courses, quoins, stone mullions, heads and sills, oriel and bay windows and traditional eaves detail and overhangs.
- 2.5 The application also seeks consent for the change of use of a strip of paddock land to the rear to form part of the domestic curtilage. This amounts to approximately 360 square metres and shall be divided from the field by a post and wire fence.
- 2.6 Access to the site remains unaltered by this development. The proposal simply involves the reconfiguration of the hardstanding to the front to provide additional car parking and the incorporation of an integral three bay garage.
- 2.7 A Design and Access Statement, Utilities and Sustainability Statement have been submitted with the application, together with a detailed Arboricultural Implications Assessment and a Bat survey. The application proposes to fell 3 mature trees in total and incorporate bat mitigation features into the design of the dwellinghouse.

### **3.0 Site History**

- 3.1 The only relevant history relating to this site is the original consent for the erection of a detached bungalow with garage in the early 1980s (Ref: 82/00893) on garden land associated with High Bank, Brettargh Drive, Lancaster.

### **4.0 Consultation Responses**

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

<b>Statutory Consultee</b>	<b>Response</b>
<b>County Highways</b>	No objections subject to the parking facilities are provided in full prior to occupation.
<b>Env. Health</b>	Recommends refusal – no desk top study for contamination submitted.
<b>United Utilities</b>	No objections provided the site is drained on a separate system.
<b>Tree Protection Officer</b>	No objections in principle provided the car parking area to the east of the building is reduced or relocated away from trees 1 – 5 (Beech Trees) and that no development is carried out within 10m of trees 10 and 11. Recommends several conditions to ensure retained trees are adequately protected as a result of the development. Amendments have been sought to resolve the above concerns. The outcome of these negotiations shall be verbally presented to committee members.

## **5.0 Neighbour Representations**

5.1 Neighbouring residents have been notified of the development and a site notice posted close to the junction onto Brettargh Drive to ensure wider consultation. No comments have been received within the initial consultation period.

Further consultation has been carried out to ensure neighbouring residents are aware that the proposal incorporates a change of use of part of the paddock to the rear to domestic curtilage. To date no representations have been submitted.

## **6.0 Principal Development Plan Policies**

6.1 The principal planning policies relating to the proposed development are as follows:

6.2 Lancaster District Core Strategy (2003-2021)

**Policy SC1** stresses the importance of locating new development in sustainable locations with good access to services, public transport and community facilities. It also states that development should be on previously development land.

**Policy SC2** requires 90% of all new dwellings within the District to be accommodated within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

6.3 Lancaster District Local Plan (1996 – 2006)

**“Saved” policy H12** seeks to ensure new residential development is of a high standard of design, layout and landscaping and that the use of materials and features are appropriate to the distinctive local identity of its surroundings.

**“Saved” policy H19** states that new residential development will only be permitted where it would not have an adverse impact on neighbouring residential amenity, provides a high standard of amenity and makes satisfactory arrangements for access, parking and servicing.

6.4 In addition to these policies, regard has been paid to the Council’s Supplementary Planning Guidance Note 12 ‘Residential Design Code’ and Planning Policy Statement 3 ‘Housing’.

## **7.0 Comment and Analysis**

7.1 The principle of the development is acceptable and fully accords with the Council’s spatial objectives in developing previously developed land for new housing within the urban area of the District. As a consequence the primary considerations relating to this application are the impact of the development on neighbouring residential amenity, the visual amenities of the locality and any implications for the protected trees which bound the site.

7.2 Residential Amenity

The proposed replacement dwellinghouse has been re-orientated within the plot to ensure that the separation between the development and neighbouring properties is improved, particularly given the proposed increase in scale and massing of the development. The separation between the northern wing of the property and High Bank (north of the site) is approximately 19m to the nearest point of the proposed dwelling, which is the single storey garage, and approximately 23m to the nearest two-storey element. These separation distances, together with the drop in land levels and the existing high leylandii hedgerow is sufficient in planning terms to ensure neighbouring residents will not be adversely affected by the development.

To the southern side of the site, the replacement dwelling shall be pulled away from the boundary to retain a separation distance of 26m between the nearest two-storey element of the scheme and the neighbouring property, Mayfield. The proposed single storey sun room projects closer to this boundary but still provides adequate separation between the two properties to ensure that there will be no loss of privacy, overshadowing or overbearing impact.

In terms of overlooking, all habitable windows are located in excess of 23m from any neighbouring windows. This exceeds the Council's minimum standards and is therefore acceptable. The enclosed sun terrace, which shall have a concealed covered canopy, has one small opening facing south west towards the open paddock at the rear. Views into the neighbouring garden (to the south) will be restricted by the position of the opening but also the substantial separation between the development and the boundaries of the adjacent dwellinghouse, together with the mature tree canopy coverage to the southern boundary and in the south western corner. A refusal on the grounds of overlooking from this tower would be unsubstantiated.

### 7.3 Visual Amenity

The development results in the loss of a large bungalow of no significant architectural merit, with the replacement of a significantly larger, grander and more interesting building. In terms of visual amenity, the whole of the Haverbreaks Estate is characterised by very individually designed dwellinghouses with no uniformity within the streetscene in terms of housing design. The reorientation of the replacement dwelling to have a smaller cross sectional frontage is considered an improvement as it reflects the proportions of buildings and their frontages to either side of the application site. The height of the building is clearly somewhat taller than the existing. However it maintains an appropriate relationship with neighbouring dwellings and retains the appearance of the properties on Brettargh Drive stepping down the hill, as existing. The materials and architectural features will provide a visually interesting element to the streetscene and therefore raise no significant concerns from a planning point of view, given the diversity of this particular housing estate.

### 7.4 Change of Use

The paddock to the rear of the site is unusually located in the centre of Haverbreaks residential estate. The proposed change of use of a small strip of technically agricultural land to domestic curtilage raises no significant planning issues, as it simply squares off the existing curtilage and as such has no adverse impact on the visual amenities of the area.

### 7.5 Sustainability

Policy SC1 of the Core Strategy seeks to ensure new development is as sustainable as possible with proposals incorporating energy efficient design and renewable energy technologies where possible. The applicant wishes, where possible, to create a zero-carbon building. This will be achieved through the use of some or all of the following measures:

- Under floor heating from a heat pump
- Photovoltaic cells and solar collectors on the south facing roof slope to the garage block to provide an energy source for both electric and hot water
- Underground rainwater holding tanks

The above proposals are considered sufficient in terms of contributing to the proportion of energy generated from renewable sources in compliance with Policy ER7 'Renewable Energy' of the Core Strategy.

### 7.6 Trees

There are a total of 24 trees identified within or in close proximity to the site. Many of these trees are protected by a TPO (number 95, 1984) and are located around the boundaries of the site, including two off-site trees. The species include beech, oak, sycamore, birch and rowan and have a significant amenity value. The larger mature specimens are highly visible and are considered important skyline trees and as such must be retained and protected. A detailed arboricultural implications assessment has been submitted indicating the root protection zones, barrier fencing and trees proposed for removal. Three trees are identified to be removed; one large mature tree on the western boundary which has been identified to be in a poor condition and two trees on the northern boundary which show evidence of arboricultural defects. The Council's Tree Protection Officer has no objections to the loss of these trees provided all the other remaining trees are adequately protected and retained. In view of this, amended plans have been requested to reduce the incursion of the development into the root protection zones of trees T10 and T11 on the southern boundary,

reduce the area of hardstanding to the front adjacent to T1 – T5 on the eastern boundary and to increase the protective barrier fencing for the northern hedgerow to 1.5m. A detailed method statement for construction has also been requested. The outcome of these negotiations will be verbally presented to Members at the committee meeting. In general however, the layout of the development has been carefully designed in the interests of the visual amenities of the locality and to retain the protected trees to ensure adequate screening is provided for this larger dwellinghouse.

#### 7.7 Access & Parking

Haverbreaks is located within close proximity to the city centre where there is good access to public transport, pedestrian and cycle links. Notwithstanding this, the proposal incorporates more than sufficient provision for car parking and raises no significant highway issues.

#### 7.8 Other Matters

It is acknowledged that Environmental Health have recommended a refusal of planning permission on the grounds that no desk top study for contaminated land has been submitted as part of the application. However it is considered that a refusal on these grounds or even a condition imposed to the permission would be unreasonable given the site is already used for domestic purposes. Subsequently, if Members are minded to approve the application, it is recommended that a condition requiring the developer to cease work and carry out the relevant surveys and mitigation should unexpected contamination be found during the development phases. This is the approach that has been taken on other similar proposals within the District.

### **8.0 Conclusions**

- 8.1 Based on the above considerations, and subject to the submission of amended plans to ensure adequate protection for the trees within the site, the proposed development is considered acceptable from a planning point of view and is therefore compliant with the development plan. I therefore recommend that Members can support this proposal.

### **Recommendation**

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard Time Limit
2. Amended Plan Condition (awaiting)
3. Development to be carried out in accordance with the approved plans
4. A sample panel of all external materials and finishes to be submitted and agreed in writing
5. Details of the windows, doors, garage doors, canopies, solar panels, photovoltaic cells to be submitted and agreed.
6. Details of the ridge, verge eaves, rain water goods and chimneybreasts to be submitted and agreed.
7. Precise details of the swimming pond to be submitted and agreed.
8. Landscaping details to be agreed, including new screen planting, surfacing, boundary walls and hedges.
9. Development to be carried out in accordance with the Arboricultural Implications Assessment and Method Statement.
10. Protective barrier fencing to be erected and agreed with the LPA prior to any site works.
11. Retention of the hedgerow to the northern boundary.
12. Parking provision to be provided in full prior to occupation.
13. Standard garage use restriction – not to be used for other domestic, trade or business purposes.
14. Use as a single dwellinghouse.
15. Construction hours condition (Mon-Fri: 08.00 – 18.00, Sat: 08.00 – 14.00 and no works on Sundays and bank holidays)
16. The site shall be drained on a separate drainage system.
17. Unexpected land contamination condition

## **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