

Agenda Item A12	Committee Date 13 November 2017	Application Number 17/01120/FUL
Application Site Orchard House Uggle Lane Lancaster Lancashire	Proposal Retrospective application for the erection of a dwelling	
Name of Applicant Mr T P West	Name of Agent JMP Architects	
Decision Target Date Extension of time until 17 November 2017	Reason For Delay Committee Cycle	
Case Officer	Mrs Petra Williams	
Departure	No	
Summary of Recommendation	Approval	

(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 Abi Mills for the application to be reported to the Planning Committee on the basis that the proposal raises concerns of overlooking and loss of privacy, highways issues and loss of outlook to the detriment of residential amenity and layout and density of building design.

1.0 The Site and its Surroundings

- 1.1 The site which forms the subject of this application is located between the western side of Uggle Lane and the railway line in the Scotforth area of Lancaster. The subject property is a two storey detached dwelling which has been erected with an east/west orientation on the site of a former orchard and is located approximately 40 metres to the south of the junction of Uggle Lane with Lawson Close. The surrounding area is predominantly residential in character, and the two storey semi-detached properties on Lawson Close to the north, which back on to the site, have long rear gardens (between 20 metres and 23 metres).
- 1.2 In addition to the subject property, Uggle Lane provides the sole means of vehicular access to three other dwellings, namely Uggle House, Farr Bank and Uggle Cottage and to outbuildings/garages associated with three properties on Ashford Close to the east.
- 1.3 The west coast main line runs in a north/south direction within a cutting adjacent to the western site boundary. A large TPO tree is positioned against the north eastern corner of the site close to the site entrance. Uggle Lane is a privately maintained, single track (un-adopted) bridleway (no 52) which narrows significantly to the south of Farr Bank. The application site remains unallocated within the Lancaster District Local Plan proposals map and there are no other designations which affect the site.

2.0 The Proposal

2.1 The application seeks retrospective consent for the erection of the detached dwelling, including an attached garage. The application seeks to regularise matters after it has come to light that following approval of application 14/00144/REM for the erection of a 4-bed detached dwelling on the site, the development has not been carried out in accordance with the approved plans and therefore the development as constructed is technically unauthorised.

3.0 Site History

3.1 Previous applications 10/01303/OUT and 14/00144/REM have previously been approved in relation to the erection of a single dwelling on site.

Application Number	Proposal	Decision
14/00144/REM	Reserved matters application for the erection of a detached dwelling	Permitted
10/01303/OUT	Outline application for the erection of a new dwelling	Permitted

4.0 Consultation Responses

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

Consultee	Response
Tree Protection Officer	No objections – details are required of the proposed planting scheme at the site which can be addressed through a landscaping condition
National Grid	Provided advice regarding a low pressure gas pipe line which runs through the eastern edge of the site in a north/south direction. These comments will be provided with the decision notice for the attention of the applicant.
National Rail	No objections. Comments relating to works in proximity to the railway line will be provided with the decision notice for the attention of the applicant.
County Highways	Initial objections retracted as consultee was under the impression that the submission was for an additional dwelling when first consulted. Revised comments suggest that consideration be given to the implementation of appropriate measures to ensure that the surface of Uggle Lane is maintained to an appropriate standard.

5.0 Neighbour Representations

5.1 Five letters of objection have been received which raise the following points:

- Amenity concerns - loss of privacy to Lawson Close due to overlooking (including from opening first floor windows on north elevation and rear access door), garden of new dwelling is overlooked by Lawson Close properties, lack of 2.2m rendered wall to northern boundary, flat roof of garage could be used as a terrace, this larger building is overbearing and results in overshadowing
- Highway concerns – increased traffic, misuse of passing places, safety of pedestrians, traffic speeds and reversing traffic along lane, questioning the implementation of works to the lane
- Drainage concerns – removal of vegetation within the application site has resulted in the rear gardens of Lawson Close becoming boggy
- Breaches of planning control – site fires, construction works occurring outside of permitted hours, lack of governance/accountability from Lancaster City Council, building significantly bigger
- Design concerns – not in keeping with houses in the area, building is an eyesore, lack of soft landscaping
- One letter objects on the understanding that an additional property is being applied for.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual ‘saved’ land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan’s preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft ‘Review’ document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision making, although again with limited weight. The weight attributed to the revised policies in the ‘Review’ will increase as the plan’s preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Development Management Development Plan Document (DM DPD) Policies

DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of the development
- Siting, scale and appearance
- Neighbouring residential amenity
- Highways and parking issues

7.2 Principle of the development

7.2.1 The principle of the development of the site with a single dwelling, including access and layout was initially established under application 10/01303/OUT. The design, scale and appearance of the development was subsequently accepted following approval of 14/00144/REM for a 4-bedroom dwelling. Therefore it is considered that the principle of the development is acceptable.

7.3 Design, scale and appearance

- 7.3.1 On the face of it the submission largely reflects the plans previously approved under 14/00144/REM in terms of the design and appearance. The two storey property has a hipped roof with an attached flat roof garage which projects 8 metres from the front (eastern) elevation. The main roof is finished in grey tiles and the lower portion of the elevations has a smooth rendered finish. Window frames are dark grey and plans indicate that the upper part of the elevations will be finished in cedar weatherboarding with black aluminium gutters and downpipes. Overall it is considered that the development is acceptable in terms of design and appearance.
- 7.3.2 The issue of scale is a key consideration as the 'as built' dimensions do not fully accord with those of the previously approved plans. The submitted Design and Access Statement sets out that the site boundary to the south of the site when originally surveyed was approximate and that during construction the site was found to be wider than surveyed. Consequently the building was built slightly wider to maintain the same relationship to the boundary. This has effectively resulted in the width of the property being 1.2m wider than previously approved with the increased footprint area taking a southerly direction. The agent has submitted a plan which indicates the line of the previously approved scheme over a drawing of the 'as built' development which clearly shows the changes which include a height increase from 7 metres to 7.4 metres. Footprint measurements have also been taken by the Enforcement Officer and show minimal increases to the original approved plans. Consequently it is considered that these increases are marginal and have not resulted in an unacceptable increase in the scale of the scheme.
- 7.4 Neighbouring residential amenity
- 7.4.1 It is acknowledged that the submission has raised a number of concerns from neighbours in relation to increased scale, overlooking and loss of privacy as a result of the development. As part of the consideration of the current scheme the Case Officer visited numbers 2 and 3 Lawson Close in order to fully assess the impacts of the development from that aspect. These properties are a pair of semi-detached houses which occupy an elevated position in relation to the development site. They also both have single storey extensions which project 3 metres from the rear elevation. Although these extensions are not indicated on the submitted plans, the distances involved from the rear of these properties to the northern elevation of subject property are in excess of the guidelines provided by policy DM35. This policy sets out that there should normally be 21 metres between dwellings where windows of habitable rooms face each other and 12 metres where a habitable room faces on to a side wall with no such window. In this case the distance from the rear extensions of 2 and 3 Lawson Close to the two storey northern elevation of the subject property is 23 metres.
- 7.4.2 Although the northern elevation of the subject property contains two windows at first floor, these were conditioned to be obscure glazed as part of the Reserved Matters approval in 2014. However, the neighbours have raised concerns regarding the opening of these windows which leads to the perception of overlooking and it is considered reasonable to re-word this condition to ensure that these windows are obscure glazed and non-opening. Occupants of Lawson Close have also raised concerns regarding the applicant's use of their rear access door which faces west but is located on the northern side of the property. Again, the distances involved are considered satisfactory and it is accepted that within residential development there will be a degree of mutual overlooking of garden areas and this is indeed evident in the vicinity between properties on Lawson Close. Nevertheless, details of a solid 2.2 metre high boundary can be conditioned to be submitted, agreed and implemented as previously imposed.
- 7.4.3 Concerns have also been raised regarding the possible use of the garage roof as a balcony or sitting out area as it could potentially be accessed from first floor windows within the front elevation of the property. It is therefore considered appropriate and reasonable to include a condition to prevent this in the interest of neighbouring residential amenity. The issue of landscaping has also been raised and this point was conditioned as part of the original scheme but planting has not yet been implemented. This is an additional point that can be addressed through a landscaping condition requiring details to be submitted and carried out within an appropriate timescale and maintained accordingly. This will ultimately provide softening and screening when viewing the site from the rear of Lawson Close.
- 7.4.4 It is clear that there is a degree of frustration held on behalf of the neighbours due to the fact that the development has not been built in accordance with the original approved plans. However, it is considered that the 'as built' development is not substantially different from the 2014 scheme and

therefore, subject to appropriate conditions, the current scheme is acceptable in terms of neighbouring residential amenity.

7.5 Highways and parking issues

5.5.1 The development includes a sizable garage as well as an external parking and turning area. In terms of access to the site from Lawson Close this is via an un-adopted lane. However, highway matters were fully considered at the outline stage and it is understood that the applicant at that time, who also owned and developed another plot within the lane (Uggle House), was responsible for the creation of passing places which now exist and a minor widening of the entrance to Uggle Lane.

7.5.2 County Highways have visited the site and noted a level of surface deterioration along Uggle Lane and has suggested that consideration should be given to the maintenance of the lane. However, the lane is not within the control of the applicant and therefore this point could not be conditioned.

7.5.3 It is noted that neighbours have raised concerns regarding highway safety issues resulting from the development due to the increased use of the lane by vehicles which could result in conflicts with pedestrians and other users of this bridleway. However, as highlighted above, highway matters were fully considered and assessed at the outline stage and found to be acceptable and therefore a refusal on highway grounds at this stage would not be warranted.

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 submission represents an acceptable approach in terms of design, scale and residential amenity in addition to highway considerations. Overall it is considered that the scheme 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. Development in accordance with the approved plans
2. Sample of cedar weatherboarding
3. Windows of northern elevation to be obscure glazed and non-opening – 3 months from date of decision to implement
4. No use of garage roof as balcony of sitting out area
5. Submission and implementation of hard and soft landscaping scheme
6. Details of boundary to be submitted and implemented
7. Removal of permitted development rights for extensions, windows, doors and outbuildings
8. Garage use restriction
9. Hours of construction

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

In accordance with the above legislation, 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 made 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 relevant Supplementary Planning Documents/ Guidance.

Background Papers

None