

<b>Agenda Item</b> A14	<b>Committee Date</b> 26 June 2017	<b>Application Number</b> 17/00168/FUL
<b>Application Site</b> 10 Denny Avenue Lancaster Lancashire LA1 2QN	<b>Proposal</b> Erection of a single storey rear extension and construction of a disabled access ramp	
<b>Name of Applicant</b> Mr Greenwood	<b>Name of Agent</b> Mr Andrew Kirk	
<b>Decision Target Date</b> 26 April 2017	<b>Reason For Delay</b> Committee cycle and awaiting submission of amendments	
<b>Case Officer</b>	Mr Andrew Clement	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

**(i) Procedural Matters**

The proposed development would normally fall within the Scheme of Delegation. However, the land to which this application relates is in the ownership of Lancaster City Council, and Lancaster City Council is the applicant. As such, the application must be determined by the Planning Committee.

**1.0 The Site and its Surroundings**

1.1 The property which forms the subject of this application relates to a two storey semi-detached property located on the south side of Denny Avenue, in the residential area of Ryelands in Lancaster. The property has pebble dashed walls with window sill and header features, under a grey concrete tiled hipped roof with white uPVC window frames throughout. The property benefits from gardens to the front and rear, with approximately 1 metre tall boundary fences to the front curtilage area, and the rear private garden bounded by an approximately 1.8 metre tall slat fence. The application site is unallocated in the Lancaster District Local Plan proposals map.

**2.0 The Proposal**

2.1 The application proposes the erection of a single storey rear extension and construction of a disabled access ramp to provide an accessible ground floor bedroom. The extension will project between 2.95 metres and a maximum of 5.5 metres from the existing rear elevation, at a width of up to 6.1 metres, with a flat roof height of 3 metres above the ground level. The extension will be finished with matching dashing under a single ply flat roof with white uPVC windows and door frames.

**3.0 Site History**

3.1 None relevant.

## **4.0 Consultation Responses**

4.1 No statutory or non-statutory consultees were consulted as part of this proposal.

## **5.0 Neighbour Representations**

5.1 No neighbour representations were received at the time of compiling this report.

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

6.1 The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

National Planning Policy Framework

Paragraph 7 – Achieving sustainable development

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Twelve core planning principles

Paragraphs 56-64 – Achieving quality in design

### 6.2 Development Management DPD

**DM35** – Key design principles

**DM45** – Accommodation for Vulnerable Communities

### 6.3 Lancaster Core Strategy

**SC5** – Achieving quality in design

### 6.4 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.

## **7.0 Comment and Analysis**

7.1 The key considerations arising for the proposal are:

- Principle of the development;
- Design, scale and landscape impact; and
- Residential amenity

### **7.2 Principle of the development**

7.2.1 The proposed development is to construct an extension to the rear elevation of a dwellinghouse to meet the specific accessibility requirements of the current occupier, namely to provide a ground floor bedroom and disabled access ramp to a rear door opening to this room. The principle of the development to extend the residential premises to ensure this meets the requirements of the occupier is considered acceptable.

### **7.3 Design, scale and landscape impact**

7.3.1 The proposed extension covers a large footprint of 26.6sqm, projecting a maximum of 5.5 metres from the rear elevation, at a maximum width of 6.1 metres. However, in terms of design and landscape impact, the proposed matching materials, modest single storey flat roof height of 3 metres tall, plus the location in the rear private garden space mitigates the proposal in terms of visual impact upon the street scene, as this is visually contained from the public highway. Although extensions to residential properties are uncommon in this area, the proposed development is considered to respect the character and appearance of the general locality. Therefore, despite the footprint of the proposal, the application is considered to be acceptable in terms of the congruent design and minimal landscape impact, visually contained in the rear curtilage area.

### **7.4 Residential amenity**

7.4.1 The original application proposed a 5.57 metre long rear projection along the shared boundary treatment to the adjoining semi-detached dwellinghouse. Amendments were sought to ensure the proposal would not result in an unacceptable impact upon residential amenity. Subsequent amended plans have been received to address these concerns, particularly the impact upon this adjoining neighbour. Amendments were to address the potential overbearing and overshadowing created by a rear extension upon the neighbour's adjoining private rear garden space, and a rear facing window separated from the shared boundary by 1.8 metres to the centre of this opening.

7.4.2 The latest amended plans received on 1<sup>st</sup> June 2017 show the development behind a 45 degree line, however this line does not relate to the centre of the nearest ground floor window to the neighbouring property. The proposed extension still breaks the 45 degree line from this window by approximately 1.3 metres. However, these amended plans have shortened the length of the rear extension along the shared boundary to 2.95 metres, slightly shorter than that allowed through permitted development, at 3 metres above ground level. From this 2.95 metre projection point, the proposed extension narrows along a 45 degree line, moving away from the shared boundary, with the maximum projection of 5.5 metres located 2.6 metres from the shared boundary. This will allow more natural light into the neighbouring rear garden area and to the windows on the rear elevation, with the greatest impact caused by the 2.95 metres along the boundary. The extension is proposed at a height of 1.2 metres above the existing 1.8 metre tall boundary treatment.

7.4.3 The affected rear facing openings to the adjoining neighbour are south facing, with the proposed extension to the west of this. Therefore any overshadowing would be restricted to times when the sun is setting, with the south facing windows still receiving sunlight during the majority of the day. Furthermore, although it could not be ascertained during the site visit, given the short depth of the property at 5.7 metres, layout of the dual-aspect living room for the application site, and 2009 streetview image indicating a similar layout to the adjoining property, all evidence suggests that this rear facing window is not the only opening to the room, with a north facing front window likely to serve the same room as the affected rear facing window. Given this information and the absence of any neighbour consultation objection, it would be difficult to defend a refusal reason for the proposal purely on the impact upon residential amenity through overshadowing.

7.4.4 The proposed single storey rear extension contains a side facing window to the west facing

elevation. Side facing windows to the ground floor are a feature of these properties, with the application site having an existing side facing window to the kitchen, and the property to the west having a similar window, albeit set slightly further back so these openings are not directly facing. The boundary treatment, a 1.8 metre tall slat fencing, allows a certain amount of visibility through into the neighbouring rear gardens as existing. Although the proposed window will face the neighbouring rear garden to the west (as this window is to the ground floor), any views would be through the existing boundary treatment, and ground floor side-facing windows can be developed through permitted development, not requiring planning permission.

- 7.4.5 The proposed development takes up a relatively large footprint, however the development will retain more than 50sqm of rear private garden space, and the development takes up significantly less than half of the total area of the curtilage. The proposal affords satisfactory residential amenity to present and future occupiers, and the narrowness of the raised ramp access ensures this could not be used as a raise external amenity area, and would not raise concerns regarding overlooking. However, a condition to ensure the flat roof of the extension is not used as a balcony should be included to prevent unacceptable impact upon neighbouring privacy. Subject to this condition, and despite breaking the 45 degree angle to a rear facing window, the application is considered to have an acceptable impact upon residential amenity.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

- 9.1 In conclusion, it is considered that the proposed works are proportionate with matching materials and design. The proposed development will meet the specific needs of the existing occupant, whilst having no greater impact upon residential amenity beyond that allowed through the General Permitted Development Order for residential dwellinghouses. The proposed design complies with policy DM35 and NPPF Section 7.

## **Recommendation**

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

1. Standard three year timescale
2. Development in accordance with amended plans
3. No balcony on the flat roof

## **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 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.