

Agenda Item A9	Committee Date 21 August 2017	Application Number 17/00488/FUL
Application Site 7 Ashmeadow Grove Nether Kellet Carnforth Lancashire		Proposal Demolition of existing garage, erection of a replacement single storey garage, construction of a dormer extension to the northwest elevation and installation of first floor window and Juliet balcony to side elevation.
Name of Applicant Mr Darren Moore		Name of Agent
Decision Target Date 4 July 2017		Reason For Delay Negotiating amendments and request for application to be reported to Committee
Case Officer		Mrs Eleanor Fawcett
Departure		No
Summary of Recommendation		Split decision – Approval of garage and Refusal of dormer extension.

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Roger Mace for the application to be reported to the Planning Committee on the basis that the dormer is appropriate for the development of the applicant's home taking into account its surroundings given the presence of a similar styled dormer on the adjacent property.

1.0 The Site and its Surroundings

- 1.1 The site relates to a bungalow located on a cul-de-sac of similar properties within Nether Kellet. The building fronts onto Ashmeadow Grove, with the north east side elevation facing Ashmeadow Road and the rear wall facing Main Road. There is a relatively small detached garage between the side wall and Ashmeadow Road and a garden to the rear. A wall and hedge, around 1.8 metres in height in total, forms most of the side and rear boundaries with the highway. The bungalow is set at a higher level than Main Road.
- 1.2 The property is located within the Nether Kellet Conservation Area and is also situated opposite a grade II listed house with a date stone of 1719. The site is also within the Countryside Area, as identified on the Local Plan Proposals Map.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of a detached garage to the side of the dwelling, to replace the existing garage, and the construction of a dormer window to the northwest elevation facing Main Road. Following amendments, the garage would measure 4.6 metres by 6.8 metres and have a maximum height of 2.6 metres to the eaves and 3.8 metres to the ridge, given changes in levels across the site. The proposed dormer extension would be 7.4 metres long and 2.1 metres high and finished in brown wood effect cladding with a flat roof. A door and Juliet balcony are also

proposed at first floor in the centre of the side elevation.

3.0 Site History

3.1 There is no relevant site history.

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No objections.
Conservation	Object to the dormer extension - cannot support further negative changes as this would contradict the legislative protection on the area. This part of the proposal would harm the significance of the Conservation Area. No objections to the garage , which will be larger than the existing but will be similar in appearance and materials to the existing house, which will not detract from the character of the area and will be screened by a hedge.
Tree Protection Officer	No objections to the scheme for new hedge planting subject to a condition requiring implementation and maintenance.

5.0 Neighbour Representations

5.1 No comments received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs **7, 14 and 17** – Sustainable development and core principles

Paragraphs **56, 58 and 60** – Requiring good design

Paragraphs **131 – 134, 137 and 141** – Designated heritage assets

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 Lancaster District Core Strategy

SC5 – Achieving quality in design

6.4 Development Management Development Plan Document

DM31 – Development affecting Conservation Areas

DM32 – The setting of designated heritage assets

DM35 – Key design principles

6.6 Other Material Considerations

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended states that the local planning authority shall have regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Scale, design and impact on heritage assets
- Impact on residential amenity

7.2 Scale, design and impact on heritage assets

7.2.1 The property is a modern bungalow situated on the main road in Nether Kellet's Conservation Area, which was designated in 1981 for its retention of the medieval plan form and traditionally constructed buildings dating from the late-17th-19th century. It is also situated opposite a Grade II listed house with a datestone of 1719. The immediate setting of the listed building is provided by a front forecourt enclosed by a low stone boundary wall, a barn to the right and congregational school to the left.

7.2.2 The existing garage to the side of the dwelling is proposed to be replaced with a larger and higher structure. Whilst the appearance of the existing garage is relatively poor, having a corrugated metal roof, it is small in scale and mostly screened by the existing hedgerow, particularly from Main Road. The significant increase in footprint of the proposed garage will make the structure much more visible from both Ashmeadow Road and Main Street. There were concerns that this would appear overly prominent within the street scene and have an adverse impact on the character and appearance of the Conservation Area.

7.2.3 Given the concerns, it was advised that the footprint and height were reduced, with the side wall moved in from the boundary and the hedgerow retained. Given the higher position of the site from Main Road, it was also suggested that the ground level be lowered. The width has been reduced from 5.4m to 4.6m and the maximum height from 4.2 to 3.9m. The garage will now also be set in 1 metre from the boundary wall. It is considered that the height could have been reduced further, whilst still keeping an appropriate pitch, and this was set out on a plan to the applicant. However, subject to the retention of appropriate screening, it is considered that the proposal will not have a detrimental impact to the character and appearance of the area. The materials are proposed to be render and stone for the walls and concrete tiles for the roof to match the house. It is unlikely that an exact replica of the roof tile will be available and as such it is appropriate that a sample of this and the other materials is provided to ensure that they are acceptable. Whilst brown UPVC windows and guttering are not desirable in a Conservation Area, they will match the existing dwelling.

7.2.4 In terms of the hedgerow to the side of the garage, this was originally proposed to be removed and then was shown to be retained following the reduction in width of the garage. However, there were concerns that this could be damaged during the works and evidence was requested to show that this would not be the case. In response, it was advised that it was the intention to remove the part of the

hedgerow to the side of the garage as it was in a poor condition. Whilst this will open up the site and views of the garage for some time, it will provide the opportunity for an improvement to the boundary treatment and screening in the long term. Whilst some details have been provided in relation to the species (Western Red Cedar), it would also be useful to have a plan showing all the landscaping details including the remainder of the boundary hedge to be retained, as this is equally important in terms of screening. A landscaping scheme can be conditioned, however, details will be requested before the Committee Meeting.

- 7.2.5 A dormer window is also proposed to the rear roof slope of the bungalow, facing the main road through Nether Kellet. This is proposed to be a long structure of a flat roofed construction finished in timber effect cladding. There are significant concerns regarding the insertion of such a feature in this highly prominent, elevated location facing the main road of the Conservation Area and on a corner plot. Generally, the insertion of dormers in Conservation Areas is not usually supported as this can negatively impact the rhythm and visual appearance of the roofscape. Whilst the building is a modern construction it echoes some of the surrounding traditional style as it has a pitched roof and is situated in a prominent position within the Conservation Area. In addition, the proposed wood effect cladding does not respect the surrounding built form and is considered to be inappropriate.
- 7.2.6 There are a few properties in the vicinity of the site which have flat roofed dormers that are visible from the main road. The adjoining property has dormers on both the front and rear elevations. From a search of the planning history, the front dormer (facing Ashmeadow Grove) was granted consent in 1981 and a condition was added to ensure that this was faced in tiles to match the dwelling. On the file for this application, it sets out that there was an existing dormer on the elevation facing Main Road. There are also dormers on the rear of one other bungalow facing Main Road and one facing Ashmeadow Road. Neither of these benefit from planning consent, however it is likely that they were constructed under permitted development as most of these types of construction fell outside planning control, even within Conservation Areas, until a separate section was introduced within the 1988 General Development Order.
- 7.2.7 Currently the existing dormer windows are a negative but intermittent feature within this part of the Conservation Area. The addition of this dormer extension would make this feature more dominant to the detriment of the character and appearance of the Conservation Area. Whilst there are a limited number of bungalows in this area, if granted it would be difficult to resist other such additions on the road facing elevations of the other dwellings, which would be likely to have a significant incremental adverse impact on the Conservation Area and its setting. Alternatives have been considered to the design of the dormer, including two small pitched roof structures or smaller flat roofed metal clad dormers. In both instances, it is considered that these are more likely to draw attention to the flat roofed dormer on the adjoining dwelling and the latter is not in keeping with the style and appearance of the bungalow and would likely be more appropriate on a larger building. The alternatives are considered to result in a proposal which would not preserve or enhance the character or appearance of the Conservation Area. It is possible that a dormer window would be acceptable on the elevation facing Ashmeadow Grove as it would not be visible from Main Road, although still within the Conservation Area. This would be subject to scale and design but the applicant has been asked to consider this as an alternative.
- 7.2.8 Under Section 72 of the 1990 Planning (Listed Buildings and Conservation Areas) Act, there is a duty to preserve or enhance the character or appearance of a Conservation Area. Therefore, the further negative changes cannot be supported as this would contradict the legislative protection on the area as the proposal will harm the significance of the Conservation Area. It would also be contrary to policy DM31 of the Development Management DPD. It is considered that this harm would be less than substantial but it is considered there are no public benefits which outweigh this harm, in accordance with the test set out in the NPPF.
- 7.2.9 A glazed door and Juliet balcony are proposed in the side wall at first floor. The door will match those in the bungalow and the balustrade is proposed to be metal. Given this, the alterations are considered to be in keeping with the building and the Conservation Area.

7.3 Impact on residential amenity

- 7.3.1 The proposed garage would be sited close to the side boundary and not in close proximity to residential properties. Given this and its scale, it is considered that this would not have a detrimental impact on the amenities of nearby occupiers. The window in the side wall would face towards two

bungalows, 2 and 4 Ashmeadow Road and be separated by approximately 20m. Given this, and that the application property is at a lower level than these two dwellings, it is not considered that there would be a significant loss of privacy. In terms of the dormer, this would be approximately 20m from the boundary with the property opposite and a further 13m from the front wall of the dwelling. It would also be around 21m from the Old Congregational School, but would not directly face this. As such it is considered that the proposal would not result in an unacceptable level of overlooking to the detriment of the amenities of the occupiers of these properties.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 Whilst it is considered that the replacement garage and insertion of the new door and Juliet balcony are acceptable, in terms of their scale and design, the proposed dormer window would fail to preserve or enhance the special qualities of the Conservation Area given its scale, design and position on a prominent roof slope facing the main road through Nether Kellet. As such, this element of the proposal is considered to be unacceptable as it would cause harm to the character and appearance of the Conservation Area, contrary to Policy DM31 of the Development Management DPD and Section 12 of the NPPF.

Recommendation

That a **split decision** is reached.

In the first instance, planning permission for the construction of the dormer extension to the northwest elevation **BE REFUSED** for the following reason:

1. As a result of the scale, design and prominent position of the dormer window, the proposal would fail to preserve or enhance the special character or appearance of the conservation area and would have a detrimental impact on this and the existing building. The scheme therefore fails to comply with the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 12, and Policies DM31 and DM35 of the Development Management Development Plan Document.

In the second instance, planning permission for the demolition of the existing garage, erection of the replacement single storey garage and the installation of the first floor window and Juliet balcony to side elevation **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. In accordance with amended plans
3. Details/ samples of materials including: roof tile, stone, colour and finish of render and finish to balustrade
4. Landscaping scheme including replacement hedgerow planting and details of hedge/trees to be retained.
5. Restriction of the use of the garage – no trade or business

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council has provided access, via its website, to detailed standing advice for householder development in the Lancaster District (the Householder Design Guide), in an attempt to positively influence development proposals. Regrettably, elements of the proposal fail to adhere to this document, and the policies of the Development Plan, for the reasons prescribed in this report. The applicant is encouraged to consult the Householder Design Guide prior to the submission of any future planning application.

Background Papers

None