

Agenda Item A15	Committee Date 2 March 2015	Application Number 14/01243/FUL
Application Site 122 Broadway Morecambe Lancashire LA4 5XZ	Proposal Erection of a two storey rear extension	
Name of Applicant Mr N. Palamountain	Name of Agent Building Plan Services	
Decision Target Date 10 February 2015	Reason For Delay Awaiting amended plans and Committee cycle	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval subject to conditions	

Procedural Matters

The application is one which would normally be dealt with under the Scheme of Delegation but because of the planning history of this particular site, which has included presentation of previous items to the Planning Committee, a similar referral is considered appropriate at this time.

1.0 The Site and its Surroundings

- 1.1 The subject property is a detached two-storey three-bed dwelling with garages attached on both sides, situated on the east side of Broadway in Morecambe. The property, which has a dash render exterior under tiled roof, faces onto Broadway with residential dwellings either side and to the rear. The adjacent properties are semi-detached and of similar design and style. This property and No.120 Broadway are bounded by timber panel fencing from the front building-line back to the rear garden area, where it then becomes bound by a garage and outbuildings. The front garden area is almost wholly made over to hard surfacing with localised shrub planting.
- 1.2 Within the north-western site boundary there is a path along the side of the building to the rear of the property. Along the south-eastern edge of the site a second garage forms a boundary from the front building line to the rear building line. Timber panel fencing is again used to create the remaining side boundary between the properties in addition to the side elevation of the neighbouring garage at No.124. A rendered wall (approximately 1m to 1.5m height) forms the rear boundary between the application site and the neighbouring garden of No.2 Lonsdale Road to the north-east.
- 1.3 The neighbouring property at No.120 Broadway is separated from the application site by a driveway approximately 3m wide. The side wall of the No.120 contains two windows at ground floor level and a single window at landing level. The ground floor windows comprise a small fixed window and a shallow projecting bay window. Both these windows provide light to a single room used as a kitchen-diner. The room does not enjoy any windows to the rear elevation and the small window is dominated by a car port across the drive to No. 120 Broadway. Therefore the bay window is the main source of light into the room.

- 1.4 The neighbouring property at No.124 Broadway is separated from the application site by a driveway approximately 3m wide. The north-western (side) elevation of this property contains three windows at first floor which are understood to serve bathroom and landing areas. There are 2 windows and a glazed door on the ground floor of the side elevation. One of these windows and the door which would be opposite the proposed extension are obscure glazed. The other window is clear glazed but faces directly towards the existing two storey side elevation of the application property. They all serve a kitchen diner that also benefits from a further (clear glazed) window in the opposite side elevation. This has been confirmed by way of a site visit to this property.
- 1.5 Within the wide expanse of Broadway and the surrounding area properties vary in style from large detached and semi-detached houses to flat accommodation. The majority of properties have substantial driveways and this part of Broadway is typified by a grass verge which separates the public footpath from the highway.
- 1.6 The area is generally low lying and fairly flat though levels to the rear of the site are slightly lower than those at the front. The application site is unallocated within the Lancaster District Local Plan.

2.0 The Proposal

- 2.1 The application proposes a two storey extension to the rear of the property. Revised plans indicate a hipped roof design in line with existing with a hipped roof dormer within the rear roof plane which will provide light to a bedroom within the converted loft. At first floor the development will project 3 metres from the rear elevation and this will facilitate the enlargement of an existing bedroom and the creation of an additional bedroom. The layout has been designed to locate en-suite and bathroom windows within the side elevations. At ground floor the development will project 4 metres with a lean-to roof and will accommodate a kitchen and sitting room area. The development will have an overall width of 8 metres across the main rear elevation of the property.

3.0 Site History

- 3.1 The property has been the subject of two planning applications in recent years. Application 10/01101/FUL sought consent for the erection of a first floor side extension over the garage (north-western elevation) which projected approximately 4 metres past the rear wall of the house. A two storey rear extension was also included within the proposal. A new multi hipped roof was to be introduced across the top of the extended dwelling. The application was initially presented to Committee on 7 March 2011 and was deferred to enable a site inspection to be undertaken by Members of the Planning Committee. Following the site visit the application was presented to Committee on 4 April 2011 where it was determined to refuse the application contrary to Officer recommendation.
- 3.2 The decision of the local planning authority was appealed by the applicant to the Planning Inspectorate. The appeal was subsequently dismissed on 2 August 2011. In determining the appeal the Inspector concluded that the kitchen diner to No 120 Broadway was a habitable room, and the proposed development would have an adverse impact upon the living conditions of it.
- 3.3 A subsequent application (12/00258/FUL) again sought consent for the erection of an extension over the side garage to the north-western side of the property. This scheme proposed that the front wall of the extension was to align with the front wall of the main dwelling with the overall depth of the extension being reduced to 6.2m. However this scheme was also refused at Committee, this time in line with the Officer recommendation. This refusal was later upheld at appeal with the Inspector once again highlighting the detrimental impact that the scheme would have on the kitchen diner window of No.120.

Application Number	Proposal	Decision
12/00258/FUL	Erection of an extension to the side over existing garage	Refused and upheld at Appeal
10/01101/FUL	Erection of a two storey extension to the rear and first floor extension to side over existing garage	Refused and upheld at Appeal

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received at the time of compiling this report. Any comments received will be reported verbally at Committee.

5.0 Neighbour Representations

5.1 A total of 9 letters/emails of objection have been submitted (although three of which appear to be duplicates from the same address).

Comments have been received from immediate neighbours at 120 Broadway, 124 Broadway and 2 Lonsdale Road in addition to a submission from a planning consultant representing these neighbours. A letter of objection has also been received from 118A Broadway. These comments were submitted prior to the receipt of amended plans and the main grounds for objection are:

- Privacy of the rear garden area of 2 Lonsdale Road has already been compromised by the removal of substantial leylandii. The development would therefore result in further loss of privacy and light.
- Loss of privacy to 120 and 124 Broadway due to first floor side windows
- Loss of light to 120 and 124 Broadway
- Overdevelopment of the site
- The proposed development extends beyond the rear of the existing property by 4 metres exceeding the rear building line
- Loss of sky view
- Overbearing development
- Poor/inappropriate design
- Legal right to light
- Existing plans incorrect as first floor windows are shown which do not exist

At the time of compiling this report no comments have been received in respect of the amended plans.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework
Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
Paragraphs 56-64 – Good Design

6.2 Lancaster District Development Management DPD
Policy DM35 – Key Design Principles

6.3 Other relevant material considerations:
Supplementary Planning Guidance Note 12 – Residential Design Code

7.0 Comment and Analysis

7.1 The key material considerations arising from this application are:

- Principle of Development
- Design of Development
- Residential Amenity

7.2 Principle of Development

The general principle of household extensions is accepted in planning practice, provided the scale, design, appearance and use of materials are appropriate in context with its surroundings, and as such each case is assessed on its own merits. These principles are reflected within the National Planning Policy Framework while SPG12 Residential Design Code provides more detailed design guidance. DM35 of the Development Management DPD refers to the design of new development and links to further advice within the Council's Householder Design Guide which sets out key design principles.

7.3 Design of Development

The original plans raised design concerns due to the proposed side windows and large bulky gable. These concerns are reflected in the public comments received in response to the scheme. The amended plans reduce the first floor element to a 3 metre projection with a hipped roof which will incorporate a pitched roof dormer. The dormer will be subservient within the roof plane and will be set back approximately 1 metre from the eaves and have a 500mm set down from the ridge. Materials will match the existing dwelling and it is considered that the revised scheme now represents a sympathetic approach in terms of scale and form.

7.4 Residential Amenity

One of the key considerations relates to potential impacts upon residential amenity. The current submission differs significantly to the two previous schemes in that development along the north-western side of the site is no longer proposed.

7.5 Impacts on 120 Broadway

Unlike previous applications the current proposal does not seek to develop along the boundary with No.120. The amended scheme reduces the bulk and first floor projection of the scheme and it is therefore considered that the development will not result in adverse impacts on the projecting bay window within the side elevation of No.120. Furthermore it is considered that views of the hipped roof development, which will be a minimum of 10 metres away, will be screened in part due to existing intervening structures such as the car port and fencing. It is therefore considered that the amended scheme will not result in undue impacts on the kitchen diner window of No.120. The proposal also includes the insertion of a new first floor window to the existing north-eastern elevation of the property. However, plans indicate this window to be obscure glazed and as it will serve a bathroom can reasonably be conditioned as such.

7.6 Impacts on 124 Broadway

The existing arrangement at this property means that the main (north facing) window of the kitchen diner faces an approximately 2 metres high timber fence approximately 3 metres away and the two storey side elevation of the application property which is situated approximately 6 metres away. In light of this and based on the revisions received it is considered that the first floor element will not result in an unacceptably dominant or overbearing form of development. Additionally, the impact of the ground floor element will be mitigated by the existing substantial fence boundary. Furthermore as highlighted within paragraph 1.4 of this report, there are other windows within this kitchen diner which are sources of light and outlook. The occupier of this property has raised the issue of "right to light" legislation. However, this is a civil matter between the parties and not a planning matter. It has also been argued by the planning consultant that the development would have a negative impact on the enjoyment of the garden area to the rear of No.124 due to the overall massing, scale and featureless design. It is considered that the amendments received have addressed these issues and as the first floor element will be in line with the rear elevation of the outrigger of No.124 it is considered to be a reasonable form of development. The amendments also remove clear glazed first floor windows within the side elevation and therefore concerns regarding overlooking to No.124 have now been obviated.

7.7 Impacts on 2 Lonsdale Road

The residents of this property have highlighted concerns regarding loss of privacy and overlooking. It was noted during the site visit that despite the existence of the rear boundary wall, views to the

north-east of the site present a relatively open aspect with the greenhouse, shed and garage of No.2 Lonsdale Road being fairly visible. Given the orientation of the property, the development will not result in window to window overlooking. Furthermore a garden depth of approximately 15 metres will remain following completion of the development and the windows of the first floor and dormer will be approximately 16 metres and 17 metres away from the rear boundary respectively. It is accepted that within urban development there will be a degree of mutual overlooking of garden areas and this is indeed evident in the vicinity. However, the distances involved following completion of the development are considered to be reasonable in this instance. Nevertheless the applicant intends to erect a 2 metre high fence along the rear boundary in order to increase his privacy following completion of the development. This should provide some comfort for the occupants of No. 2 Lonsdale Road and can be the subject of a condition.

7.8 Overall, following the receipt of the revised plans and for the reasons outlined above, it is considered that the scheme can be implemented without causing undue impact to neighbouring residential amenities and therefore a refusal on these grounds would be difficult to sustain.

7.9 Other Considerations

It is worth highlighting that under current permitted development rights a two storey extension may be constructed where it does not project beyond the rear wall of the original house by more than 3 metres or be within 7 metres of any boundary opposite the rear wall of the house. Development must also not be within 2 metres of a side boundary if the eaves are higher than 3 metres. Other conditions such as a maximum eaves and ridge height to be no higher than the existing house and obscure glazing to side windows also apply. Therefore Members should note that a two storey rear extension with a 3 metre projection could realistically be developed at this site without the requirement for planning permission. The only reason this proposal requires consent is because the ground floor element exceeds 3m and the development is being constructed as a whole.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 It is considered that the amended plans represent an acceptable approach in terms of design and residential amenity and therefore in respect of these matters, the development is in compliance with the relevant Development Plan policies and guidance provided in the NPPF. As such the proposed development is considered acceptable from a planning point of view, subject to appropriate conditions. It is recommended that Members support the scheme.

Recommendation

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

1. Standard 3 year timescale
2. Amended plan
3. Development in accordance with approved plans
4. Obscure glazing/non opening windows to first floor sides
5. Removal of permitted development rights windows and doors.
6. Rear boundary fence at 2m high (details to be agreed)

Article 31, Town and Country Planning (Development Management Procedure) (England) Order 2010

In accordance with the above legislation, the City Council can confirm the following:

The local planning authority has proactively worked with the applicant/agent in negotiating amendments which have now positively influenced the proposal and have secured a development that now accords with the Development Plan and the National Planning Policy Framework.

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. Copy of appeal decision APP/A2335/D/11/2154800 in respect of 10/01101/FUL and APP/A2335/D/12/2181838 in respect of 12/00258/FUL.