Agenda Item
A10
Committee Date
14 December 2015
Application Number
15/00623/CU

Application Site
The Sun House
Lindeth Road
Silverdale
Carnforth

Proposal
Erection of a two storey side extension, alteration of window to door, erection of outbuilding (retrospective) and change of use of land to domestic garden

Name of Applicant
Mr R Aitken And Mrs A McLeod

Name of Agent
Mr Mark Winpenny

Decision Target Date
18 August 2015

Reason For Delay
Awaiting consultee responses

Case Officer
Mrs Eleanor Fawcett

Departure
No

Summary of Recommendation
Split decision. Approval in relation to the change of use to domestic garden, the erection of the outbuilding and alteration of window to door. Refusal in relation to the two storey side extension.

(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 Nigel Goodrich for the application to be reported to the Planning Committee. The reason for the request relates to the appropriateness of the design in the context of the Arnside and Silverdale Area of Outstanding Natural Beauty.

1.0 The Site and its Surroundings

1.1 The application site relates to a single storey detached building, which has recently been converted to a dwelling, located approximately 1.3 kilometres to the south of the centre of Silverdale. Associated with the building is a relatively large area of land, including an access road and woodland area, although the dwelling has a small residential curtilage. The site is located within the original grounds of a large detached two storey building, Gray Walls but now known as Ridgeway Park, which is attributed to the architect Thomas Mawson. It was originally a dwelling but has been used as a residential school for a reasonable length of time and gained planning permission last year for its conversion to a dwelling. There are now three residential properties within the original grounds of the house which utilise the main house and two smaller ancillary buildings.

1.2 The dwelling on the application site is L-shaped and is finished in a mix of stone and render and has a slate roof. There are a significant amount of trees within the site, given its woodland location, although a large number have been felled (under a separate felling licence) since the application was granted for the change of use to a dwelling. There is a large timber outbuilding to the east of the dwelling which has been constructed without planning permission. The nearest neighbouring dwellings are Ridgeway Park, approximately 55 metres to the north of the building at the application site, and Hillside Cottage, approximately 65 metres to the south west.

1.3 The site is located within the Countryside Area, as identified on the Local Plan proposals map, and the Arnside and Silverdale AONB. It is within a biological heritage site and is covered by a Limestone
Pavement Order. It is also in close proximity to Jack Scout, Morecambe Bay and Leighton Moss Sites of Special Scientific Interest (SSSI’s). The Morecambe Bay SSSI forms part of the Morecambe Bay Wetland of International Importance under the Ramsar Convention (Ramsar Site), Special Protection Area (SPA) and Special Area for Conservation (SAC). The Leighton Moss SSSI also forms part of the Leighton Moss Wetland of International Importance under the Ramsar Convention (Ramsar Site) and Special Protection Area (SPA).

2.0 The Proposal

2.1 Planning permission is sought for the erection of a two storey extension to the existing building, the erection of a detached outbuilding, which has already been constructed, and the change of use of land to domestic garden. One of the existing windows within the building is also proposed to be replaced with a door.

2.2 The extension is proposed to be erected on the north west elevation of the building and would be 7.7 metres wide and 5.9 metres deep with a covered balcony projecting 1.5 metres from the south west elevation. It would have a Dutch-gabled roof with an eaves height of 5.5 metres and ridge height of 8.1 metres. A triangular dormer is proposed on the front roof slope and a flue in proposed at the rear. A large amount of glazing is proposed in the front wall and the building would be clad in timber and have a timber shingle roof. Large timber posts are proposed at the front to support the balcony.

2.3 The outbuilding is located approximately 16 metres to the east of the dwelling and measures 9 metres in width and 5.7 metres in depth, with a roof overhang of 0.9 metres at the front. The building is clad in timber and has a green profile sheet roof with an eaves height of 3 metres and ridge height of 3.8 metres, measured from the concrete base.

2.4 The consent for the conversion of the building to a dwelling included a small domestic curtilage given the sensitive nature of the site within a Biological Heritage Site, covered by a Limestone Pavement Order. This application proposes an extension to this. It was originally proposed to be the full area owned by the applicant which includes large areas of woodland and is approximately 220 metres at its longest and has an average width around 70 metres. This has now been amended to follow the line of the post and wire fencing erected by the applicant and is now approximately 110 metres in length, in addition to the access track, and mainly around 50 metres in width.

3.0 Site History

3.1 There is an extensive planning history on the site. The main applications relating the application site are listed below:

<table>
<thead>
<tr>
<th>Application Number</th>
<th>Proposal</th>
<th>Decision</th>
</tr>
</thead>
<tbody>
<tr>
<td>14/00730/CU</td>
<td>Change of use of ancillary educational building (use class C2) into residential dwelling (use class C3)</td>
<td>Approved</td>
</tr>
<tr>
<td>11/00418/RENU</td>
<td>Renewal of application 08/00781/RENU for extension and alterations to Milnthorpe Lodge</td>
<td>Approved</td>
</tr>
<tr>
<td>08/00781/RENU</td>
<td>Renewal of application no 02/01032/FUL for erection of extension and alterations to Milnthorpe Lodge</td>
<td>Approved</td>
</tr>
<tr>
<td>02/01032/FUL</td>
<td>Extension and alterations to Milnthorpe Lodge</td>
<td>Approved</td>
</tr>
</tbody>
</table>

4.0 Consultation Responses

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

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parish Council</td>
<td>No comments received</td>
</tr>
<tr>
<td>County Highways</td>
<td>No objections</td>
</tr>
<tr>
<td>Environmental Health</td>
<td>Advice in relation to Radon</td>
</tr>
<tr>
<td>Tree Protection Officer</td>
<td>No objection subject to condition requiring development to be carried out in accordance with Tree Report.</td>
</tr>
</tbody>
</table>
5.0 Neighbour Representations

5.1 1 letter of support has been received which raises the following points:
   - Good design in terms of scale and orientation
   - No loss of amenity or privacy at neighbouring property

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 56, 58 and 60 – Requiring Good Design
Paragraph 118 – Conserving and Enhancing Biodiversity
Paragraphs 135 – Non-Designated Heritage Assets

6.2 Lancaster District Core Strategy (adopted July 2008)
SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.3 Lancaster District Local Plan - saved policies (adopted 2004)
E3 – Areas of Outstanding Natural Beauty
E4 – Countryside Area

6.4 Development Management Development Plan Document (adopted December 2014)
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM33 – Development Affecting Non-Designated Heritage Assets or their Settings
DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:
   - Layout, scale, design and impact on non-designated heritage assets
   - Ecological impacts, including Limestone Pavement Order
   - Impact on trees
   - Impact on residential amenity

7.2 Layout, scale, design and impact on non-designated heritage assets and the AONB

7.2.1 The application seeks consent for several elements including an extension to the domestic curtilage, a detached outbuilding, the alteration from a window to a door in the dwelling, and a two storey side extension. The sizes of the relevant aspects are set out within the proposal description above. The main house, Ridgeway Park, and its original gardens were designed by Thomas Mawson. The AONB Historic Designed Landscape Project has identified the Ridgeway Park site as being of exceptional interest and quality and it is considered to be of regional importance. The house and gardens are therefore considered to be a non-designated heritage asset. Any impacts on their setting also need to be carefully considered when assessing the layout, scale and design of the various aspects of the proposal.

7.2.2 The outbuilding is outside the domestic curtilage approved by the previous application, and the
extension is on the edge of it. As such, it seems important to consider this aspect first. The area proposed for the change of use has been reduced during the course of the application, and denser areas of woodland have now been excluded. It is still a large area but is similar to one of the other buildings that has been converted to a dwelling within the whole grounds, although this includes a large area of the original formal garden. Given the screening afforded by the wooded areas, it is not considered that this aspect of the scheme would have a detrimental impact on the character and appearance of the AONB. In addition, it is unlikely to affect the setting of Ridgeway Park, particularly as most of the increase is away from the boundary with the main building. However, there is potential for new outbuildings or extensions to be inappropriately sited in respect of the non-designated heritage asset. This could be adequately controlled by a condition removing permitted development rights for any new outbuildings or extensions to ensure that their potential impacts are adequately assessed.

7.2.3 The outbuilding is located to the east of the dwelling and is well situated in terms of its level and screening provided by trees. It is a large building, particularly in relation to the existing dwelling at the site. However, given its location, it is not considered that it has a detrimental impact on the designated landscape or the non-designated heritage asset. The alteration to the existing building, consisting of the replacement of a window with a door, is also considered to be acceptable.

7.2.4 The existing dwelling is a relatively simple single storey ‘L’ shaped building with one section finished in stone and one in render, with a slate roof. It is fairly unobtrusive within its woodland setting. The application proposes the erection of a two storey extension to the side of the building closest to Ridgeway Park. It is proposed to be clad in timber with a timber shingle roof and large timber supporting pillars to the front, below and above the proposed balcony. The building would have a Dutch-gabled roof on either side elevation. It is considered that the proposed extension relates poorly and is unsympathetic to the character and form of the original dwelling due to its overall design, including materials, and its position. It has the appearance of a completely separate addition with no real cohesion. The submission sets out that the roof design has been taken from the existing building. One end of the building has a Dutch gable which serves the function of a porch to the dwelling but is not the defining feature of the building and is not characteristic to the area.

7.2.5 The extension will be in close proximity to the boundary with the original main dwelling at Ridgeway Park and part of its formal garden setting. When the original application for the change of use of the building at the site was considered, there were a significant amount of trees and other vegetation along the boundary which screened the building. This has now been opened up more and the dwelling at Ridgeway Park is clearly visible within the application site. It is accepted that the extension is unlikely to be visible in views of the main dwelling at Ridgeway Park from the front and approaching from the driveway. However, it would be visible from within the rear garden and the whole original estate of Ridgeway Park has been described as having heritage importance, not just the building. The agent has confirmed that a heritage statement will be undertaken and the results of this would be reported at the Committee Meeting. This is something that was particularly advised by the AONB Partnership.

7.2.6 The agent has been advised that there may be scope for a two-storey addition to the property, but it needs to have a better relationship to the original small scale structure, and one option could be to create a first floor above part or all of the existing building. The proposal will result in a very long linear building and it would be more appropriate, particularly given its relationship to what was formally the grounds of the main house at Ridgeway Park, if the building retained its modest scale and proportions. It is appreciated that the design attempts to assimilate itself with the woodland setting, but it is not considered that it will achieve this and will appear as an awkward unrelated addition to the relatively simple and unobtrusive dwelling. It is acknowledged that a large addition to the building was approved when the site was a residential school. However, this has now lapsed. It was originally granted before significant weight was given to the impact on non-designated heritage assets, prior to the felling of the trees and some balance in the considerations would have been given to providing accommodation in relation to the school. It is therefore not considered to be a significant material consideration in the determination of the current application.

7.2.7 The visual impact of the proposals is limited to the immediate vicinity of the site and the main house set to the north and at a higher elevation. The site’s location, set within woodland and some distance from the edge of the estate, is not currently visible from the road, public rights of way or publicly accessible land. The AONB Partnership does not consider that the proposed extension will have a significant adverse effect on the landscape character of the AONB and, given the location and level
of screening, this view is accepted. However, for the reasons set out above, it is not considered that the building represents high quality design, as advocated by the NPPF, and is not in keeping with the modest scale and appearance of the existing building, the adjacent dwelling which is considered to be a non-designated heritage asset, or the character of the area. It is therefore considered that the proposed extension is contrary to both the aims and objectives of Local and National Policy.

7.3 Ecological Impacts including Limestone Pavement Order

7.3.1 The site is in close proximity to the Morecambe Bay Site of Special Scientific Interest (SSSI). This SSSI forms part of the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Natural England has advised that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Morecambe Bay has been classified. It has therefore been advised that the Local Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site’s conservation objectives.

7.3.2 Given the sensitive nature of the site, an ecological appraisal and limestone pavement report have been submitted with the application. Greater Manchester Ecological Unit (GMEU) have been consulted on this information. In the response, it has been set out that the ecological appraisal has a number of significant flaws, not least of which is the lack of an appropriate data search. As a result of which the consultant has missed that the site lies within a Biological Heritage Site (BHS), Heald Brow, and there are previous records of a bat roost in the building. However, the ecologist from GMEU has visited the site in order to fully assess the proposal.

7.3.3 The bat roost was found in the opposite end of building to the proposed extension and works to the roof in the area of the extension have already been undertaken. Given these factors it is considered unlikely that the current proposals would affect the bat roost, if still present. However, it is of note that bats are mobile and as such it has been advised that if bats or signs of bats are found at any time during works, then work should cease immediately and advice sought from Natural England or a suitably qualified bat worker. An informative can be placed on any consent to alert the applicants to this.

7.3.4 In relation to the Biological Heritage Site (BHS), GMEU have noted that, although the application includes extending the domestic curtilage of the property into a greater area of the BHS, it is their understanding that this area was part of the historic gardens associated with Ridgeway Park, traces of which can still be found. The features of interest in the BHS in this area are largely the wooded areas and habitats associated with limestone pavement, which are intermixed with existing domestic features. The areas of limestone are protected by a Limestone Pavement Order. Given this, the size of the BHS, the features present and the current proposals to manage the site, it is not considered that the proposals will significantly harm the interest of the BHS.

7.3.5 The Limestone Pavement survey found that the outbuilding had not been placed on top of or within 1m of any limestone pavement. In addition, the extension to The Sun House will not impact on any limestone pavement and there is no limestone pavement within 1m of the works. The report makes a number of recommendations for protection measures, and GMEU have suggested that these be required by condition. The Development Management Team at Lancashire County Council have also been consulted as they are responsible for enforcing the Limestone Pavement Order. They have advised that, whilst the site does lie within a designated Limestone Pavement Area, it appears that the proposed buildings (including that which has already been constructed) will not require the removal of any outcrop of surface limestone and therefore there will be no impact on any protected geological features. However, it is noted that the application also provides for the change of use of land to a domestic garden. The limestone pavement report which accompanies the application appears to be mainly concerned with any areas of limestone that surround the proposed buildings and does not consider any outcrops of surface limestone that occur in the wider garden area. There are no details of any works that will be undertaken in the garden area to be able to assess the likely impacts on surface limestone. Section 34(5) of the Wildlife and Countryside Act 1981 requires that limestone pavement can be removed legally if the works are covered by a planning permission. Lancashire County Council has advised that the Local Planning Authority should therefore ensure that any permission that is granted only authorises the change of use of this land and does not permit any operational development or engineering operations that would involve the disturbance of
limestone pavement.

7.4 Impact on trees

7.4.1 A detailed arboricultural report has been submitted with the application. There is significant woodland cover across the site which extends across the whole former Ridgeway Estate and boundaries to the north east and east of the site. The woodland is clearly visible from the public domain and as such makes a positive contribution to the amenity of the site and that of the wider locality and AONB. Extensive tree removals have been undertaken earlier this year, as part of an agreed felling licence issued by the Forestry Commission. This included the removal of trees that would otherwise have been implicated by the proposed development, to the north of the proposed extension. There are no direct implications for retained trees at this time. However, a number of basic precautions will be required, detailed within the submitted Arboriculture Report to ensure that existing trees are not adversely implicated.

7.5 Residential amenity

7.5.1 The nearest neighbouring dwelling is Ridgeway Park, approximately 55 metres to the north of the existing building at the application site, although the garden will be closer. There is potential for overlooking into the garden area, but given the orientation of the extension and positioning of windows in the side elevation, it is not considered that there will be a significant impact on privacy. In addition, there should be no other loss of amenity as a result of other aspects of the proposal. The domestic garden will extend closer to Hillside Cottage. However, there will still be intervening screening and as such there should be no detrimental impacts on residential amenity.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The retention of the detached outbuilding, the alteration of a window to a door in the existing building and the extension to the domestic garden associated with the dwelling are considered to be acceptable and will not have a detrimental impact on the character and appearance of the area, in particular the AONB, or have an adverse impact on ecology or residential amenity. It is also considered that the proposed two storey extension will not result in a detrimental impact on ecology or residential amenity. However, there are significant concerns regarding the scale and design of the proposed extension. It is considered that it poorly relates to the existing building and adjacent dwelling in terms of its size, siting and design, and does not take into account the local distinctiveness of the area. It is therefore considered that the proposal does not represent high quality design and will have a detrimental impact on the setting of the non-designated historic house and garden and would conflict with the aims and objectives of both national and local policies.

Recommendation

That a split decision be reached, namely:

Planning Permission **BE GRANTED** for the detached outbuilding, change of use of land to domestic garden and the alteration of a window to a door, subject to the following conditions:
1. Development in accordance with approved plans including amended site plan
2. Removal of permitted development rights
3. Use of garage for domestic purposes only

That Planning Permission **BE REFUSED** for the two storey side extension for the following reason:
1. By reason of its scale, siting and design, it is considered that the proposed two storey extension relates poorly to the existing building and adjacent dwelling, is not in keeping with the character and appearance of the area and therefore does not represent a high quality form of development. It is also considered that, given its scale, design and location in relation to the historically important dwelling and garden at Ridgeway Park, it will have a detrimental impact on the setting of this non-designated heritage asset. The proposal is therefore contrary to the aims and objective of the National Planning Policy Framework, in particular the Core Planning Principles and Sections 6 and 12, and Policies DM33 and DM35 of the Lancaster District Development Management Development

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. As such, there are elements of the proposal that the Local Authority can support. Unfortunately, the two storey extension aspect of the proposal is unacceptable for the reasons prescribed in this report.

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