

<b>Agenda Item</b>	<b>Committee Date</b>	<b>Application Number</b>
A7	8 May 2017	17/00351/VCN
<b>Application Site</b> 81 Hest Bank Lane Hest Bank Lancaster Lancashire	<b>Proposal</b> Partially retrospective application for the erection of a two storey side extension, construction of a dormer extension to the rear elevation and creation of a new access point (pursuant to the variation of condition 6 and 7 on planning permission 17/00028/FUL to vary fencing height to the rear garden and increase the maximum height of the highway boundary wall to 1.2 metres)	
<b>Name of Applicant</b> Mr Paul Jackson	<b>Name of Agent</b> N/A	
<b>Decision Target Date</b> 23 May 2017	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Robert Clarke	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

(i) **Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, it is recommended that condition number 7 on planning application 17/00028/FUL – which relates to the raising of the highway boundary wall to 1 metre be varied. This condition was originally requested by the Planning and Highways Regulatory Committee in relation to the previous planning application 16/00672/FUL at the 25 July 2016 Committee meeting.

**1.0 The Site and its Surroundings**

1.1 The application site is located on the north-eastern side of Hest Bank Lane, 60m north of the crossroads at Hasty Brow. The property is set back from the road by 10m and benefits from a large rear garden space. The surrounding area is residential in character and is characterised by detached properties within generous curtilages. There is a mixture of bungalows and two storey dwellings.

1.2 The subject property has recently benefitted from consent for the erection of a two-storey side extension and dormer extension to the rear. At the time of compiling this report these elements were under construction. Originally the property was a detached true bungalow featuring smooth red brick walls to the front with pebbledash to the sides and rear. The pitched roof was finished with red tiles and white uPVC doors and windows were installed.

1.3 The site is part of a wider Countryside Area designation in the Development Plan.

**2.0 The Proposal**

2.1 Planning permission has recently been granted for the construction of a two storey side extension, dormer extension to the rear elevation and creation of a new vehicular access point. This application seeks consent to vary two conditions imposed upon this permission.

2.2 Firstly, the application seeks to vary condition 6 which requires the existing timber boundary fence enclosing the rear garden to be raised to 1.8m in height. It is intended to increase 3.5 panels to the boundary with No. 79 Hest Bank Lane to 1.8m in height (commencing with the half panel that is adjacent to the brock side boundary wall). The next two panels shall be retained as existing at 1.8m. The remaining boundary fence panels which vary in height, though feature a minimum height of 1.35m, shall be retained at a minimum height of those currently onsite.

2.3 Secondly, it is intended to vary condition 7 which relates to raising the existing highway boundary wall to 1m in height, apart from that section identified to be removed to facilitate the new vehicular access point. Due to the change in land levels along Hest Bank Lane it is not possible to construct a boundary wall with a continuous height of 1m as required by the condition. As such it is intended to raise the boundary wall to a maximum height of 1.11m to the northern end of the application site, two pillars (either side of the existing driveway) will then feature a maximum height of 1.2m. This will then allow for a boundary wall with a minimum height of 1m to the southern end of the site and will ensure that a boundary wall with a continuous flush profile rather than a stepped profile can be achieved.

### **3.0 Site History**

3.1 The local planning authority has received a number of applications relating to this site.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>16/00237/FUL</b>	Demolition of attached garage, erection of 2 storey side and rear extensions, porch to front elevation and construction of 2 dormer windows to front elevation and 2 dormer windows to rear elevation	<b>Refused</b>
<b>16/00672/FUL</b>	Erection of a 2 storey side extension, construction of a rear dormer extension and creation of a new vehicular access	<b>Permitted</b>
<b>16/01609/NMA</b>	Non-material amendment to planning permission 16/00672/FUL to alter the positioning of the dormer windows and rear elevation windows, alteration to velux window positioning, change render from off white to polar white K-Rend and use of Quinn Rathmore roof tiles.	<b>Permitted</b>
<b>16/01568/FUL</b>	Retrospective application for the erection of a two storey side extension	<b>Permitted</b>
<b>17/00028/FUL</b>	Partially retrospective application for the erection of a two storey side extension, construction of a dormer extension to the rear elevation and creation of a new access point	<b>Permitted</b>

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	Raised concerns regarding the number of applications at this site including the retrospective nature of some of the applications.

### **5.0 Neighbour Representations**

5.1 3 letters of objection have been received by the Local Planning Authority each raising concern with the planning process, and the number of applications at the site (including the retrospective nature of some of the applications).

Officer response - The Council must deal retrospective applications for variances from approved plans fairly and in line with normal planning considerations. Objections from neighbours that the original approved scheme is being departed from is not a valid ground for refusal unless it gives rise to new harmful impacts which in their own right are sound reasons to refuse planning permission.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraph 7, 12, 14, 17 – Sustainable Development and Core Principles  
Paragraphs 56 to 64 – Requiring Good Design

### **6.2 Local Planning Policy Overview – Current Position**

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

### **6.3 Development Management DPD**

**DM35** – Key Design Principles

### **6.4 Lancaster District Core Strategy (adopted July 2008)**

**SC1** – Sustainable Development  
**SC5** – Achieving Quality in Design

## **7.0 Comment and Analysis**

7.1 The key considerations in the assessment of this application are:

- General design
- Impacts on residential amenity

### **7.2 General Design**

The condition to raise the front highway boundary wall to 1m in height was requested by the Planning and Highways Regulatory Committee in relation to previous planning application 16/000672/FUL at the 25 July 2016 Committee meeting. As this condition was requested by Committee Members it was included on subsequent application 17/00028/FUL.

7.3 As already stated, the way in which the land levels along Hest Bank Lane decrease slightly in a northerly direction means that a boundary wall with a continuous and level height of 1m cannot be achieved. It would be considered that a stepped boundary wall would appear out of character within this street scene given that neighbouring properties feature flush boundary walls. The proposal to increase the boundary wall height by a maximum of 200mm is deemed to be a minor change but it will ensure that a continuous flush wall height can be achieved. This is considered as an enhancement upon a stepped profile.

#### 7.4 **Impacts on residential amenity – No. 79 Hest Bank Lane**

This application seeks to vary condition 6 of planning permission 17/00028/FUL which required the raising of the existing boundary fence enclosing the rear garden to 1.8m in height. At present the boundary fencing which encloses this garden space varies in height. The northern boundary of the garden (shared boundary with No. 79) is enclosed by a brick wall, then 3.5 panels of 1.6m followed by 2 panels of 1.8m. The remainder of this boundary is then formed by 8 panels with a minimum height of 1.4m. Within the curtilage of No. 79 Hest Bank Lane, but running the length of the 1.4m panels, is an approximately 2m high hedgerow.

7.5 It is considered that the combination of the approximately 1.4m high fence panels with the neighbouring c2m high hedge forms a strong and effective boundary treatment that retains an acceptable level of privacy for the rear garden of No. 79. Raising the existing 1.4m fence to 1.8m in height would not contribute towards the retention of this privacy. The existing 2 panels of 1.8m fencing to this boundary also form an effective treatment and shall be retained at a minimum height of 1.8m. The existing 3.5 panels measuring 1.6m in height form the boundary which runs between the two storey side/garage extension and the side elevation of No. 79. Given that this space provides access to the side elevation door of the garage it is likely this section of the curtilage will be regularly used. Therefore, increasing these 3.5 panels to a minimum height of 1.8m is considered reasonable and appropriate in order to ensure that the amenity of the occupants of the neighbouring property is preserved.

#### 7.6 **Impacts on residential amenity – No. 26 Throstle Grove**

The eastern boundary of the site (shared with No. 26 Throstle Grove) is formed by a total of 12 fence panels. Again these are not uniform in height but are generally around 1.3m. It is intended to retain the boundary fence at a minimum height of those existing. There are also a number of trees within the curtilage of the neighbouring property which provide some degree of higher level screening, though it is acknowledged that this is seasonal.

7.7 Despite the relatively low height of the existing boundary fencing, the application site benefits from a generously proportioned rear garden. The separation distance between the rear elevation of the property and this boundary is a minimum of 20m. This degree of separation is considered adequate and will ensure that the views obtained from the rear elevation windows of the neighbouring garden space do not result in a significant loss of privacy. Higher levels of overlooking of these private garden spaces are obtained from within the garden itself. However, this is considered a mutual relationship with views of both garden spaces being achieved. Given the aforementioned separation distance and the mutual nature of the level of overlooking from within these gardens, a condition requiring the raising of the boundary fence would be considered unreasonable. However, a condition requiring the fence to be maintained at a minimum height of that existing will be recommended.

#### 7.8 **Impacts on residential amenity – No. 83 Hest Bank Lane**

The southern boundary of the application site, shared with No. 83 Hest Bank Lane, is formed by a total of 9 fence panels, and again these are also not uniform in height. These fence panels measure an approximate height of 1.35m. However, within the curtilage of the neighbouring property is an approximately 2m high hedgerow which runs almost the full length of this shared boundary. Furthermore, within the neighbouring garden and behind the 1.35m timber fence lies a slatted timber fence which features a stepped profile. This increases to a height of approximately 1.8m.

The aforementioned boundary treatments are similar to those forming the boundary with No. 79. Taken together the combination of the fencing and hedge forms an effective boundary treatment that retains an acceptable level of privacy for the rear garden of this neighbouring property. Therefore, it is considered increasing the height of this fence to 1.8m would be unnecessary.

## **8.0 Planning Obligations**

8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

9.1 The raising of the existing front highway boundary wall to a maximum height of 1.2m will allow for a continuous and level profile to this boundary wall. This is considered an enhancement upon a stepped profile which due to the local land levels would be the only alternative. It is therefore recommended that this condition be varied to allow for this wall to be raised accordingly.

9.2 Given the existing boundary treatments within the application site and those within the neighbouring sites and the relative separation distances, it is considered unnecessary to raise the entirety of the fence enclosing the rear garden to 1.8m. However, given the frequency with which the walkway to the side elevation extension is likely to be used it is considered appropriate to condition the retention of the existing two 1.8m high panels and the raising of the existing four 1.6m panels to 1.8m. Furthermore, it is considered prudent to require the maintenance of the remaining boundary fences at a minimum height of those currently onsite.

## **Recommendation**

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

1. Development in accordance with approved plan
2. Use as a single dwellinghouse
3. Removal of selected PD rights - Class D porches and Class E outbuildings
4. Obscure glazing to side elevation garage window and door
5. Raising of 3.5 panels (adjacent to the side brick boundary wall) to the shared boundary with No. 79 Hest Bank Lane to 1.8m in height
6. Retention of existing two 1.8m high fence panels to shared boundary with No. 79 Hest Bank Lane
7. Maintenance of existing boundary fences (apart from those already identified) at a minimum height of 1.3m.
8. Raising of highway boundary wall to a maximum height of 1.2m to create a continuous and level profile along its length
9. Implement third parking space before occupation and retain
10. Driveway surfacing

## **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

In accordance with the above legislation, the City Council can confirm the following:

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None