

Agenda Item A14	Committee Date 16 October 2017	Application Number 17/01029/FUL
Application Site 12 Knowlys Drive Heysham Morecambe Lancashire		Proposal Partially retrospective application for the erection of a single storey side and rear extension
Name of Applicant Mr Tyrone Lewis		Name of Agent N/A
Decision Target Date 26 October 2017		Reason For Delay N/A
Case Officer		Mr Robert Clarke
Departure		No
Summary of Recommendation		Approval

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, as the applicant is related to an employee of Lancaster City Council the application must be determined by the Planning and Highways Regulatory 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 dwellinghouse located on the eastern side of Knowlys Drive in Heysham. The property features a pebble dashed exterior with coursed stone to the front elevation underneath a terracotta tile roof with dormer extensions to the side and rear elevations. The property benefits from being located at the end of Knowlys Drive cul-de-sac, as such the rear garden extends round to the side of the dwellinghouse and measures approximately 260m². A number of mature trees within the application site (some of which are subject of a Tree Preservation Order) form a buffer between the garden space and Knowlys Road.
- 1.2 Knowlys Drive is characterised by two storey semi-detached dwellinghouses of a similar appearance and age. The road drops in elevation in a westerly direction towards Morecambe Bay and Heysham Head, creating some difference in land levels between the application site and its neighbours.
- 1.3 The site is unallocated in the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 This application seeks consent for the erection of a single storey rear and side extension. The rear extension will feature a maximum depth of 2.1m measured from the original rear elevation, whilst it will feature a width of 13m including the projection beyond the side elevation of the dwelling. The proposed side extension will feature a depth of 5.95m and a width of 6.9m measured from the side elevation of the dwelling. The rear extension will feature a lean-to roof with a maximum height of 3.9m whilst the side extension will feature a hipped roof with a ridge height of 4.4m. The front elevation of the side extension will be finished with matching coursed stone whilst the remaining

elevations will be finished with matching pebble dash. The roofs will feature matching tiles, and matching white upvc windows and doors will be installed throughout. This proposal remains unchanged in scale and design from the recently refused application 17/00681/FUL.

3.0 Site History

3.1 The following applications relate to the current proposal.

Application Number	Proposal	Decision
17/00242/FUL	Erection of a single storey side and rear extension	Withdrawn
17/00681/FUL	Partially retrospective application for the erection of a single storey side and rear extension	Refused

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response received during the statutory consultation period
Tree Protection Officer	No objection – subject to conditions
County Highways	No objection – subject to a condition regarding access construction

5.0 Neighbour Representations

5.1 **No responses received** during the statutory consultation period

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraph 17 – 12 Core Principles
Paragraphs 67 and 68 – 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

DM22 – Vehicle Parking Provision

DM29 – Protection of Trees, Hedgerows & Woodland

DM35 – Key Design Principles

6.4 Lancaster District Core Strategy

SC1 – Sustainable Development

SC5 – Achieving Quality in Design

7.0 Comment and Analysis

7.1 The key considerations arising from the proposal are:

- General design;
- Impacts upon residential amenity;
- Impact upon protected trees; and
- Vehicle parking provision

7.2 General Design

7.2.1 This application is a resubmission of a previously refused application that was reported to the 24 July 2017 Committee meeting. The design and scale of the proposed development remains the same as the previously refused scheme, however, additional supporting information has been provided by the applicant in respect of the onsite trees. The supporting information includes photos of the layout of the application site prior to the commencement of construction works and a Tree Planting and Management Plan in addition to the previously submitted Arboricultural Implications Assessment (AIA).

7.2.2 The proposed development has been designed to reflect the character of the existing dwelling, particularly in terms of the material palette. Whilst the proposed extension will change the appearance of the rear and side elevations and is of a relatively large scale, only the side extension will be seen from within the street scene. The use of a hipped roof arrangement to this aspect of the development ensures the development appears subservient whilst the 5.4m set back from the front elevation will reduce its presence within the street scene, which is further reduced due to the location of the application site at the end of a cul-de-sac. It is concluded therefore that the proposed development is of an acceptable design and scale.

7.3 Impacts upon residential amenity

7.3.1 Due to the location of the application site at the end of a cul-de-sac the proposed side extension does not impact upon any neighbouring dwellings to the south. To the east, the properties and garden spaces to the rear of the development site on Knowlys Avenue are elevated, whilst the eastern boundary is formed by a substantial privet hedge. As such the impacts of the proposed development upon these properties will be minimal. The proposed rear extension features a depth of 2.1m, but it does not extend over the 45 degree line from the rear elevation windows of the neighbouring properties, and acceptable levels of daylight will be retained. A 1.8m boundary wall and fence to this northern boundary will ensure acceptable privacy levels are retained.

7.4 Impact upon protected trees

7.4.1 Previous application 17/00681/FUL was refused at the 24 July 2017 Committee meeting, against Officer recommendation, as it was concluded that the unauthorised works which have already been undertaken had caused significant and irreversible harm to the root systems of the adjacent protected trees, ultimately resulting in harmful impacts to the visual amenity of the street scene. The damage to the protected trees, identified as T5 and T6 (both mature Sycamores), is highlighted

within the submitted AIA. This offence has been pursued, as a separate matter to this application, by the Tree Protection Officer and a legal agreement is now in place between the City Council and applicant requiring the planting of two additional trees, a Rowan and Silver Birch. This replanting scheme is deemed acceptable by the Tree Protection Officer to mitigate the damage to and potential loss of T5 and T6.

- 7.4.2 Although the unauthorised works has resulted in damage to the root system of the protected trees, the aforementioned AIA also concludes that prior to the works commencing these trees, particularly T5, were already in a state of decline. As a result of the pre-existing poor health of T5 and T6, caused by their size relative to their location in close proximity to telephone wires and their severe pruning history, these trees were categorised as 'U - trees in such a condition that any existing value would be lost within 10 years and which should, in the current context, be removed for reasons of sound arboricultural management' in accordance with BS5837 'Trees in relation to design, demolition and construction'. As such, the AIA concluded that T5 should be removed on health and safety grounds and T6 be subjected to significant pruning to minimise its growth around the telephone wires and be reassessed for its aesthetics at a later stage.
- 7.4.3 In support of this resubmission, an additional Tree Planting and Management Plan has also been compiled for this site whilst a number of annotated site photos have also been submitted, which indicate the layout of the site prior to the commencement of onsite construction works. The Tree Planting and Management Plan concludes that two further trees, a second Rowan and a Cypress Oak (in addition to those required by the legal agreement) are to be planted within the site. In the opinion of the Tree Protection Officer, the additional Tree Planting and Management Plan is satisfactory and should be implemented in full to aid in mitigating the damage/loss of the existing on site trees.
- 7.4.4 The damage caused to the root systems of the protected trees is unfortunate and the process by which this damage has been caused is not commendable. However, the pre-existing poor health of these protected trees and the recommendations of the submitted AIA should also be taken into consideration. The planting of a Rowan and Silver Birch trees, enforceable by way of a legal agreement, is deemed acceptable by the Tree Protection Officer to mitigate the deteriorating condition and loss of the protected T5 and T6. Furthermore, combined with the aforementioned Rowan and Silver Birch, the additional planting contained within the Tree Planting and Management Plan will lead to increased screening of the application site whilst contributing to the visual amenity and biodiversity value of the locality. The implementation of the planting schemes are encouraged as they will replace trees in a state of decline and provide healthier and more sustainable specimens, this is encouraged. The new trees should be planted as standard trees with a girth not less than 12cm diameter. Whilst larger trees can be bought and planted, they naturally require a correspondingly larger planting pit. The requirement to excavate such a large area would in itself have the potential to impact on the existing trees that are retained.

7.5 Vehicle parking provision

- 7.5.1 The proposed development includes the construction of a garage with sufficient space to park one vehicle whilst the existing drive provides one further parking space. The on-site parking provision is considered acceptable for a dwelling of this size and is in line with other neighbouring dwellings. A condition requiring a scheme for the construction of the site's means of access was requested by County Highways. Given that the existing access arrangement will remain unchanged this condition is considered 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 side and rear extension is acceptable in terms of scale and design. It serves to respect the character of the street scene and dwelling and ensures adequate levels of residential amenity are retained. The damage to the protected trees is unfortunate, but action has been taken as a separate matter to this application and mitigation measures, including replacement planting, will be enforced. Further planting proposed by the applicant will also contribute to the visual amenity of the biodiversity

value to the locality. Combined the proposed replacement planting schemes will provide healthier and more sustainable trees in the long term.

Recommendation

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

1. Standard three year timescale
2. Development in accordance with plans
3. Garage use restriction
4. Development in accordance with AIA
5. Development in accordance with Tree Planting and Management Plan

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

In accordance with the above legislation, Lancaster City Council 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 made 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