

<b>Agenda Item</b>	A10
<b>Application Number</b>	25/00130/FUL
<b>Proposal</b>	Retrospective application for the change of use of land to domestic garden in association with 21 The Drive with landscaping and erection of a shed
<b>Application site</b>	21 The Drive Carnforth Lancashire LA5 9JD
<b>Applicant</b>	Mrs Lucy Owen
<b>Agent</b>	N/A
<b>Case Officer</b>	Ms Sophie Taylor
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval

**(i) Procedural Matters**

This form of development would normally be determined under the Councils Scheme of Delegation. However, the application was called in for determination at the Planning and Regulatory Committee by Councillor Stubbs.

**1.0 Application Site and Setting**

1.1 The site which forms the subject of this application is 21 The Drive located in Carnforth, to the southwest of the town centre. The site is an end terraced property located on a residential estate and it is finished in white render with white uPVC windows. Prior to the works being completed, parking was available on street, to the front of the property and the property benefited from a small yard to the rear. An access track was located to the side of the property, providing pedestrian access to the rear of the row of terraces.

1.2 The site is located within an area covered by the Carnforth Neighbourhood Plan.

**2.0 Proposal**

2.1 This application seeks retrospective planning permission for the change of use of land to domestic garden in association with 21 The Drive with landscaping and erection of a shed. The access track located to the side and rear of the property has been converted into domestic garden in association with the dwelling. The access track is within the ownership of the applicant as shown on the Land Registry Plan submitted with the application. A gravelled area for car parking has been created to the side of the property with a wooden fence and gate (approx. 2m in height) installed to access the private amenity space to the rear. A shed is situated to the side of the property, measuring approx. 4.3m in length, 2.4m in width, with a total height of 2.3m and an eaves height of 1.7m. It is finished in wood with Perspex windows to the southern elevation.

### 3.0 Site History

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

Application Number	Proposal	Decision
00/00964/FUL	Change of use from access way to private garden area	<b>Refused</b>
00/01167/CU	Relocation of boundary wall and extension of garden over part access/driveway and erection of dog-pen	<b>Permitted</b>
06/01157/FUL	Retention of conservatory to the front	<b>Permitted</b>

### 4.0 Consultation Responses

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

Consultee	Response
Parish Council	No response.
County Highways	<b>No objection.</b> There are no highway grounds to support an objection as set out by the NPPF.
Fire Safety Officer	<b>No comments.</b> No access for fire appliances prior to development.
Waste Management	<b>No objections.</b> Proposal would not affect waste collections.

4.2 The following responses have been received from members of the public:

**2 objections** have been received from members of the public raising the following material planning concerns:

- Relates to land which is a public access road.
- Access should be open to allow vehicular access, so vehicles do not have to reverse onto the highway.
- Previous application in 2000 was refused for similar development.
- Access required for fire brigade.

These issues have been addressed in the subsequent report.

### 5.0 Analysis

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

- Principal Matters
- Design
- Residential Amenity
- Highways
- Biodiversity Net Gain

5.2 **Principal Matters** (NPPF Section 2. Achieving sustainable development, Section 4. Decision-making.)

5.2.1 The change of use and siting of a shed is on land within the ownership of the applicant which is corroborated by the title deeds obtained from HM Land Registry. In addition, the access road is not an adopted highway and County Highways have raised no objection in relation to the ownership of the land.

5.2.2 Comments have been received indicating that other parties may have rights to access over the land concerned. This is covered by separate legislation to the Town and Country Planning Act and as

such, these issues are not given material weight in the planning assessment. An advice note is recommended to advise the applicant to investigate the legal position.

5.3 **Design** (NPPF Section 12. Achieving well-designed places; Development Management DPD Policy DM29 Key Design Principles.)

5.3.1 Prior to the works being undertaken, the access track was small and overgrown with bushes and shrubs. The site is not located in a prominent location, between 21 The Drive and a large garage. It is not considered that the site significantly contributed to the character of the streetscene.

5.3.2 The change of use of this section of track into domestic garden and its enclosure by a timber fence has already been undertaken. Prior to the development, the garden space was below the minimum 50 square meters specified within DM29, measuring approx. 42 square metres. The garden space following the development has been increased to 104 square metres including the car parking area to the side and is considered to be an appropriate size for a three bed dwelling. The timber boundary fence is not considered to be an obtrusive addition as it is set back from the road and there are other instances of similar boundary treatments in the locality. The shed located to the western boundary is not highly visible as it is partially screened by the fencing and is finished in timber, similar to the fencing. The remainder of the works are not within view from the wider streetscene. As such, the proposal is considered acceptable in terms of design and impact upon the streetscene.

5.4 **Residential Amenity** (NPPF Section 12. Achieving well-designed places; Development Management DPD Policy DM29 Key Design Principles.)

5.4.1 The change of use of a small area of the alleyway to domestic garden will not impact upon the amenity of neighbouring residential dwellings. Furthermore, the installation of fencing as a boundary treatment to the front will ensure the private garden of 21 The Drive will still benefit from adequate levels of privacy.

5.4.2 The shed is adjacent to a large garage located to the north, which will screen the shed from the boundary with 23 The Drive. To the south, the host dwelling will screen the shed from the neighbouring property and its private amenity space. As such, the proposal is not considered to cause significant overlooking, overshadowing or overbearing.

5.5 **Highways** (NPPF Section 9. Promoting sustainable transport, Section 12. Achieving well-designed places; Development Management DPD Policies DM29 Key Design Principles, DM62 Vehicle Parking Provision.)

5.5.1 The previously approved application (00/01167/CU) has meant that the access track has been narrowed to 2.5m in width. It is therefore not possible for the access track to be used for vehicle access as it is too narrow. The current application, whilst it will prevent use from pedestrians, bicycles and horse, is not considered to introduce significant highway safety concerns and County Highways have raised no objections.

The proposal will have a marginal benefit in terms of highways by providing an additional off-road car parking space.

5.6 **Biodiversity Net Gain** (NPPF Section 15. Conserving and enhancing the natural environment; Development Management DPD Policy DM44 The Protection and Enhancement of Biodiversity; Strategic Policies and Land Allocations DPD Policy SP8 Protecting the Natural Environment.)

5.6.1 The development is not required to provide mandatory Biodiversity Net Gain as the proposal is retrospective and the application has been made under section 73A.

5.7 **Other Matters**

5.7.1 Concerns have been raised regarding the access being required for fire equipment. The access width prior to the works was approx. 2.5m in width (as approved under 00/01167/CU) and was therefore not wide enough for a fire engine to get through. Gates have been installed to allow access through the site into the alleyway to the rear of the terraces and the rear of the terraces can also be accessed via the other end of the alleyway and from the road at the rear which leads to Craig Holme

Residential Park. Lancashire Fire and Rescue have not raised any concerns as there was no access for fire appliances prior to the development.

## 6.0 Conclusion and Planning Balance

- 6.1 The proposed retrospective change of use to domestic garden is not considered to have a significant adverse impact on the character and appearance of the streetscene nor on highway safety. It is deemed to be acceptable with respect to residential amenity, ecology and fire safety. The proposal is seen to comply with the relevant local and national policies and is therefore recommended for approval.

### Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Approved plans	Control

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

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 development that improves 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 relevant Supplementary Planning Documents/ Guidance.

### Background Papers

None