

DECISION DATE 16 May 2005	APPLICATION NO. 05/00375/FUL A 5	PLANNING COMMITTEE: 23 May 2005
DEVELOPMENT PROPOSED ERECTION OF ONE DWELLING ON LAND TO REAR		SITE ADDRESS 39 LINDETH ROAD SILVERDALE LANCASHIRE LA5 0TX
APPLICANT: B Lisle And S M Murray C/o Agent		AGENT: J Cowpe (Consulting) Ltd

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Silverdale Parish Council - Object to the proposal, on the grounds that the development is out of scale and will not fit comfortably on to the site, and that the building will not make a positive contribution to the character of the AONB. The existing septic tank serving no. 39 will have to be replaced to make way for the new dwelling. The new bungalow will be an obtrusive factor when seen from the access road along the northern boundary and from the nearby public footpath. It should be set further away from the northern site boundary.

LAND USE ALLOCATION/DEPARTURE

Arnside/Silverdale Area of Outstanding Natural Beauty.

STATUTORY CONSULTATIONS

County Council Planning - Consider that the application is contrary to policies 12, 20 and 21 of the adopted Joint Lancashire Structure Plan.

Policy 12 of the JLSLP deals with housing. The district had completed 1,560 dwellings from 1 April 2001 to 31 March 2004 and 1,981 dwellings were under construction or have the benefit of planning permission. Based on this figure the existing housing supply is adequate and although the proposal is for only one dwelling, they are concerned about the cumulative effect of such proposals.

Policy 21 of the JSLP aims to protect the district's natural and manmade heritage, therefore impacts on the adjoining Woodwell Biological Heritage site should be avoided. If development is approved mitigation measures will be needed.

Policy 20 deals with landscape issues. The site is within the Arnside/Silverdale AONB where priority is given to the conservation and enhancement of landscape character. The character of the building is appropriate provided that appropriate materials are used but the timber board fencing proposed is not.

County Council highways - Observations awaited; did not raise any objections to the earlier outline application for a dwelling on this site.

Environment Agency - A high grade sewage treatment plant with an ultraviolet filter will be required to serve the development, to prevent groundwater pollution. Consent will be required for any discharge from it.

United Utilities - Water mains may need extending to serve the site. The site adjoins existing electricity apparatus and care will be needed when working close to it.

English Nature - The footprint of the proposal would not affect the nearby protected limestone pavement. They have no objections provided that appropriate landscaping is carried out as part of the development.

Arnside/Silverdale AONB office - the following issues need to be considered:

- The impact of a single dwelling may be limited, but it is necessary to consider the impact of incremental change on the landscape of the AONB
- The size of the dwelling seems excessive in relation to the application site
- The proposed high roofline is likely to be visually intrusive on a site which is on the edge of the settlement
- Damage would be done to small areas of limestone pavement
- Advice from central government indicates that housing supply should not be increased in the area. Consequently they consider that the application should not be approved.

OTHER OBSERVATIONS RECEIVED

Three letters of objection have been received from neighbours, on the following grounds:

- Loss of an attractive garden area at the rear of the present bungalow at no.39
- Impact on views from the footpath from the village to Wood Well
- The building is too large for the site
- The proposal will involve the removal of trees from the site.

Any further representations received will be reported orally at committee.

REPORT

This application involves a proposal for a single dwelling house, and would normally be dealt with under delegated powers. It has been placed on your committee's agenda because of the special circumstances associated with the case and the policy issues arising from it.

There is already an outline consent for a new dwelling on this site, at the rear of the existing bungalow at 39 Lindeth Road, which was granted in August 2002 (application 02/00549). Copies of the relevant committee reports are attached. The approval granted at that time was subject to a condition as follows:

"The dwelling shall be sited in accordance with the amended plan received by the local planning authority on 27 August 2002".

This was intended to restrict the form of development to a modest two storey cottage of the kind of which an illustration was provided with the application.

The particular family circumstances of the present applicants mean that they need a ground floor bedroom suitable for use by a disabled person. This requires a dwelling with a larger "footprint" than previously envisaged. Initially, his agent argued that this could still be considered as a reserved matters application and a proposal was submitted on this basis (application 04/01739). However, the proposal is a controversial one and it would be in neither the applicant's nor the Council's interest if an approval were to be granted which could be open to legal challenge. The reserved matters application has therefore been held in abeyance while the present detailed scheme is under consideration.

The house proposed is for practical purposes, a bungalow with accommodation at attic level. It would have a living room, dining room, kitchen, and three bedrooms and two bathrooms on the ground floor, with two further bedrooms and a shower room above. There would also be a garage attached to the front of the building. The materials specified are a mixture of stone and render for the walls, with slate for the roof. Access would be off a private drive shared with the existing bungalow at 39 Lindeth Road.

and two other properties. Foul drainage would be provided for by means of a system in the front garden of no. 39.

One of the ground floor bedrooms, and the bathroom adjoining, have been designed to meet the special needs of Mr Lisle's eleven year old son who is severely disabled with cerebral palsy. Statements have been submitted to accompany the proposal which give details of his condition and the very high level of support he requires. The reason that the family wish to live in Silverdale is so that he can attend Bleasdale House Special School.

As was the case with the original outline submission, the proposal has to be assessed in relation to policy H7 of the Lancaster District Local Plan, which sets out criteria for new residential development in specified villages within the area. It requires that it:

- Is appropriate in terms of design, density and open space
- Would not have an adverse effect on the character of the settlement, the surrounding landscape, or the amenities of nearby residents
- Would not result in the loss of an important open area
- Makes satisfactory arrangements for access, servicing, cycle and car parking
- Makes adequate provision for the disposal of sewage and waste water.

The present application has also to be assessed in relation to SPG16 on the phasing of land for residential development, which while there is a three year supply of approvals for new dwellings restricts approvals for new houses to those qualifying as category A. The main criteria for a proposal of this kind are that it should:

- Contribute to the City Council's regeneration objectives,
- Secure the restoration of a historic building, or
- Meet a specific local housing need.

As the site adjoins a designated limestone pavement policy E14 of the Local Plan is relevant. This states that development proposal involving the removal of naturally occurring water worn limestone, or which could damage a limestone pavement, will not be permitted.

So far as the principle of additional housing is concerned, the policy based objection by Lancashire County Council to the provision of an additional house in Silverdale will be noted. However the proposal represents an existing commitment, rather than a new one; there is already an extant outline planning permission in respect of the site. Note should also be taken of the applicants' special circumstances, which could allow the proposal to be treated as category A under the terms of SPG16.

Members will wish to give particular consideration to the objections from neighbours and Silverdale Parish Council. It is true that the house is significantly bigger than the one envisaged at the time of the earlier outline consent but it can be accommodated within the site without prejudicing the adjoining areas of ecological interest. As the dwelling proposed is a bungalow the impact on the access along the northern site boundary will be small. Although bungalows cannot be regarded as a form of architecture traditional to the AONB the design is an attractive one and provided that the materials used are appropriate it will not harm the character of the Area of Outstanding Natural Beauty, nor will it give rise to privacy or outlook problems for neighbours. The trees which will have to be removed from the site are relatively small ones and their impact on the landscape generally does not justify their being afforded special protection.

Taking these factors into account, Members are recommended to grant consent for the development.

HUMAN RIGHTS ACT IMPLICATIONS

The proposal has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). Article 8 is particularly relevant here as the proposal affects the quality of life for a disabled person. Despite this the issues involved do not appear to be such as 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.

RECOMMENDATIONS

THAT PERMISSION BE GRANTED subject to conditions as follows:

1. Standard five year condition.
2. Development to be carried out in accordance with the approved plans.
3. Details of materials to be agreed.
4. Details of arrangements for foul drainage to be agreed.
5. Removal of permitted development rights - extensions.
6. Removal of permitted development rights - doors and windows.
7. Building work to take place only 08:00 - 18:00 Mondays to Saturdays, no work on Sundays or officially recognised public holidays.
8. Use of garage incidental to the dwelling house as such.
9. Measures to be taken to protect the adjoining limestone pavement from damage while construction work is in progress.
10. Details of finished floor levels and site levels to be agreed
11. As required by consultees (if appropriate).

ADVICE

1. Naming/numbering of dwelling to be agreed.
2. Environment Agency requirements.

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PLANNING COMMITTEE: 27 AUGUST 2002

DECISION DATE 4 July 2002	APPLICATION NO. 02/00549/OUT	SCHEDULE NO: A14
DEVELOPMENT PROPOSED OUTLINE APPLICATION FOR ERECTION OF ONE HOUSE ON LAND TO REAR.	SITE ADDRESS 39 LINDETH ROAD SILVERDALE LANCASHIRE LA5 0TX	
APPLICANT: Mr And Mrs Atkinson 39 Lindeth Road Silverdale LA5 0TX	AGENT: Fisher Wrathall	

REASON FOR DELAY

Deferred by committee.

PARISH NOTIFICATION

Silverdale Parish Council - Object to the proposal, on the following grounds:-

- They consider that as with the bungalow at the rear of 41 Lindeth Road, the proposal would result in overdevelopment
- The height of the new house would be unacceptable
- They are concerned about the trees on the site, which they would like to see protected with a Tree Preservation Order.

LAND USE ALLOCATION/DEPARTURE

Arnside/Silverdale Area of Outstanding Natural Beauty.

STATUTORY CONSULTATIONS

County Council Highways - Given previous approvals and the improvements to width of the access, it would be difficult to substantiate an objection on highway grounds. Nevertheless, there are concerns about continued development here. Most of the access drive is single width and visibility to the right on emerging is obstructed by a tree.

Environment Agency - Details of the arrangements for foul drainage should be agreed before any development takes place. The Agency's consent is required for any discharge of effluent to a watercourse or to groundwater.

OTHER OBSERVATIONS RECEIVED

Three letters have been received from people living nearby, who object to the application on the following grounds:-

- An application for outline consent is inappropriate in a sensitive area such as an AONB; more information is required
- The development will affect a large attractive semi-natural garden containing relics of the limestone pastureland which preceded it
- The area has drainage problems associated with the existing septic tank systems in the area

The proposal envisages a two storey house which would be out of keeping with the scale of neighbouring buildings

- Possible loss of trees
- Uncertainty over the precise extent of the site
- The development would set a precedent for building on other similar plots
- Loss of amenity because of the impact of the new house on adjoining dwellings
- Loss of property value (not a planning consideration).

One of them also queries whether the applicant is entitled to access a further dwelling off the existing driveway serving the site (this point is dealt with in the report below).

Any further representations received will be reported at committee.

REPORT

This application was considered by committee at its meeting on 24 June. A decision was deferred, to allow the applicants to provide more information in support of their proposal. A copy of the previous report setting out the background to the case is attached.

The additional details provided are:-

- An extract from the title deeds to the property showing the shared access drive (this is in response to a point raised by one of the objectors).
- A tree survey, marked on the same plan: this shows that the house could be accommodated without it being essential to fell any, though two ashes and a hazel might be removed to improve the new dwelling's outlook
- A sectional drawing showing the relationship of the new dwelling to the existing one, and to the change in the level of the ground.

A drawing prepared by an architect showing the form that the new dwelling would take is being prepared by an architect and is expected to be available at the committee meeting.

Members will note the suggestion by Silverdale Parish Council that trees within the site should be protected by a Tree Preservation Order. However they are significant in private rather than public views and in these circumstances it does not appear necessary or appropriate to cover them in this way.

The present site is large enough to accommodate a modest sized dwelling without having an adverse impact on the two dwellings to the north though the precise details of its design will be important factors in ensuring that it does not harm their light and aspect. Members are recommended to grant consent subject to the conditions set out below.

Subject to receipt of amended plan.

HUMAN RIGHTS ACT IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

COMMITTEE: 24 JUNE 2002

APPLICATION DATE 4 July 2002	APPLICATION NO. 02/00549/OUT	SCHEDULE NO: A 2
DEVELOPMENT PROPOSED OUTLINE APPLICATION FOR ERECTION OF ONE HOUSE ON LAND TO REAR.	SITE ADDRESS 39 LINDETH ROAD SILVERDALE LANCASHIRE LA5 0TX	
APPLICANT: Mr And Mrs Atkinson 39 Lindeth Road Silverdale LA5 0TX	AGENT: Fisher Wrathall	

REASON FOR DELAY**PARISH NOTIFICATION**

Silverdale Parish Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Arnside/Silverdale Area of Outstanding Natural Beauty.

STATUTORY CONSULTATIONS

County Council Highways – In view of previous decisions it is difficult to object to the principle of development on highway grounds. However concerns must be expressed about the narrowness of the access drive and the limited visibility at the entrance to Lindeth Road, which is obstructed by a tree.

Environment Agency - Observations awaited.

OTHER OBSERVATIONS RECEIVED

A letter from a neighbour objects to the application on the following grounds:-

- An application for outline consent is inappropriate in a sensitive area such as an AONB; more information is required
- The development will affect a large attractive semi-natural garden containing relics of the limestone pastureland which preceded it
- The area has drainage problems associated with the existing septic tank systems in the area
- The proposal envisages a two storey house which would be out of keeping with the scale of neighbouring buildings
- The development would set a precedent for building on other similar plots
- Loss of amenity for adjoining dwellings
- Loss of property value (not a planning consideration).

Any further representations received will be reported at committee.

is a large detached bungalow on the east side of Lindeth Road. It is served off a private drive which is shared with two other dwellings. Permission has in the past been refused for an additional dwelling in the front garden (application 00/00205). The reasons for refusal, as stated on the decision notice, were:

1. By way of its location on Lindeth Road, the proposed development would cause significant harm to the character of the settlement and be contrary to Policy H7 of the Lancaster District Local Plan and Policy 10 of the Lancashire Structure Plan.
2. The proposal would set precedent, making it difficult to resist similar applications in the vicinity resulting in further harm to the character of the settlement located within the AONB.

A subsequent appeal against this decision was dismissed; the Inspector took the view that the large area of mature garden with substantial trees was "an integral part of the character of the southern part of Lindeth Road where the housing is more sparse and open than further north towards the centre of the village". A copy of the Inspector's decision is attached for Members' information.

The impact of the development now proposed would be materially different as it would involve garden land at the back of the dwelling, which is largely hidden from public view. The area available for development is 0.14 hectares. A plan has been provided showing the position proposed for the new dwelling; this and the means of access to the site are included as part of the proposal, with the precise design left as a reserved matter. The size of the site indicated for the dwelling indicates that it would be a one and a half storey one, in an area where most of the existing dwellings are bungalows of one sort or another.

There is another private drive along the northern site boundary which serves four further dwellings known as Lulworth, Lowood, West View, and Wood Well Cottage. Of these Lowood and Well Bank would be most directly affected by the proposed dwelling as they are immediately to the north of the site proposed for it. There is also a public footpath running to the east of the site, which passes along the side of Wood Well Cottage. However the site is very well screened by a fence and trees on both these boundaries.

Members will be aware of the Environment Agency's concern about groundwater pollution associated with foul drainage systems in Silverdale. They have indicated that they require all new development in the village to be served by high grade treatment plants incorporating an ultraviolet filter, rather than the normal type of septic tank. The applicants envisage that the new dwelling would be served by a new biological treatment plant in the front garden of no. 39. There is adequate room to accommodate this arrangement.

Policy H7 of the Lancaster District Local Plan allows the development of suitable small sites in specified villages, including Silverdale, for housing where the development:-

- Is appropriate in terms of design, density and open space
- Would not have an adverse effect on the character of the settlement, the surrounding landscape, or the amenities of nearby residents
- Would not result in the loss of an important open area
- Makes satisfactory arrangements for access, servicing, cycle and car parking
- Makes adequate provision for the disposal of sewage and waste water.

Local Plan policy E3 states that development which would have a significant adverse effect on the Arnsdale/Silverdale Area of Outstanding Natural Beauty will not be permitted. Policy E32 says that development proposals which would adversely affect important views into and across a conservation area, or lead to an unacceptable erosion of its historic form and layout, will not be permitted. In addition

Article 10 of the Structure Plan restricts development in rural settlements (other than those in green belts) to infill sites, the rehabilitation and reuse of buildings, and that which provides affordable housing to meet a recognised local need. There is a further requirement in Areas of Outstanding Natural Beauty that the materials, design and layout should ensure that the development contributes to the natural beauty of the area.

The present site is large enough to accommodate a modest sized dwelling without having an adverse impact on surrounding dwellings though the precise details of its design will be an important factor in ensuring that it does not harm their light and aspect. It will be noted that a similar form of development has already taken place at the rear of the adjoining property at 41 Lindeth Road and the Inspector considering the appeal did not consider that it had an adverse effect on the character of the area. In view of the site circumstances and objections received, particular consideration need to be given to the appropriateness of a one and a half storey house in this location. To this end further information on the site location existing landscaping, and the type of dwelling proposed including its orientation and access arrangements has been requested. It should be noted that the privacy of existing dwellings can be protected adequately by existing landscaping and/or fencing separating their curtilage from the new dwelling. Furthermore, it will be noted that the County Council do not feel that a highway objection to the principle of development could be substantiated.

In summary, it is concluded that the site has the potential for a new dwelling but the recommendation to approve is subject to the receipt of further information, clearly demonstrating the suitability of the type of dwelling proposed and its siting in relation to the surroundings and in particular existing dwellings.

HUMAN RIGHTS ACT IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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.

RECOMMENDATIONS

That subject to the receipt of satisfactory additional information demonstrating the feasibility of the proposal, **PERMISSION BE GRANTED** subject to conditions as follows:-

1. Standard outline condition.
2. Outline consent - details to be submitted of design, external appearance.
3. Details of boundary treatment to be agreed.
4. Details of foul and surface water drainage to be agreed.
5. Construction work to take place only between 08:00-18:00 Mondays to Saturdays - no working on Sundays or officially recognised public holidays.
6. As required by consultees (if appropriate).

ADVICE

1. Naming/numbering of dwelling to be agreed.
2. Environment Agency requirements.