

**Item 1**                      **10/00006/FUL**                      **Permit (Subject to Legal Agreement)**

**Case Officer**              **Mrs Helen Lowe**

**Ward**                        **Lostock**

**Proposal**                    **Erection of a detached house on land adjacent to Sidegate Cottage**

**Location**                    **Land On Site Of Sidegate Cottage Pompian Brow Bretherton Leyland PR26 9AQ**

**Proposal**                    This application proposes the erection of a single detached two storey dwelling (the first floor accommodation is largely provided in the roof space), with an integral garage and new access.

**Location**                    Land to the south of Sidegate Cottage, Pompian Brow, Bretherton

**Summary**                    The main issues to consider in determining the application are considered to be design and appearance, impact on the streetscene/character of the area, impact on highway safety and impact on neighbour amenity.

**Planning Policy**            GN4 – Settlement Policy – Other Rural Settlements  
GN5 – Buiding Design and Retaining Existing Landscape Features and Natural Habitats  
EP18: Surface Water Runoff  
HS4: Design and Layout of Residential Development  
HS6: Housing windfall Sites  
HS21: Playing Space Requirements  
TR4: Highway Development Control Criteria

**Planning History**        89/01037/OUT – Outline application for residential development. Approved  
96/00483/OUT – Outline application for erection of five detached dwellings. Withdrawn  
08/01218/FUL - Erection of replacement dwelling with detached garage and new access. Approved  
09/00919/MNMA - Minor amendments to proposed new dwelling (08/01218/Ful). Approved

**Consultees Responses**    *LCC Highways* – no objections  
*United Utilities* – no objections in principle. A public sewer runs across the site and building over it will not be permitted. The site must be drained on a separate system.  
*Environment Agency* – request a condition requiring details of a scheme for disposal of foul and surface water to be submitted and approved.  
*Director of People and Places* – recommend an informative is attached recommending a desk study to check for contaminated land.  
*Conservation Officer* – The site is outside Bretherton Conservation Area and within the settlement boundary. The design is uninspiring but inoffensive and takes some design cues from other relatively

recent houses constructed in Bretherton. The application is therefore acceptable.

*Bretherton Parish Council* – object to the proposal for the following reasons:

- The overbearing nature of the proposal;
- The elevated position and risk of overlooking, overshadowing, loss of privacy and loss of light;
- Increase in traffic generated; inadequacy of on site parking;
- The sewage system is not considered to be adequate for the number of houses already on the road and neighbouring gardens are occasionally flooded;
- Interference with habitat of birds and wildlife, loss of trees, hedges and orchard;
- The site is extremely close to the Conservation Area and this should be taken into consideration;
- Lack of consultation with residents.

### **Third Party Representations**

In total 19 letters of objection have been received from 11 households. A petition has also been received which has been signed by 24 people, a number of whom have also sent individual letters. They make the following comments:

- The application as never classed as garden and cannot be classed as Brownfield Land (it was an orchard);
- The proposal will lead to more cars and traffic and increased on road parking;
- Loss of another orchard site in Bretherton;
- Inadequate notification (letters not sent to neighbours);
- The site is in a Conservation Area;
- It will be overbearing in appearance and dominate that side of the road;
- There is inadequate drainage in the area and the area is prone to flooding;
- The site notice is poorly positioned on a lamp post in front of Sidegate Cottage (there have been some comments made that it was sited behind the previous site notice);
- It will significantly change the character of the area;
- It will not be in keeping with other properties;
- It represents significant additional development to the original buildings; a third application for another property in the area to the other side of Sidegate cottage is likely to follow;
- It will be visually overbearing and out of keeping with smaller neighbouring properties;
- The proposal does not comply with GN4.

### **Assessment**

Policy GN4 of the re-use of previously developed land can be an appropriate form of development in rural settlements, bearing in mind the scale of any proposed development in relation to its surroundings and the sustainability of the location. Previously developed land is land, which is or was last occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure. As part of the previous application evidence was submitted from a local resident that the land within the red edge of the current application was used as garden area belonging to the cottage, including a vegetable

patch and lawned area. The application forms submitted in 1996 and 1989 refers to the previous land as 'garden'. This appears to be supported by aerial photographs taken in the 1960s. The garden area has not been separated from the existing cartilage of the adjacent dwelling house (Sidegate Cottage) until the recent application for a replacement dwelling.

Given the previous position that has been taken with regard to the status of this land and lack of evidence to the contrary, on balance I consider that this land must be considered to be previously developed.

PPS3 encourages the redevelopment of previously developed land as opposed to developing Greenfield land (although there is no presumption that previously developed land is necessarily suitable for housing development, nor that the whole of the cartilage should be developed). As the proposal is only for one dwelling, there is no affordable housing requirement.

#### *Design and appearance*

The proposed dwelling would be L shaped, with a maximum depth of 13.3m and width of 13.7m. It would be 4.1m high to the eaves and 7.7m high to the ridge. The first floor windows would be set into the eaves. It is proposed to be constructed from painted render and a natural slate roof.

#### *Impact on the street scene/character of the area*

Pompian Brow comprises a wide variety of property styles, sizes and materials. This includes rendered properties, wooden properties, bungalows, and red brick two storey dwellings. There is also no consistent pattern with regard to the proximity of properties to the road. The site is adjacent to the Conservation Area (but not within it). Although the proposed dwelling would be large, it is not considered that the bulk and scale of the dwelling would be such that it would be unduly prominent or obtrusive within the street scene. Given that the Council's Conservation Officer has not raised any objections to the proposal it is not considered that it would be reasonable to refuse the proposal on design grounds or impact on the adjacent conservation area.

#### *Highway Safety*

The proposed dwelling incorporates a double garage (5.9m by 5.5m internally) and there would be sufficient driveway parking for at least 2 cars (a detailed landscaping plan is currently awaited to confirm the details of the exact areas of hard and soft landscaping). It is considered that the location of the property on the application site would allow sufficient space for adequate off street parking for a four bedroom dwelling (3 parking spaces are required in RSS draft parking standards). No objections have been raised by LCC Highways.

#### *Neighbour Amenity*

The proposed dwelling would be 31m from the facing elevation of 2 Norse Cottages to the west and side facing windows in the proposed dwelling would be 37m to facing windows in Elm Cottage to the south. The application site is in a slightly elevated position to the road, however this difference in levels is not considered to significantly impact on the interface standards (further details as regards finished floor levels have been requested from the applicant). There would be a distance of just under 10m between the application property and the dwelling currently under

construction to the north. There are a number of secondary windows in each facing elevation. A boundary treatment has not been specified. It is considered that the proposed dwelling is sufficiently far from neighbouring properties to avoid any undue loss of privacy and overlooking.

*Other matters*

A number of residents have raised concerns with regard to flooding and drainage of the site. The Environment Agency and United Utilities have raised no concerns with the proposals.

Concerns have also been raised with regard to the publicity for the application. Neighbour letters were sent to 11 properties considered to be most directly affected on the 21<sup>st</sup> of January and a site notice posted on the 26<sup>th</sup> of January.

**Conclusion**

On balance it is considered that the proposal does comply with policy GN4 of the Local Plan in that the site is previously developed land and of a small scale (one dwelling); the design and siting is acceptable and there would be no detrimental impact on highway safety and neighbour amenity. Recommend approval subject to signing of s106 agreement to secure play space contributions.

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

1. 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.*

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