

Agenda Item A11	Committee Date 11 December 2017	Application Number 17/00669/FUL
Application Site Rose Garth Stanmore Drive Lancaster Lancashire		Proposal Erection of a new detached two-storey dwelling and demolition of part of the existing dwelling
Name of Applicant Mrs Barbara Vollands		Name of Agent Mr Nigel Atkinson
Decision Target Date Extension of time agreed until 15 December 2017		Reason For Delay Awaiting additional information and referral to committee
Case Officer		Mrs Eleanor Fawcett
Departure		No
Summary of Recommendation		Refusal

(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 Kershaw for the application to be reported to the Planning Committee. The reason for this relates to: mitigating factors that lessen the impact on the neighbouring property; the setting back of the property, and reduction in size, has addressed the design issues and the streetscene would not become cramped; and that the layout has taken into account the need to protect trees and their roots.

1.0 The Site and its Surroundings

- 1.1 The application relates to part of an existing dwelling and associated garden area to the south, which is located on the western side of Stanmore Drive, within the Haverbreaks estate, on the eastern edge of the Lancaster. The dwelling is a two bedroom detached bungalow and is set back from the highway by around 9 metres and has a large garden to the rear. There are several trees, close to the boundaries of the site, which are covered by a Tree Preservation Order. Most of the site boundaries comprise hedgerows and trees. To the south is a two storey detached dwelling, at a lower level than the site, and to the north is a dormer bungalow, both of which front onto Stanmore Drive. There are also two residential properties to the west which share boundaries with the existing property.

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of a two storey detached dwelling to the south of the existing bungalow. In order to accommodate the building, the proposal includes the removal of part of the existing bungalow, measuring 5.8 by 6.9 metres. Many amendments have been made to the scheme, primarily to ensure that the trees surrounding the site are not adversely impacted. The current plans show the dwelling to be set back from the highway by approximately 20 metres and have a maximum depth and width of 20.1 and 11.8 metres respectively, but not all of this would be two storey. Other dimensions are referred to later in this report (Paragraph 7.3.1). The dwelling is proposed to be finished in render with a slate roof.

3.0 Site History

- 3.1 The only site history relates to a pre-application enquiry in relation to a similar proposal to the current application.

Application Number	Proposal	Decision
16/01540/PRETWO	Pre-application enquiry for the erection of a dwelling	Unlikely to be supported in its current form

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection.
Environmental Health	No comments received within statutory time period.
Tree Protection Officer	No objection , subject to conditions requiring: submission of a landscaping scheme and development to be carried out in accordance with the submitted Arboricultural Implications Assessment.
United Utilities	No objection , the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

5.0 Neighbour Representations

- 5.1 6 pieces of correspondence have been received, to the original plans, objecting to the proposal and raising the following concerns:
- Impact on residential amenity – overbearing impact; visual amenity; overlooking to neighbouring properties and to new dwelling from balcony on adjacent property; noise and disturbance; overshadowing; loss of view;
 - Visual impact - excessive height/ ceiling heights; position on the site; elevated land in relation to neighbouring dwellings; excessive size of dwelling; high density; overdevelopment of the land; not in keeping with character of the area; garden grabbing; and loss of open aspect;
 - Impact on mature trees; quality of tree survey;
 - Impact on ecology; and,
 - Will set a precedent.
- 5.2 A further 5 pieces of correspondence have been received in relation to amended plans and information. These raise similar concerns to those set out above.
- 5.2 1 piece of correspondence has been received (The Chandlers) which raises no objections providing that bushes, shrubs and trees are maintained at the same level to retain privacy.

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 49 and 50 – Delivering Housing
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 118 – Conserving and Enhancing Biodiversity

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 (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Development Management Development Plan Document (adopted December 2014)

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision
DM27 – The Protection and Enhancement of Biodiversity
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM39 – Surface water Run-Off and Sustainable Drainage
DM41 – New Residential Dwellings

7.0 Comment and Analysis

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

- Principle of Development
- Scale, siting and design and impact on the character of the area
- Impact on Residential Amenity
- Impact on trees
- Highways Impacts
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7.2 Principle of Development

7.2.1 The site is located within the urban area of Lancaster and is surrounded by residential properties. The principle of new dwellings in this location is therefore considered to be acceptable. The NPPF raises the issue of inappropriate development of residential gardens and suggests that local planning policies may guard against this occurring. Whilst there is no local planning policy which explicitly prevents this, Policy DM25 advises that proposals which involve the loss of garden spaces to development, which would result in harm to the local environment and amenity, would be resisted. This is therefore a key issue which is fully considered within this report..

7.3 Scale, siting and design and impact on the character of the area

- 7.3.1 The application proposes a two storey dwelling set back from the road by approximately 20 metres, and sited to the south of the existing bungalow on the site. To accommodate this, a section of the existing building is proposed to be removed, in addition to a small extension to the west elevation and alterations to the internal layout. Most of the new dwelling would be two storey, with some single storey projections at the front and rear. It is proposed to be of an irregular form, but would have a maximum depth and width of 20.1 and 11.8 metres respectively, in relation to the ground floor, and 15.7 and 10.9 metres in relation to the first floor. The building is proposed to have several hipped roofs and there would be a flat section because of the depth of the dwelling. The main part of the dwelling would have a height of 5.1 metres to the eaves and 7.6 metres to the ridge when viewed from the front of the property. Due to a change in ground levels, this would be approximately 0.5 metres higher to the south east of the plot.
- 7.3.2 There have been a number of amendments made to the plans during the course of the application. The changes were partly to address concerns in relation to potential impacts on trees, however the design has also been altered and the dwelling reduced slightly in width but increased in depth. This has resulted in the building being set further in from the boundaries with the neighbouring properties, leaving a gap of 2.2 metres from the new boundary with Rose Garth and 3.4 metres from the boundary with Hillside to the south. Although further from Rose Garth, than previously proposed, the single storey element has been removed, so it would actually be higher at 2.2 metres from the boundary.
- 7.3.2 There is a mix of styles of dwellings in the vicinity of the site and some, including the adjacent dwelling, have hipped roofs. However, the pitch would be slightly steeper than that of Hillside and significantly steeper than that of the bungalow at Rose Garth. The topography of the road appears to increase to the north which increases the floor levels of the dwellings along this road. It is therefore logical that the ridge would be higher than Hillside, and the plans show this to be 0.4 metres higher. However, the dwelling would be 2.1 metres higher than Rose Garth and it is not therefore considered that it relates well to the existing bungalow and is likely to visually dominate this. The footprint of the dwelling is large and, whilst the width has been reduced, it does not leave a significant gap from the existing building. Whilst it is a large plot, this is similar to the nearby properties, and the position of the existing building makes it difficult to accommodate a new dwelling without creating a very cramped appearance. In order to accommodate the size of dwelling proposed, it has been pushed back further into the site much further than the adjacent dwellings and this adds to the crowded appearance and also raises issues in terms of residential amenity, which will be discussed in more detail below.
- 7.3.3 On the basis of the above, it is considered that the development would visually dominate the retained bungalow and, as a result of the height, width and depth, would result in a cramped form of development which would have a detrimental impact on the street scene. It is therefore considered that the proposal represents an overdevelopment of the site and would be contrary to Policy DM35 of the DM DPD.

7.4 Impact on residential amenity

- 7.4.1 The dwelling to the south, Hillside, has two windows at first floor and one at ground floor which face the site. The proposed dwelling will be at a higher level than this property but set back further from the highway. Given the set-back position of the dwelling, and that it is to the north of the neighbouring property, it is not considered that there would be a significant loss of light to this property. There are however a number of windows proposed in the side wall of the dwelling which will face onto the garden of Hillside. However these are all at ground floor level, with the exception of rooflights, and as such, overlooking could be prevented by an appropriate boundary treatment. At present the boundary predominantly comprises hedges and trees, and in some places this would need to be strengthened but would provide protection of privacy. There are windows in the side wall of Hillside, however these would overlook the driveway and parking area. There is a balcony at the rear which is likely to allow some overlooking towards the application site. However, given the distance from the boundary and the position of the proposed dwellings, it is not considered that there would be a significant impact on privacy to future occupiers of the property.
- 7.4.2 The front wall of the dwelling would be set back approximately 1.6 metres from the rear of the closest part of Rosegarth to the boundary, which contains a window to a habitable room. It would be

set in from the boundary by 2.2 metres and would extend 11.8 metres along the boundary at this distance, and a further 4.6 metres at a distance of 3.2 metres from the boundary. Whilst the external ground level would be approximately 0.6 metres lower, it is considered that there would be an overbearing and dominant impact on the occupiers of Rose Garth as a result of the depth of the property, most of which is two storey, and its proximity to the boundary and relationship to the neighbouring dwelling. Given its set back position it would extend along a lot of the boundary with the modified bungalow and would therefore dominate most of its outlook.

7.4.3 There were concerns raised with the agent to the original plans submitted regarding the impact of the development on Rose Garth. It was felt that that this may not be a sufficient reason to refuse the application, although there were still concerns regarding the relationship. The plans were then amended to address the implications on the trees and then further concerns were raised with the agent that this increased the adverse impact to Rose Garth, extending along more of the boundary. Slight further amendments were made and these are the ones that have been assessed. Having reviewed the plans, it is considered that the impacts have increased as a result of the amendments, but also that the original proposal would also provide an unacceptable impact to the future occupiers of this property, as previously advised. The applicants have set out that the proposal provides significant improvements to the layout of the existing bungalow. However, these can be given limited weight as they could be carried out without consent (with the exception of the demolition), and are not dependent upon consent being granted for a new dwelling.

7.4.4 A number of concerns have been raised by occupiers of dwellings to the west of the site, which are at a lower level. The first floor element of the proposed dwelling would be 25 metres from the boundary with Havercroft, and approximately a further 48 metres from the rear wall of this property. It would be closer to the garden of Littlegarth, at around 8.9 metres, however this property has a very long garden, in two distinct parts, and the dwelling is at a much lower level, 70 metres from the boundary. Green Glade is a bungalow and also sits at a lower level to the southwest, approximately 35 metres from the site boundary. Whilst occupiers of these neighbouring properties may have views of the new dwelling, this in itself is not a material planning consideration. Given the separation distances, it is considered that the dwelling would not have a significant adverse impact on the amenities of these properties by way of a loss of privacy, light or overbearing impact.

7.5 Impact on trees

7.5.1 There are a number of large mature trees around the boundary of the site which have been protected by a Tree Preservation Order. They significantly add to the amenity of the area and do provide a constraint to the development. A total of 8 mature trees (T1-T8) have been identified in relation to the proposed development. With the exception of two trees (T2 and T3), all others are established within neighbouring properties. Concerns were raised to the original proposal with regards to the adequacy of the tree report and potential impacts on the mature trees. As a result, further reports were undertaken and amendments made to the size and position of the dwelling on the plot.

7.5.2 Most of the dwelling has now been kept out of the root protection areas of the trees, however there is some encroachment. The Tree Protection Officer is satisfied with the engineering solution proposed and a detailed Tree Protection plan has been provided. These works and protection of trees during construction will ensure that the development does not have a significant impact on their health or future retention.

7.6 Highway Impacts

7.6.1 No concerns have been raised in relation to the proposal from the Highway Authority. The application proposes sufficient parking and turning off the highway. It is therefore considered that there would not be an adverse impact on highway safety.

8.0 Planning Obligations

8.1 There are none to consider as part of this application.

9.0 Conclusions

9.1 Although the principle of a new dwelling is acceptable in this location, it is considered that the

proposal relates poorly to the adjacent bungalow and would result in a cramped form of development and have a detrimental impact on both the streetscene and the amenities of the occupiers of the Rose Garth. It is considered that the dwelling would need to be significantly reduced in scale, and repositioned on the plot in order to create an appropriate form of development. It was advised in the pre-application advice that it would be difficult to accommodate a new dwelling on the site, whilst retaining the original bungalow, and it was suggested that one solution may be to demolish the existing bungalow and propose two new dwellings that can then be designed to better relate to the dwellings on either side in terms of scale, design and the position on the plot. Overall it is considered that the proposal represents an overdevelopment of the site, to the detriment of visual and residential amenity and is therefore contrary to both local and national planning policy.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. By reason of its size, siting and scale, the proposed dwelling would result in a cramped form of development and would visually dominate the existing bungalow and have a detrimental impact on the amenities of this property. It is therefore considered that the proposal represents an overdevelopment of the site, and is contrary to aims and objectives of the NPPF, in particular the Core Planning Principles and Section 7, and Policy DM35 of the Development Management Development Plan Document.

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:

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 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