

<b>Agenda Item</b> A5	<b>Committee Date</b> 25 June 2018	<b>Application Number</b> 18/00308/FUL
<b>Application Site</b> 1 Downham Cottages Chapel Lane Galgate Lancaster		<b>Proposal</b> Erection of a two storey side extension
<b>Name of Applicant</b> Mr & Mrs J Barnes		<b>Name of Agent</b> Greg Gilding
<b>Decision Target Date</b> 8 May 2018		<b>Reason For Delay</b> Committee Cycle
<b>Case Officer</b>		Mr Sam Robinson
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Refusal

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, Councillor Helen Helme has requested that the application be reported to the Planning Committee on grounds of the proposal would not harm the adjacent Listed building. The application as deferred at the Planning Committee meeting of 4 June to allow for a site visit to occur. This was duly undertaken on Monday 18 June.

**1.0 The Site and its Surroundings**

- 1.1 1 Downham Cottages is a domestic end terraced property comprised rendered walls underneath a slate roof with uPVC windows and doors installed throughout. It forms part of the Crofter's Fold development, though fronts onto Chapel Lane. The property features a front, side and rear garden circa with a detached outbuilding located towards the southern elevation. A small stone boundary is located at the front with timber fence panels making up the rear boundaries.
- 1.2 The local area comprises the Methodist Church, the Grade II Listed Galgate Silk Mill, and a number of residential properties, including the Grade II Listed Chapel Cottage immediately to the south of the site on land about 1m lower than that of 1 Downham Cottages.
- 1.3 The site is designated as Countryside Area in the Land Allocations DPD which forms part of the emerging Local Plan.

**2.0 The Proposal**

- 2.1 The proposal is for a two storey side extension. It is proposed to feature a splayed footprint and gable roof and measures approximately 4.15m in width when measured from the front elevation, 6.45m in depth with a maximum height of 6.65m. It would be finished with rendered walls, underneath a slate roof with uPVC windows. Landscaping, boundary treatments and access to the site will remain the same.

### **3.0 Site History**

3.1 A number of relevant planning applications relating to this site have previously been received by the Local Planning Authority. These include:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>17/01540/FUL</b>	<b>Erection of a two storey side extension</b>	<b>Refused</b>

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Parish Council</b>	<b>No Objection</b>
<b>Conservation Officer</b>	<b>Objection</b> – The proposal would have an over dominant effect on the immediate setting of the heritage asset.

### **5.0 Neighbour Representations**

5.1 One objection has been received citing that the reasons for refusal on the previous application have not been addressed.

### **6.0 Principal National and Development Plan Policies**

#### **6.1 National Planning Policy Framework**

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph 17 – 12 Core Principles

Paragraph 56 and 57 – Requiring Good Design

Paragraph 132 – Impact on Designated Heritage Asset

Paragraph 134 – Less Than Substantial Harm to the Designated Heritage Asset

#### **6.2 Local Planning Policy Overview – Current Position**

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

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

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs were published on the 9 February for an 8 week consultation in preparation for submission to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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 Development Management DPD

**DM 30** – Development Affecting Listed Buildings  
**DM 32** – The Setting of Designated Heritage Assets  
**DM 35** – Key Design Principles

### 6.4 Lancaster District Core Strategy

**SC1** – Sustainable Development  
**SC5** – Achieving Quality Design

## **7.0 Comment and Analysis**

7.1 The key considerations in the assessment of this application are:

- General design
- Impacts upon residential amenity
- Impacts upon listed building

### 7.2 General Design

7.2.1 In terms of design, Policy DM35 of the DM DPD states that new development should make a positive contribution to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. DM35 carries on to say that development should make a positive contribution to the surrounding landscape or townscape and that it should ensure that there is no significant detrimental impact in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

7.2.2 When considering that the existing dwelling measures approximately 4.7m in width and that the proposed extension measures 4.15m, the dwelling is almost doubling in width. The proposed extension features a 0.6m set down from the ridge and 0.8m set back from the front elevation and whilst it is appreciated that the proposal has been scaled down since the previous application it is considered that the reduction would still significantly unbalance the row of four terrace properties. Whilst there may be some merit in pursuing a single storey side extension, the site is considered too narrow for the siting of a two storey side extension and is not thought to be appropriately sited or to be of an appropriate scale, and is tantamount to overdevelopment of the site.

### 7.3 Impacts Upon Residential Amenity

7.3.1 The proposed extension will be approximately 2.8m away from Chapel Cottage and 8m from the nearest property on Teesdale (no.8) and is approximately set in 1m from the southern boundary. Due to the siting of the proposed extension, it is considered that it would be located uncomfortably close to Chapel Cottage creating an overbearing and over-dominating feature especially when considering the higher land level of the application site. The separation distance to 8 Teesdale, whilst further than that of Chapel Cottage, is still within close proximity and the addition of a first floor window would allow for overlooking towards the private amenity space. As such it is considered that the proposal by reason of its siting, scale, separation distances and orientation would have a detrimental impact on the residential amenity of nearby residential occupiers.

### 7.4 Impacts Upon Listed Building

7.4.1 Policy DM32 (The Setting of Designated Heritage Assets) of the DM DPD states that the Council recognises the significance of setting to a heritage asset and proposals that fail to preserve or enhance the setting of a designated heritage will not be supported by the Council. This reflects the provisions of the Town and Country Planning (Listed building and Conservation Area) Act. This is further reinforced by Paragraph 132 of the NPPF which states that when considering the impact of

a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

7.4.2 As referenced above, to the south of the site is the Grade II Listed Chapel Cottage that is approximately 1m lower than the application site with the proposed extension approximately 2.8m away. When considering the combination of the distance from the proposed extension to the Listed building and the elevated position of the application site, the proposed extension is thought to have an over-dominant (detrimental) effect on the immediate setting of the heritage asset and this view is shared with the Conservation Officer.

7.4.3 Furthermore, paragraph 134 of the NPPF goes on to state where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. This scheme as proposed would have a detrimental impact on the designated heritage asset by reason of its proximity and over-dominating effect without any public benefit to outweigh this harm. In fact, as discussed above, there is further harm.

## **8.0 Planning Obligations**

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

## **9.0 Conclusions**

9.1 For the reasons outlined above, it is considered that the proposal is contrary to policies DM30, DM32 and DM35 of the Development Management DPD, and to NPPF paragraphs 56 (good design), 57 (high quality inclusive design), 132 (impacts on designated heritage assets) and 134 (less than substantial harm to the designated heritage asset) and as such is recommended for refusal.

## **Recommendation**

That Planning Permission **BE REFUSED** for the following reasons:

1. The application site is considered to be too narrow for the siting of a 4.15m wide, two storey side extension and by reason of this excessive width and overdevelopment of the site, the proposal would significantly unbalance the row of four terraced properties leading to an incongruous dwelling when viewed from the wider area. As such it is considered that the proposed development is contrary to Policy DM35 of the Development Management DPD and the provisions of the National Planning Policy Framework (NPPF), paragraphs 17 and 56.
2. The proposed two storey extension would be inappropriately sited adjacent to the neighbouring properties, including the Grade II Listed Building of Chapel Cottage, by reason of its separation distance and elevated position of the application site. Consequently the development proposal is thought to have an over-dominant and overbearing effect on the immediate setting of the Listed Building and nearby residential occupiers. As such it is considered that the proposed development is contrary to Policy DM30, DM32 and DM35 of the Development Management DPD and the provisions of the NPPF, paragraphs 17, 56, 132 and 134.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council has provided access, via its website, to detailed standing advice for householder development in the Lancaster District (the Householder Design Guide), in an attempt to positively influence development proposals. Regrettably the proposal fails to adhere to this document, or the policies of the Development Plan, for the reasons prescribed in the Notice. The applicant is encouraged to consult the Householder Design Guide prior to the submission of any future planning application.

## **Background Papers**

None