

Agenda Item A16	Committee Date 2 November 2009	Application Number 09/00786/FUL
Application Site 10 Leslie Avenue Caton Lancaster LA2 9RE	Proposal Erection of a two storey extension and alterations to provide disabled facilities	
Name of Applicant Mr & Mrs J Huddleston	Name of Agent Thomas Associates Architects	
Decision Target Date 13 October 2009	Reason For Delay Committee Cycle	
Case Officer	Petra Williams	
Departure	No	
Summary of Recommendation	Approve	

1.0 The Site and its Surroundings

- 1.1 The property that forms the subject of this application is a two storey mid-terrace dwelling which was formally in the ownership of the Local Authority. The property is situated in the village of Caton and is largely surrounded by houses of a similar age and type. The village of Caton is situated within the Forest of Bowland Area of Outstanding Natural Beauty.
- 1.2 The property has a dash render exterior and brown upvc windows and doors. There is a single storey flat roof conservatory which protrudes 2.2m from the main rear elevation. There is a large garden to the rear of the property and timber fencing (1.8m approx.) forms the northern and southern boundaries.

2.0 The Proposal

- 2.1 The application proposes the erection of a two storey extension in place of the existing conservatory. The purpose of the extension is to accommodate for the present and future needs of a disabled child within the household.
- 2.2 The development will have a hipped roof and external materials will match those of the existing property. Amended plans show a setback at first floor level.
- 2.3 The development will involve the creation of a ground floor bathroom primarily for use by the child and a kitchen which will need to be relocated due to the installation of a wheelchair lift to give access to the first floor.
- 2.4 At first floor level there will be a family bathroom and a bedroom large enough to accommodate a specialised bed for the child.

3.0 Site History

3.1 No relevant planning history.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Access Officer	Made comments regarding the internal layout and is now satisfied with amended plans.
Parish Council	No objections subject to consent from neighbours.
Property Services	As a former council house, consent will be required for works affecting the external appearance from Lancaster City Council as initial owner. This is in addition to planning permission.

5.0 Neighbour and Other Representations

5.1 There have been letters of support from Ben Wallace MP, County Council Social Services and Ward Councillor Stuart Langhorn. Further letters of support have been received from the Consultant Paediatrician involved and the occupant of Number 12 Leslie Avenue.

5.2 Objections have been received from 8 Leslie Avenue, on the basis of adverse impacts from overshadowing and loss of sunlight. The letter also states that the area is densely populated and built up and is within a Conservation Area (this is incorrect - see Paragraph 7.6). It is also commented that the extension will increase the size of the original property by approximately 50%. Adactus Housing Association (the co –owners of no.8) in agreement with objections made by occupants of no.8.

5.3 Two further objections – one from Nottingham and one from Witney in Oxfordshire – have been received citing design, scale and inappropriate use as reasons for opposition.

6.0 Principal Development Plan Policies

6.1 Saved **Policy R21** of the Lancaster District Local Plan 1996 -2006 relates to People with Disabilities and highlights the Council's commitment to ensuring that all new development is completely accessible to people with limited mobility, sight, speech or hearing.

6.2 Saved **Policy H19** of the Lancaster District Local Plan 1996 -2006 relates to Existing Housing Areas and acknowledges that residential development should provide a high standard of amenity and not have a significant adverse effect on the amenities of nearby residents.

6.3 Saved **Policy E3** of the Lancaster District Local Plan 1996 -2006 and relates to Development affecting Areas of Outstanding Natural Beauty and advocates that any development permitted [within such areas] must be of an appropriate scale and use materials appropriate to the area.

6.4 **Policy SC5** of the Lancaster District Core Strategy (2003 – 2021) – seeks to ensure quality in design.

7.0 Comment and Analysis

7.1 The scheme is necessary in order to meet the needs of a severely disabled child within the household. The extension will include a ground floor specialist bathroom to provide level access to bathing facilities with sufficient space for moving and handling. Also within the ground floor extension there will be a new kitchen as the existing one will be displaced due to the installation of the wheelchair lift.

7.2 The needs also include a bedroom large enough to accommodate a specialist bed. The bedroom needs to be at first floor level so that the child can be in close proximity to parents. Also at first floor

level the existing family bathroom will be relocated into the extension in order to allow room for the wheelchair lift.

- 7.3 In measuring the impact upon neighbouring property, the local planning authority has regard to the extent that the extension protrudes from the existing elevation, and the relationship that the extension would have in terms of neighbouring habitable room windows.
- 7.4 In terms of the neighbouring 12 Leslie Avenue, the extension would have some impact upon their kitchen window and, to a lesser degree, the bedroom window. Amended plans have reduced the impact upon this bedroom window and therefore the impacts at the first floor are now very marginal. In addition the resident of Number 12 has written in to support the scheme.
- 7.5 As paragraph 5.2 indicates, the other adjoining neighbour (Number 8) has objected to the proposals. It is true that there will be a loss of sunlight to the rear of the property and the patio area during part of the day, but this is true of many extensions. However the situation is somewhat different to Number 12, because the extension would not adversely affect Number 8's habitable room windows – the nearest windows of this property are the ground floor bathroom and a landing/staircase. There are therefore, in planning terms, no valid planning reasons for opposing the scheme in terms of impact upon Number 8.
- 7.6 With regard to other points highlighted in paragraph 5.2 the area is not (as has been suggested) a Conservation Area. It falls within the Forest of Bowland Area of Outstanding Natural Beauty (AONB). However the site is within a developed part of the village and this extension will not cause any detriment to the AONB designation.
- 7.7 Opposition to the proposals on the basis of a percentage increase in floor area is not justified either. There are no District Plan or Core Strategy policies in place that restrict extensions to a set percentage. Such policies have often been criticised for being over zealous. The preferred approach is to consider each application on its own merits, which is what has been applied in this case.

8.0 Conclusions

- 8.1 While it is acknowledged that the scheme will impact to a degree on two of the nearest windows of Number 12 it is not considered that the development will impact adversely on the residential amenity of Number 8, and certainly will not impact upon habitable room windows.
- 8.2 In this case the letter of support from the affected property (12), and the exceptional circumstances surrounding the need for the development are considered sufficient justification to make a favourable recommendation.
- 8.3 In addition the site is not highly visible within the wider Area of Outstanding Natural Beauty and the application is recommended for approval.

Recommendation

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

1. Standard time limit
2. Amended plans 7th October 2009
3. Development as per approved plans
4. Materials to match existing

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