

Agenda Item A5	Committee Date 5 June 2015	Application Number 15/00113/FUL
Application Site 9 Pennine View Dolphinholme Lancaster Lancashire	Proposal Demolition of garage and utility room, erection of a new dwelling and re-positioning of existing access point	
Name of Applicant Mr & Mrs Prest	Name of Agent Mr Avnish Panchal	
Decision Target Date 30 March 2015	Reason For Delay Officer case load and Committee site visit	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval with conditions	

(i) Procedural Matters

This application would usually be considered under delegated powers but has been called-in to Planning Committee by Councillor Helme because of concerns relating to neighbour impact. The application was deferred by Members at Planning Committee on 5th May for a site visit.

1.0 The Site and its Surroundings

- 1.1 The site that forms the subject of this application is a two storey semi-detached dwelling which is situated on the northern edges of the village of Dolphinholme. The property has a dash render exterior under a slate roof and upvc window frames. There is a pitched roof porch to the front elevation and a flat roofed utility room and garage which projects 8m from the side (southern) elevation. There is a single storey lean-to roof extension which projects approximately 2m from the rear elevation. The property occupies a triangular plot which measures approximately 36m deep and the site frontage is relatively wide, measuring approximately 21m. It narrows to around 5m to the rear with the private garden area having an approximate area of 160sqm. Side boundaries are formed by timber panel fencing at approximately 1.5m high. Land levels increase from south to north to the front of the site.
- 1.2 Residential dwellings are situated to the north, south and east of the site with open fields to the west. Pennine View was originally built as post-war local authority housing and is arranged in three distinct blocks, with the southernmost and 'central' block facing onto a triangular green. The properties predominantly comprise semi-detached and quasi-semi-detached (i.e. separated by attached garages) properties. The central block (Numbers 5-8) appear as a terrace. The application site sits at the southern end of the northernmost block. Due to the layout of Pennine View, rear garden depths of neighbouring properties vary significantly.
- 1.3 A grass verge which runs in a north-south direction to the front of the subject property separates the northern block from Star Bank Lane to the east. There are three points of access from the main highway into Pennine View and vehicular parking is provided within off-street driveways as well as on the highway within Pennine View itself. The site lies within close proximity to a bus route in addition to the village school.

1.4 The site is within the Countryside Area as designated on the Lancaster District Local Plan proposals map.

2.0 The Proposal

2.1 The application proposes the erection of a new two-bedroomed, two-storey dwelling, set against the southern elevation of the property following demolition of the existing garage and utility room. Plans include off street parking for the new dwelling in addition to a new point of vehicular access for No.9.

3.0 Site History

3.1 The most relevant application to reach decision stage is 04/00836/FUL which proposed a similar form of development, but to provide holiday accommodation instead of permanent residential accommodation. The application was refused in July 2004, on the grounds of undue impacts on the host property (No.9) and loss of parking provision for that property. A third refusal reason stated that the location of the proposal within a residential estate was unsuitable for holiday accommodation.

3.2 More recently an application similar, but not the same as the current proposal was withdrawn following officer concerns. The new application seeks to address those officer concerns.

Application Number	Proposal	Decision
14/01258/FUL	Demolition of garage and utility room, erection of a new dwelling and re-positioning of existing access point	Withdrawn
04/00836/FUL	Erection of a two storey building to form holiday accommodation	Refused
03/00267/FUL	Erection of a new dwelling attached to existing dwelling	Withdrawn

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection subject to conditions.
Parish Council	Objection on the basis that it is "cramming". Concerned about an increase of on street parking, exacerbating a dangerous area with respect to potential traffic related accidents. It also removes privacy for the unattached next door neighbour.
Environmental Health	No objections subject to conditions.
United Utilities	No objections – comments to be included with decision as advice.

5.0 Neighbour Representations

5.1 At the time of drafting the report 3 letters of objection have been received from neighbouring residents. The following points of concern are raised:

- An understanding that the previous application was refused due to the proximity to boundary and overlooking – the application remains inappropriate for those reasons;
- Increases in parking and traffic movement and consequences for surrounding highway network and junctions;
- Detrimental to the character of the existing residential development and terracing effect;
- Detrimental to existing residential amenity of neighbouring properties in terms of overlooking, privacy, loss of light, etc;
- The plans submitted are incomplete and inaccurate in showing the proximity of the outlined new dwelling to no.8 as they have failed to show garage attached to that property.
- There have been occasions in the past when the sewage system at Starbank Lane has been unable to cope. An additional property would increase potential for future problems;
- Precedent for similar development within this row.

- Devaluation of property (not a planning consideration);
- The owner of no.8 would not allow his boundary fence to be replaced (private matter).

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14, 17 - Sustainable Development and Core Principles
 Paragraphs 49, 50 and 55 - Delivering Housing
 Paragraphs 56-64 – Good Design

6.2 Lancaster District Development Management DPD

Policy DM22 – Vehicle Parking Provision
 Policy DM35 – Key Design Principles
 Policy DM41 – New Residential dwellings
 Policy DM42 – Managing Rural Housing Growth

6.3 Lancaster District Core Strategy (adopted July 2008)

Policy SC1 – Sustainable Development

6.4 Lancaster District Local Plan (saved policies)

Policy E4 – Countryside Area

7.0 Comment and Analysis

7.1 The key material considerations arising from this application are:

- Principle of Development
- Design, Scale and Appearance
- Residential Amenity
- Highways Impacts

7.2 Principle of Development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport and homes, workplaces shops, schools, health centres, recreation, leisure and community facilities. Policy DM42 of the Development Management DPD (DM DPD) sets out a list of villages within which new residential development will be supported. The site lies within Dolphinholve which is identified as one of the sustainable rural settlements in the District with a range of services available in the village and where proposals for new housing will be supported.

7.2.2 In terms of general housing need, the 2014 Housing Land Supply Statement (July 2014) sets out that only 3.2 years of housing supply can be demonstrated, with a persistent undersupply of housing over the last ten years. As such, a 5-year supply of housing land cannot currently be demonstrated. Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Development within Dolphinholve alongside existing residential development is considered to be sustainably located and as such would make a contribution towards housing supply within the District in a location which can be supported in principle.

7.3 Design, Scale and Appearance

7.3.1 The scheme proposes a pitched-roof property which will effectively form an end-terraced dwelling with materials and front window details to match those of no.9 and the surrounding properties within Pennine View. Due to the increase in land levels from south to north the development will be set down from No.9 by 800mm and will therefore appear as a subservient addition to the row. The

dwelling will be 7m wide with the southern gable being approximately 5.5m deep. A two-storey gable element will project 2.5m from the rear elevation with a lean-to providing a further 1m projection at the ground floor.

7.3.2 In terms of scale and appearance it is considered that the dwelling would sit relatively comfortably next to No.9 from a streetscene perspective. Public comments have suggested that this is an inappropriate location to “squeeze” an additional property into an established row of homes which could lead to other properties on the row doing likewise and altering the character of the development. However each case must be determined on its own merits and due to the layout and orientation of the properties within Pennine View, and differing land levels, the gap between No.9 and No.8 is more pronounced and therefore it is considered that the new dwelling would not be at odds with the rest of the streetscene. Furthermore No.9 has a wider frontage than many other properties within Pennine View and it is therefore considered that it is unlikely that similar forms of development could be accommodated within the streetscene.

7.3.3 It is worth noting that the property at the northern end of this row has already been developed with the addition of a two storey extension which includes a rear gable projection. Therefore the original form and layout of this residential development has already been altered to some degree (albeit as an extension rather than a new dwelling).

7.3.4 It is concluded that in terms of design, scale and appearance the development could be acceptable and would not result in detrimental impacts on the visual amenity of the streetscene.

7.4 Residential Amenity

7.4.1 In terms of residential amenity policy DM35 of the DM DPD advises that new dwellings should incorporate at least 50 square metres of usable private garden space which should be at least 10 metres deep. The scheme exceeds this in both respects with both the remaining garden of number 9 and the garden of the proposed dwelling each having an approximate area of 80 sqm.

7.4.2 It is also considered that the proposed internal layout of the new dwelling would provide an acceptable standard in terms of room size with the following approximate dimensions:

- Bedroom 1 – 15 sq.m plus built in wardrobe
- Bedroom 2 – 10.5 sq.m plus en-suite
- Bathroom – 6 sq.m
- Lounge – 14.1 sq.m
- Kitchen/diner – 14 sq.m
- Ground floor also includes a hallway, w.c. and front porch.

7.4.3 As this report indicates, the property has been the subject of a refusal back in 2004 for extension to create holiday accommodation. The first refusal reason of the 2004 scheme related to detrimental impacts on the windows of the host property (No.9) due to the rear projection. The current submission reduces the rear projection and sets it away from the adjoining property by 1m. It is therefore considered that the current scheme satisfies this point of concern.

7.4.4 The design of the scheme seeks to limit its impact upon No.8 and it is worth noting that the 2004 scheme was not considered to result in adverse impacts on this neighbouring property. At its closest point the new dwelling will be set in by 1m from the boundary with no.8. The main side elevation of No8 is set approximately a further 4m away and is separated from the boundary by an attached garage. The two storey element will be approximately 11m away from the side elevation of the rear conservatory projection of No.8 and as such it is considered that it would not result in overbearing impacts.

7.4.5 The first floor rear bathroom window will be the closest upper aperture to No.8 on the rear elevation and will be obscure glazed. Due to the splayed nature of the site the first floor rear bedroom window will be approximately 12m from the side boundary. The plans propose the erection of a 1.8m side boundary fence, but despite this the development is likely to provide long views towards the most western part of the neighbouring garden. However it is accepted that within residential development there will be a degree of mutual overlooking of garden areas and this is indeed already evident in the locality. Other views towards No.8 would be oblique and proposed windows would not present opportunities for direct views into the property.

7.4.6 Whilst there has been some concern raised locally at the prospect of loss of views, the orientation of the development limits this. In any case, the loss of a view is not a planning consideration that can be taken into account in the planning balance.

7.4.7 On balance it is considered that the scheme would maintain an acceptable level of residential amenity for the subject property while not resulting in significant impacts on neighbouring residential amenity.

7.5 Highway Impacts

7.5.1 The second refusal reason in 2004 related to the loss of parking behind the building line for the host dwelling and a failure to provide such space for the new dwelling. As such the scheme failed to comply with the requirements of policy which was in place at that time, which sought to avoid parked vehicles forward of the building line adding to streetscene clutter. Although this standpoint is generally maintained with regard to open plan developments, a more flexible approach appears to be adopted by Planning Inspectors if the applicant can demonstrate that some form of off-street parking can be maintained within the curtilage of the property. The current scheme provides parking space for each property within respective drives off Pennine View and given the nature of the surrounding dwellings and the set-back of this part of Pennine View from Star Bank Lane it is considered that this would not result in an undue impact on the streetscene.

7.5.2 A number of neighbouring comments have made reference to the junction of Pennine View with Star Bank Lane and Four Lane Ends and raised concerns relating to highway safety. There are three points of access to Pennine View and at the time of the site visit the area appeared to be lightly trafficked. Furthermore the County Council Highways Department has raised no concerns regarding highway safety in relation to the development.

7.6 Other Matters

7.6.1 The Contaminated Land Officer has requested a number of conditions relating to contaminated land. The site comprises an existing dwelling and its associated garden. There is no evidence to suggest that the site has been subjected to levels of contamination and therefore there would be unlikely to be any risk to future occupants from contaminated land. As such it is unreasonable to request a contaminated land survey. A condition can be added, if consent is granted, to ensure that any unforeseen contamination found during the course of the development is investigated and adequately remediated.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The site is located in a sustainable location, adjacent to existing development with links to services. The development will provide a small contribution towards housing supply within the District. On balance it is considered that the development can be accommodated on the site without a significant impact on residential amenity, the highway network, or the character and appearance of the street scene. In respect of these matters, it is considered that the development is in compliance with the relevant Development Plan policies and guidance provided in the NPPF.

Recommendation

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

1. Standard 3 year timescale
2. Amended plans dated 16th April 2015
3. Development in accordance with approved plans
4. Materials to match existing
5. Obscure glazing/non opening bathroom window
6. Removal of permitted development rights
7. Precise details of windows and doors including profile and colour
8. Details of boundary fence to be agreed and maintained

9. Scheme for the construction of the off-site works of highway improvement (new and repositioning of existing vehicular drop crossing) to be submitted and agreed
10. Existing access to be closed
11. Details of driveway surface to be submitted and agreed
12. Hours of construction
13. Unforeseen contamination

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

In accordance with the provisions of the above legislation, Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure developments that improve the economic, social and environmental conditions of the area. The decision 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 officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and Supplementary Planning Documents/Guidance.

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

None