

Agenda Item A11	Committee Date 20 April 2009	Application Number 09/00060/FUL
Application Site Land rear of 85-91 North Road, Carnforth		Proposal Erection of a dwelling
Name of Applicant Mr Allan Lloyd-Hancock		Name of Agent N/A
Decision Target Date 6 April 2009		Reason For Delay Awaiting consultation replies
Case Officer	Peter Rivet	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 This is a backland site on the west side of North Road, behind a row of cottages. It was at one time used for the storage of vehicles awaiting repair but these have been removed. Access to it is by means of a driveway at the side of 91 North Road.
- 1.2 The surrounding area is residential, but it is within easy walking distance of the town centre and bus and train services.

2.0 The Proposal

- 2.1 The applicant wishes to erect a four bedroom detached house. It would incorporate a double garage on the ground floor.
- 2.2 The materials specified for the external finishes are natural stone for the walls, and slate for the roof.

3.0 Site History

- 3.1 This application is the latest in a long series of proposals involving the site. The previous owner obtained outline consent for a dwelling was in 2000. This was renewed in 2003. The first reserved matters application was refused consent, but a subsequent amended version was approved.
- 3.2 Since then two different versions of the applicant's preferred design, involving a larger house, have been refused consent. Both have been the subject of appeals, and both have been dismissed. Copies of the two appeal decisions appear at the end of this report.

Application Number	Proposal	Decision
01/80/0188	Erection of a detached bungalow	Refused
01/81/0746	Erection of hall for worship	Refused
01/83/1250	Use of land for storing private motor vehicles	Refused
01/84/0280	Use of land for storing private motor vehicles awaiting repair	Approved
01/85/0435	Renewal of consent for storage of private motor vehicles awaiting repair	Approved
92/01200/FUL	Erection of private garage units	Withdrawn
00/00471/OUT	Outline application for the erection of a new dwelling house	Approved
03/00803/OUT	Renewal of outline application for the erection of a new dwelling house	Approved
06/00134/REM	Reserved matters application for the erection of a detached dwelling with integral garage	Refused
06/00536/REM	Reserved matters application for the erection of a detached dwelling	Approved
07/00208/FUL	Erection of a new dwelling	Refused
07/00018/REF	Appeal against refusal	Dismissed
08/00345/FUL	Erection of a new dwelling	Refused
08/00027/REF	Appeal against refusal	Dismissed

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
Carnforth Town Council	Objects – They see nothing in the present proposal to cause them to alter their previous objection - they are surprised at the developer's persistence.
County Highways	No Objection. The access issue has already been considered. The car parking and turning areas within the curtilage are acceptable.
Environmental Health	Point out that no contaminated land study has been submitted with the current application (it was with the original proposal). If consent is granted, a condition should be attached controlling the hours when construction work takes place.

5.0 Neighbour Representations

5.1 Two neighbour letters have been received objecting to the proposal on the grounds that the house is too big for the site; the appropriateness of the site access; the legality of the developer to use the site access (not a planning consideration); and impacts upon residential amenity.

6.0 Principal Development Plan Policies

6.1 Policy SC1 of the Core Strategy stresses the importance of locating new development in places where it is convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation and leisure and community facilities, and use land which has previously been developed. Policy SC2 requires that 90% of all new dwellings within the District should be accommodated within the existing urban areas of Lancaster, Morecambe, Heysham and Carnforth.

6.2 Lancaster District Local Plan "saved" Policy H19 requires that new housing in Lancaster, Morecambe, Heysham and Carnforth should:

- Not result in the loss of green space or other important local space;
- Provide a high standard of amenity;
- Make adequate provision for the disposal of sewage and waste water; and,
- Make satisfactory arrangements for access, servicing, cycle and car parking.

7.0 Comment and Analysis

- 7.1 When the original outline permission was granted it was on the basis that the site was suitable for a modest sized family house. The first reserved matters application did not meet that specification; the second one, while still involving a substantial dwelling, was considered to be acceptable. However the present owner of the site has sought to develop it with an even larger house.
- 7.2 The present proposal is in effect a variant of the last two. In the Design and Access statement accompanying the proposal it is stated that the previously approved dwelling would have a floorspace of 109.44 sq metres and the one now proposed has a floorspace of 112.09 sq m. It is argued that the design will overcome the privacy problems which concern the local planning authority by locating the end gable of the house in the same position as that of the approved dwelling. It is claimed that the house now proposed would have little or no impact on neighbours.
- 7.3 Despite this the house is virtually identical to the one which was the subject of the previous appeal, The southern end of it would be less than 4m from the site boundary, which was a specific point of concern to the Inspector determining the last appeal. It is true that the distance on this side was similarly restricted on the approved scheme (06/00536/REM) but this was for a smaller three bedroom house of a different design. In pre-application discussions the applicant asked whether such an arrangement might be acceptable, which suggested that he was thinking in terms of reverting to a dwelling of the earlier type; but this has proved not to be the case.

8.0 Conclusions

- 8.1 In the circumstances the present proposal is recommended for refusal, for the same reason as the last one.
- 8.2 It is open to the applicant to appeal against refusal. However Members may wish to note that as this would be the third successive appeal involving what is effectively the same form of development, it may be open to the City Council to make a claim for costs against the appellant on the grounds of unreasonable behaviour.

Recommendation

That Planning **BE REFUSED** for the following reason:

1. The proposal is contrary to "Saved" Policy H19 of the Lancaster District Local Plan - insufficient outlook from the principal rooms of the dwelling, would not provide the required high standard of amenity.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. Appeal decision letter 07/00018/REF
2. Appeal decision letter 08/00027/REF