

Item 7 **09/00996/OUT** **Refusal of Outline Planning Permission**

Case Officer **Mr David Stirzaker**

Ward **Euxton South**

Proposal **Erection of detached bungalow style residence**

Location **Fairview Runshaw Lane Euxton Chorley PR7 6EX**

Applicant **Mr Kevin Joyce**

Proposal This application is being reported to the Development Control Committee as the applicant is Councillor Kevin Joyce.

The application has been submitted in outline format with all matters reserved. The site is in the Green Belt and is to the rear of Fairview which is a detached bungalow fronting onto Runshaw Lane, Euxton. Access to the site would be taken from Dawbers Lane onto which the proposed dwelling would front.

The erection of a detached bungalow is proposed on land to the rear of Fairview which is presently a sand paddock with a stable building to the rear. The bungalow would have a dormer style roof with an overall height of 6.5 to 7m. Vehicular and pedestrian access will be taken off Dawbers Lane.

Fairview forms part of a small cluster of approximately 30 residential properties of varying age and design most of which sit on generous sized plots. The majority of these properties front onto either Runshaw Lane or Dawbers Lane.

Summary The site, to constitute a 'rural infill plot' has to meet the tests set out in Policy DC4 of the Local Plan Review which states that the existing buildings should form a clearly identifiable small group, the plot lies within the group, with buildings on either side, and its development will not extend the group and the proposal would compliment the character and setting of the existing buildings. However, in this case, the application site is not considered to meet the Policy DC4 tests and does not therefore represent a 'rural infill plot'. On this basis, the principle of the development is not considered to be acceptable.

With regards to the impact of a dwelling on the character and appearance of the locality, as the principle of the bungalow is not considered to be acceptable in that it does not comply with Policy DC4, the proposal is considered to be inappropriate development and no 'very special circumstances' have been forwarded in support of the application that outweigh the harm caused by way of inappropriateness.

In terms of neighbour amenity, it is not considered that a detached bungalow would harm the living conditions of the occupiers of the adjacent properties so there are no objections to the proposal on these grounds.

With regards to highway safety, a layout plan has been requested to demonstrate adequate off road parking and turning space. However, the main issue is the visibility splay requirements. The proposed site plan shows visibility splays of 2.4m by 120m in either direction. However, to the west, the visibility splay crosses third party land which is not within the applicant's ownership so cannot be controlled. However, the comments of LCC (Highways) have yet to be received so they will be reported in the Addendum.

Planning Policy

National Polices:
PPG2: Green Belt

Chorley Borough Local Plan Review:

GN5: Building Design and Retaining Existing Landscape Features and Natural Habitat

DC4: Rural Infilling

EP9: Trees and Woodlands

EP18: Surface Water Run Off

HS4: Design and Layout of Residential Developments

HS6: Housing Windfall Sites

HS21: Playing Space Requirements

TR4: Highway Development Control Criteria

Planning History

There is no recent planning history on this site.

Applicant's Case

The applicant asserts the following in support of the proposal: -

- It is believed that the application falls within an established group of residences forming the small settlement of Shaw Green.
- You will be aware that planning permission has recently been granted, again for the erection of a bungalow, nearby in the garden of West View, Runshaw Lane.
- In addition there are other examples within the borough where similar permissions have been granted and of course other neighbouring sites have been more intensively developed by allowing former small bungalows to be demolished and replaced with much larger two storey dormer bungalows.

Representations

To date, no representations have been received from local residents. If any are received, they will be reported to Members in the Addendum.

Consultations

The Council's **Waste and Contaminated Land Officer** recommends a condition requiring a ground condition report to be carried and proposed mitigate measures where necessary.

Any further consultation responses received will be reported in the Addendum.

Assessment

Principle of the Development

The site is in the Green Belt wherein a new single dwelling is not normally granted planning permission. Policy DC4 of the Chorley Borough Local Plan sets out the criteria that an infill site must meet in order for the 'principle' to be considered acceptable. The preamble to this Policy states that infilling of a small gap by a single dwelling in an existing group of buildings may be

acceptable providing the character of the countryside is not adversely affected.

The applicant refers to a site further along Runshaw Lane that was granted planning permission last year at West View (Ref No. 09/00129/OUT) which was considered to be an infill plot thus meeting the tests set out in Policy DC4.

However, the characteristics of the West View site are distinctively different to the characteristics of the application site. The site at West View has bungalow type properties on either side and they are parallel with the footprint of the approved bungalow forming a linear group of properties fronting onto Runshaw Lane. In this case, the site met the requirements of Policy DC4 in that the existing buildings form a clearly identifiable small group, the plot lies within the group, with buildings on either side, and its development will not extend the group and the proposal would compliment the character and setting of the existing buildings.

The application site is inherently different to the 'West View' site in that, due to its size and position to the rear and east of Fairview, the site is more open in character although the plot does sit within a small group of dwellings and there are buildings on either side of it but there is a substantial distance of approximately 30m to Fairview which is not parallel to the proposed bungalow. Also, whilst the front of the proposed bungalow would roughly line through with the front of Woodville, the property to the east, it would sit forward of Fairview by approximately 10m which fronts onto Runshaw Lane and not Dawbers Lane so it would extend the group of dwellings by virtue of its location. It should also be noted that Fairview is positioned at 90° to the plot whereas the permitted infill bungalow at West Views sits in line with the properties either side which are also much closer.

On the basis of the above, it is not considered that the site constitutes a rural infill plot due to its open character, its relationship with Fairview and because the bungalow would extend the group of dwellings. Moreover, the frontage presented to Dawbers Lane cannot be considered substantially built up so a dwelling on the site would, by virtue of the above reasons, harm the open and rural character of the countryside. The proposal does not therefore meet the requirements of Policy DC4.

Green Belt

As the principle of the development is not accepted in that the proposed development does not accord with Policy DC4 as a rural infill plot, any 'very special circumstances' forwarded in support of the application must be considered that may outweigh the harm caused by the proposal, which is by definition inappropriate development. However, the applicant has not specifically made mention of 'very special circumstances' in the supporting documentation as the applicant's assertion is that the site represents an infill plot although it is stated that the applicant's mother-in-law would reside in the bungalow.

The harm by way of the inappropriateness of the development in the Green Belt is not therefore outweighed by any 'very special circumstances' hence the proposal is contrary to Policy Nos. DC1 and DC4 of the Local Plan and PPG2.

Neighbour Amenity

The property to the east is a modern rebuilt bungalow which has a window in its side elevation which according to the approved plans for the property (01/01014/FUL) serves a study/games room. The proposed bungalow will be sited approx. 10m from this window which given a bungalow is being proposed, is considered to be an acceptable relationship. To the rear of the bungalow is a stable building then the site boundary which is approx. 26m away which is over and above the normal 10m distance required.

On this basis, it is not considered that the dwelling would harm the living conditions of the occupiers of the adjacent properties (Danesbury to the north and Woodville to the east).

Highways

With regards to highway safety, a layout plan has been requested to demonstrate adequate off road parking and turning space would be provided within the cartilage of the property although the main issue is the visibility splay requirements. The proposed site plan shows visibility splays of 2.4m by 120m in either direction. However, to the west, the visibility splay crosses third party land on the opposite side of the road which is not within the applicant's ownership so cannot be controlled. However, the comments of LCC (Highways) have yet to be received so they will be reported in the Addendum as to the acceptability of the access.

Trees

There are mature trees within the site, some of which form an attractive frontage to Dawbers Lane. A Tree Survey has been requested from the applicant so as the impact of the access and dwelling can be assessed on the existing trees although the application forms state that the trees on the site will not influence the development. Any further issues in relation to the trees on the site will therefore be reported in the Addendum.

Section 106 Legal Agreement

A draft legal agreement has been forwarded to the applicant for signing to secure the payment of a commuted sum towards the provision and/or improvement of open space facilities in the locality.

Conclusion

The site, to constitute a 'rural infill plot' has to meet the tests set out in Policy DC4 of the Local Plan. However, in this case, the application site is not considered to meet the Policy DC4 tests and does not therefore represent a 'rural infill plot'. On this basis, the principle of the development is not considered to be acceptable.

With regards to the impact of a dwelling on the character and appearance of the locality, as the principle of the bungalow is not considered to be acceptable in that it does not comply with Policy DC4, the proposal is therefore considered to be inappropriate development and no 'very special circumstances' have been forwarded in support of the application that outweigh the harm by way of inappropriateness.

In terms of neighbour amenity, it is not considered that a detached bungalow would harm the living conditions of the occupiers of the adjacent properties so there are no objections to the proposal on these grounds.

With regards to highway safety, no comments have to date been received from LCC (Highways).

Recommendation: Refusal of Outline Planning Permission

Reasons

1. The proposed bungalow would be located within the Green Belt as defined by the Chorley Borough Local Plan Review. For a new dwelling to be acceptable in the Green Belt, the site upon which it is proposed must constitute a 'rural infill' plot. In this case, the site on which the bungalow is proposed does not constitute a single plot within an existing substantial built up frontage hence the proposed bungalow is contrary to Policy No. DC4 of the Chorley Borough Local Plan Review and PPG2.
