

**Item 2**                      **09/00708/FUL**                      **Permit (Subject to Legal Agreement)**

**Case Officer**              **Caron Taylor**

**Ward**                        **Chisnall**

**Proposal**                    **Erection of a detached bungalow (resubmission of application 09/00350/FUL)**

**Location**                  **Land 15m West Of 176A Wood Lane Heskin Lancashire**

**Applicant**                  **Mr & Mrs Thomas Mauguan**

**Application No.**          **09/00708/FUL**

**Proposal**                    The application is for the erection of a detached bungalow. The application was deferred at the previous Committee to allow a site visit to take place.

**Summary**                    The site is an infill plot and therefore the proposed bungalow is appropriate development in the Green Belt and acceptable in principle. The site does have a someone unusual relationship with no. 1 The Meadows and is a simple bungalow on a small plot, however given that there are other bungalows adjacent to the site, there is no set building line in the street and the proposal complies with the relevant interface guidelines in terms of neighbour amenity it is not considered a refusal could be substantiated on planning grounds.

**Policies**                    The development plan for the area comprises the Regional Spatial Strategy for the North West and the Chorley Borough Local Plan Review 2003. The Local Plan contains policies of most relevance to the current application. In particular policies: PPG2, DC1, DC4.

**Planning History**        The recent planning history of the site is as follows:  
The site history of the property is as follows:

**Ref:**                      09/00350/FUL              **Decision:** Withdrawn  
**Decision Date:**              6 July 2009  
**Description:**              Erection of a detached bungalow

**Background**                The application is made in full for a single detached bungalow. A previous application (09/00350/FUL) for a similar scheme was withdrawn in July. The application site is currently the rear garden of no. 176A Wood Lane. The site is bounded by No. 1 The Meadows to the east, no. 176A to the east and no. 176 to the southeast of the site. The proposed bungalow will be accessed off The Meadows.

**Consultations**              LCC Highways  
Have no objection to the proposal subject to recommended conditions.

Neighbourhoods  
Recommend an informative note.

Coal Authority  
Standing advice

Heskin Parish Council

The Parish Council see little difference with the original [withdrawn] application and wish to repeat their strong objections to this proposal:

- Overdevelopment on this very small back garden site;
- It will result in loss of privacy for neighbours whose property is very close and will be overlooked;
- The proposal seems to be proposed on the line of an existing foul sewer which already cause difficulty;
- The application, if approved, will lead to considerable loss of amenity for immediate neighbours and those across the narrow estate road.

**Representations**

Six letters of objection have been received to the proposal, including from Cllr Edward Smith.

- The proposal will result in an obtrusive and cramped site out of character with the rest of the estate;
- It will result in overdevelopment of the site;
- The dwelling will be positioned closer to the road than the other properties on The Meadows;
- The proposed building presents an extremely unattractive aspect resembling a public toilet out of keeping with streetscene and locality;
- Loss of residential amenity to surrounding residents, especially no. 1 The Meadows;
- The size of the building and plot will not provide adequate amenity for the occupier and will not provide quality housing. In addition the remaining garden at no. 176a will only be small reducing their amenity. This is out of character with the area;
- Drainage will be a problem. There is a foul drain that runs across the site and is covered by covenants;
- The site is unsuitable in the Green Belt and will create a precedent if permitted;
- The rear windows in the proposed property will be overlooked by windows in nos. 176 and 178;
- The proposed driveway is not big enough;
- The property does not fulfil a local need;
- The front of the property will be overlooked by the properties opposite;
- The front elevation has an almost blank façade to the road which is detrimental to the streetscene;
- The proposed bungalow is 8m high and would dominate the adjacent properties [the bungalow is 4m high]
- The proposal will result in a loss of privacy and light and will cause noise and pollution to the surrounding properties;
- On-road parking outside the property would cause problems due to its close proximity to the junction with Wood Lane.

**Assessment**

Principle of the development

The site is in the Green Belt. Infill plots within existing villages, including Heskin, are appropriate development in the Green Belt in line with PPG2. In this case, the site in question is within an existing built up frontage within a clear group of buildings, with

buildings on wither site. It is therefore acceptable in principle.

### Scale, Design and Appearance

The application proposes an 'L' shaped bungalow, 4 metres in height. There are a range of properties in the immediate area. No. 176a is bungalow with a steep pitched roof while no. 1 The Meadows is also a bungalow with a lower roof and a side extension to the east that. No. 2 The Meadows next door but one to the site is also a bungalow but of a different design with a fully hipped roof. The majority of other properties in the immediate vicinity are semi-detached two-storey houses. It is therefore considered that due to the range of properties in the street it could not be argued that a bungalow would be out of keeping with the immediate area, particularly as the existing three bungalows are all of different designs.

In terms of the positioning of the bungalow on the site, although it would sit closer to the road than the majority of other properties on The Meadows, its front gable would sit almost flush with the side gable of no. 176A Wood Lane which it would almost always be viewed in the context of. In addition, there is not a clear building line on the Meadows, with different properties being set different distances from the road and at different angles. The proposed property and 176A Wood Lane will have small gardens, however many people do not wish to have a very large garden especially someone who may move into a small bungalow. It is not for the Local Planning Authority to decide how big a garden someone may wish to have, providing the scheme complies with the adopted interface distances in terms of neighbouring properties.

In terms of design the property will have a pitched roof to match those in the area. In addition the design incorporates a front gable which reflects the gable on no. 1 The Meadows and also the side gable of no. 176A Wood Lane on the corner. The bungalow is simple in its design, but so are the adjacent bungalows. It is considered that providing the detailing (such as windows set in reveal) and materials of the bungalow are of a sufficient standard that it will not be out of keeping with the surrounding properties. These will be the subject of conditions.

In terms of drainage the property will need to comply with building regulations, but covenants on the land are not a matter that can be considered as part of a planning application.

### Neighbour Amenity

Due to the side extension on no. 1 The Meadows the proposed bungalow does have a somewhat unusual relationship with this property. No. 1 has a front window in part of the extension and the site of the proposed property (which is currently the rear garden of no. 176A Wood Lane) projects in front of it. The proposal does comply with a 3m plus 45-degree line drawn from this window. The proposed property will use the area in front of this window as a garden area. It is already used as a garden for no. 176A and has a fence around it. Although the relationship with no. 1 The Meadows is unusual due to the side extension it complies with the relevant guidelines and therefore it is not considered a refusal on these grounds could be justified.

The property would be built in the rear garden of no. 176A Wood Lane. This property has rooflights in its rear roof plane with

upstairs living accommodation. Next to this is no. 176 Wood Lane a semi-detached house. The proposal complies with the 10m guideline with regards to the distance between the upper floor windows and the boundary with the proposed property. There will be approximately 21m between the front window of the proposed bungalow and the properties opposite on the other side of The Meadows. This complies with the adopted interface guidelines.

It is considered there is justification to remove the Permitted Development Rights of the property for extensions and outbuilding given the size of the plot and its relationship with neighbouring properties, to protect the amenities of the adjacent properties.

#### Highways and Parking

With regards to highways, LCC (Highways) raise no objections to the application subject to conditions relating to visibility and hardsurfacing. The plan shows a double driveway to provide two-off road parking spaces as is required for a two bedroom property. However the driveway shown is slightly too narrow to allow two cars to be parked comfortably off the road. Therefore a condition will be applied to any permission that it must measure at least 5m wide. It is not considered the property will result in unacceptable on-road parking as it has off-road parking available.

#### Commuted Sum

A commuted sum is required towards public open space which is a material consideration in determining the application. This needs to be secured through a s106 agreement so the application is recommended for approval subject to this being signed.

#### Trees

There are two trees on the site. Both are proposed to be retained as part of the scheme, however their size means they do not warrant the protection of a Tree Preservation Order, which would be the only means of securing this.

### **Recommendation: Permit (Subject to Legal Agreement) Conditions**

1. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (notwithstanding any details shown on previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

*Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and DC8A of the Adopted Chorley Borough Local Plan Review.*

2. The proposed development must be begun not later than three years from the date of this permission.

*Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.*

3. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and DC4 of the Adopted Chorley Borough Local Plan Review.*

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling(s) hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

*Reason: The property is on a small plot, therefore to protect the appearance of the locality and the amenities of the neighbouring properties and in accordance with Policy No. DC4 of the Adopted Chorley Borough Local Plan Review.*

5. Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.

*Reason: In the interests of highway safety and to prevent flooding, in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.*

6. Before the access is used for vehicular purposes, that part of the access extended from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials as agreed to in writing by the Local Planning Authority.

*Reason: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road users.*

7. Before the access for vehicular purposes, visibility splays shall be provided between the highway boundary and the points on either side of the drive measured 5m back from the nearside edge of the carriageway.

*Reason: To assist visibility.*

8. Before the development hereby permitted commences, details of the drive shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate a drive of not less than 5m wide. The driveway shall then only be constructed in accordance with the approved plan before the dwelling is occupied.

*Reason: To ensure sufficient parking is provided for the dwelling and in accordance with Policy TR4 of the adopted Chorley Borough Local Plan Review.*

9. The windows in the dwelling hereby permitted shall be set in a minimum reveal of 5cm.

*Reason: In the interests of the character and appearance of the building and locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.*

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