

APPLICATION REPORT – 24/00239/FULHH

Validation Date: 26 March 2024

Ward: Coppull

Type of Application: Householder Application

Proposal: Erection of detached outbuilding

Location: 29 Springfield Road Coppull Chorley PR7 5EJ

Case Officer: Chris Smith

Applicant: Mr Danny O'Brien

Agent: Mr Douglas Philip Bertram, D.P.Bertram.Building & Planning Solutions

Consultation expiry: 17 April 2024

Decision due by: 25 May 2024 (Extension of time requested)

RECOMMENDATION

1. It is recommended that the application is refused for the following reason:

The building results in an unacceptable loss of outlook from the rear habitable room windows of no. 31 Springfield Road. This is detrimental to the level of amenity enjoyed by the occupiers of this neighbouring property. The development is, therefore, contrary to policy BNE1(b) of the Chorley Local Plan 2012 -2026 and paragraphs 2.22 and 4.6 of the Chorley Council Householder Design Guidance Supplementary Planning Document.

SITE DESCRIPTION

2. The application site is located on a corner plot on Springfield Road within the Coppull settlement area, as defined by the Chorley Local Plan Policies Map. The existing property is a semi-detached dwellinghouse with gardens to the front, side (north) and rear. The immediate locality is wholly residential in character.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. The application seeks planning permission (retrospectively) for the erection of a detached outbuilding, which measures approximately 7m by 7m. It has a mono-pitched roof with a maximum height of 2.83m adjacent to the eastern site boundary.
4. Amended plans have been submitted since the application was originally submitted. The original plans submitted with the application indicated that the building has a maximum height of 2.86m. However, following a request from the planning officer for further clarification regarding the height of the building, the agent carried out additional measurements and submitted amended plans to demonstrate that the building has a maximum height of 2.83m.

BACKGROUND INFORMATION

5. Planning permission was granted for a detached garage in broadly the same position as the development subject of the current application on 10 February 2023 (ref. 22/01293/FULHH).

The approved plans indicated a building with dimensions of approximately 7.3m by 7.2m with a mono-pitched roof with a maximum height approximately 2.7m and the roof sloping down in a west to east direction to a height of approximately 2.5m. The highest part of the building was adjacent to the rear elevation of the host property no.29 Springfield Road and the lowest part adjacent to the boundary with no.27 Springfield Road. The building would have been set back from the adjacent highway by approximately 4.6m and it would have been set in from the common boundary with the neighbouring property to the south at no.31 Springfield Road by approximately 12mm and, set back from the boundary with no.27 Springfield Road by approximately 24mm. It was proposed to construct the building in red brick to match the existing property no.31 Springfield Road.

6. However, following the grant of this planning permission, the development was not built in accordance with the approved plans and the building that was constructed was larger measuring approximately 8m by 8m. It was also higher with a maximum height of approximately 2.8m and its roof sloped down in an east to west direction so that the highest part of the building was adjacent to the boundary with no.27 Springfield Road. The building was set also in further from the boundary with no.31 Springfield Road by approximately 0.5m. In addition, the building was also sited closer to the adjacent highway being set back by approximately 3.4m. The south and east elevations were left as untreated blockwork and a door and 2no. windows were inserted into the north elevation facing the highway rather than two garage doors. This facilitated the use of the building as an incidental hairdressing studio.
7. In order to regularise the situation, and following an enforcement investigation, a further planning application was submitted (ref. 23/00397/FULHH). This application was refused on 11 July 2023 for the following reasons:
 1. The building by reason of its scale and siting adjacent to the road frontage is an overly prominent and incongruous feature in the street scene to the detriment of the character of the area. The development is, therefore, contrary to policy BNE1(a) of the Chorley Local Plan 2012 -2026 and paragraph 4.2 of the Chorley Council Householder Design Guidance Supplementary Planning Document.
 2. The building results in an unacceptable loss of outlook from the rear habitable room windows of no. 31 Springfield Road. This is detrimental to the level of amenity enjoyed by the occupiers of this neighbouring property. The development is, therefore, contrary to policy BNE1(b) of the Chorley Local Plan 2012 -2026 and paragraphs 2.22 and 4.6 of the Chorley Council Householder Design Guidance Supplementary Planning Document.
8. An enforcement notice was subsequently served by the Council on 10 August 2023, with the notice taking effect on 12 September 2023. The time for compliance with the notice was 3 months from the date it took effect. The notice required the building to be returned to the size, scale and use as approved under planning application 22/01293/FULHH. Following receipt of the notice, some works were undertaken to reduce the footprint of the building. However, overall, the stipulations of the enforcement notice have not been complied with and the as-built dimensions still differ from those of the building approved under planning application ref:22/01293/FULHH as follows:
 - The building has a maximum height of approximately 2.83m rather than 2.5m as approved under planning application ref: 22/01293/FULHH.
 - This is also higher than the height of the building proposed under the planning application ref:23/00397/FULHH that was refused.
 - The roof slopes down in an east to west direction so that the highest part of the building lies adjacent to the boundary with the neighbouring property at no.27 Springfield rather than being adjacent to the rear elevation of the host property.
 - The building measures approximately 7m by 7m.
 - The rear (south) elevation of the building is sited approximately 0.5m away from the boundary with the neighbouring property located to the south of the site at no.31 Springfield Road.

- The front (north) elevation of the building is sited approximately 4.2m away from the adjacent highway and it is, therefore, closer to the highway than the building approved under planning application ref: 22/01293/FULHH, which would have been 4.6m away from the highway.
- The rear (south) and side (east) elevations of the building have been faced with untreated blockwork. The plans approved under planning application ref: 22/01293/FULHH proposed red brick to all elevations of the building.
- The front (north) of the building has a roller shutter door and a full height glazed door and window rather than two garage doors.
- The building provides accommodation for a single car garage and a hairdressing studio.

9. The resultant building is now the subject of this current planning application.

REPRESENTATIONS

10. Five representations have been received citing the following grounds of objection to the proposed development –

- The development has already been built.
- It does not have planning permission.
- The Council have issued an enforcement notice.
- The building is too tall.
- Loss of light.
- Poor design / unpleasant to look at.
- The building is a purpose-built hairdressers on a residential estate.
- Highway safety / car parking.
- Overbearing.
- Out of keeping with existing properties.
- A commercial business should not operate from a private dwelling.
- The development is next to a quiet residential cul-de-sac where children play.

11. 1 no. representation of objection has been received following the submission of amended plans making the following comments –

- The amended plans are just an excuse to counter objections made.
- A request has been made that the planning committee makes a site visit to see the full impacts of the building.
- The plans state that the south elevation wall has been set back in response to a request from the occupier of no.31 Springfield Road, this, however, is untrue.

CONSULTATIONS

12. Coppull Parish Council – No comments have been received.

13. Lancashire County Council Highway Services (LCC Highway Services) – Have stated that they do not have any objections to the development and are of the opinion that it does not have a significant impact on highway safety or capacity in the immediate future vicinity of the site. However, LCC Highway Services have expressed concerns that there is only room to park one car off-road in the outbuilding and the development could lead to parked vehicles overhanging the rear of the pedestrian footway (adopted highway) and they also recommended that boundary treatments adjacent to the site are reduced in height to ensure adequate intervisibility between pedestrians and vehicles, see main body of report for more information.

PLANNING CONSIDERATIONS

Design and impact on the character of the area

14. Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing

structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

15. The Householder Design Guidance states that outbuildings should generally be sited in an inconspicuous position and should be commensurate in scale and function to the original property. Ideally garages should not conflict with any established building lines and should be set back from the main building line, with space for car parking, and preferably turning in front of the garage.
16. It is acknowledged that proposed garage is relatively large, however, it is set back from the adjacent public highway by approximately 4.2m and is not seen as an unduly prominent feature within the streetscene.

Impact on the amenity of neighbouring occupiers

17. Policy BNE1 of the Chorley Local Plan 2012-2026 states that planning permission will be granted for new development, including extensions, conversions and free-standing structures, provided that, the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing or by creating overbearing impacts.
18. The Householder Design Guidance stipulates that care must be taken to ensure that any outbuildings and other structures do not lead to an unacceptable level of overshadowing of neighbouring properties, disturbance, or loss of privacy.
19. The outbuilding is sited directly adjacent to the common boundary with the neighbouring property located to the east at no.27 Springfield Road, and an approximately 2.4m high fence, which delineates the common boundary between the site and the neighbouring property to the east at no.27 Springfield Road, provides some screening between the garage and the ground floor windows in the front elevation of this neighbouring property. The building is located approximately 6.5m away from the living room window of this property, which faces directly towards the adjacent highway.
20. To protect the amenity of neighbouring occupiers, Chorley Council's Householder Design Guidance Supplementary Planning Document (SPD) states that single storey rear extensions should not project more than 3 metres beyond a 45-degree line drawn from the near edge of the closest ground floor rear facing window to a habitable room in a neighbouring dwelling. Whilst the development is not an extension, it spans the full depth of the common boundary with the neighbouring property to the south at no. 31 Springfield Road and, therefore, its relationship to this property is akin to that of an extension and it is, therefore, considered reasonable to apply this guideline in this situation. The maximum height of the building is approximately 2.8m, and it projects more than 3 metres beyond a 45-degree line drawn from the near edge of the closest ground floor rear facing window to a habitable room in the rear elevation of the neighbouring property no.31 Springfield Road and the building is clearly visible above the boundary fence between the properties. Due to this and the size and scale of the building it is considered that it results in an unacceptable loss of outlook from the rear habitable room windows of no. 31 Springfield Road contrary to policy BNE1 of the Chorley Local Plan 2012-2026 and the Householder Design Guidance SPD.
21. In addition, the blockwork finish can be seen above the top of the fence that delineates the common boundary between the site and no.27 Springfield Road, and is highly visible from the rear living room and garden of no.31 Springfield Road. It is considered that the blockwork finish results in a poor quality unfinished appearance that has an unacceptable adverse impact upon the visual amenity of the occupiers of the adjacent properties. However, this harm could be ameliorated by the addition of appropriate facing materials to these elevations, which could be secured by the imposition of a planning condition.
22. Given the changes to the roof orientation, in that the roof now slopes down towards the application dwelling rather than away from it, the impact on outlook from 31 Springfield Road is greater as the mass of the building increases away from the windows to this neighbouring

dwelling, where it becomes more visible and therefore harmful to outlook. For this reason it is recommended that the application should be refused.

Highway safety

23. Policy BNE1 of the Chorley Local Plan 2012-2026 states that developments must not cause severe residual cumulative highways impact or prejudice highway safety, pedestrian safety, the free flow of traffic, or reduce the number of on-site parking spaces.
24. The outbuilding would be able to accommodate one car, however, the driveway to the side of the property is not of sufficient size to accommodate any car parking, without overhanging the pedestrian footway (adopted highway). The site, therefore, would only be able to provide off-road car parking for one car. This would not be in strict accordance with the Householder Design Guidance SPD, which recommends that off-street parking should generally be provided at a ratio of 2no. spaces for a two or three bed dwelling and 3no. spaces for a larger property, including properties with more than 3no. bedrooms.
25. However, policy ST4 of the Chorley Local Plan 2012 - 2026 allows for a deviation from the parking standards where there are sustainable credentials. This depends upon local circumstances, such as the location and size of the development, its proximity to public car parks, existing parking issues in the area and existing traffic management and safety issues, which should be taken into account. In addition, locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision.
26. In this case the site is located in a highly sustainable location in the settlement area of Coppull approximately 270m to the south of the Coppull Local Centre and it is within walking distance of amenities, services and public transport links. In addition, the property is located on a corner plot and on road parking is available to the front and side of the dwelling and it is also noted that LCC Highways stated that Springfield Road is a 20mph residential road lit by a system of street lighting with footways on both sides of the road and on-street parking within the immediate vicinity of the site would not have an unacceptable impact on highway safety.
27. LCC Highway Services have advised that the boundary fence on either side of the site should be reduced to no more than 1m in height to ensure adequate intervisibility between pedestrians and vehicles on Springfield Road when vehicles enter and exit the site. However, the fence is not under the control of the applicant, and it is considered that the highway safety impacts relating to sightlines would not be so severe to warrant refusal of the application given the existing access arrangements.

Other matters

28. Several representations have been received objecting to the development on the grounds that a business operates from the building in the form of a hairdressers and that such a use is not appropriate in a predominantly residential area. It should be noted that planning permission is not always required to work from home or to run a business from home. The key test in determining whether planning permission would be required for these activities, is whether the overall character of the dwelling would change such that it is no longer being used mainly as a private residence and is within a mixture of uses.
29. In this case, the application is a householder planning application, which only seeks planning permission for the building operations for the erection of the building rather than any material change of use of the site. In order to determine the extent of the use of the building as a hairdressing studio, the Local Planning Authority sought clarification regarding the use of the hairdressing studio by the issuing of a planning contravention notice. A legal declaration was made to confirm that the self-employed hair dresser lives at the property, and is a key factor in determining whether a change of use has occurred. Consequently, no assessment regarding the acceptability of the use of the building is necessary under this planning application as no change of use from the existing residential use is proposed or has been identified. If a material change of use was to take place, then planning permission

would be required and a further application should be submitted to the local planning authority.

CONCLUSION

30. The development results in an unacceptable loss of outlook from the rear habitable room windows of no.31 Springfield Road. The development is, therefore, contrary to policy BNE1 of the Chorley Local Plan 2012 -2026 and the Chorley Council Householder Design Guidance Supplementary Planning Document.

RELEVANT HISTORY OF THE SITE

Ref: 19/00656/FULHH **Decision:** PERFPP **Decision Date:** 2 September 2019
Description: Single storey side extension

Ref: 22/01293/FULHH **Decision:** PERFPP **Decision Date:** 10 February 2023
Description: Erection of detached garage (following demolition of existing detached garage and shed)

Ref: 23/00339/MNMA **Decision:** WDN **Decision Date:** 11 May 2023
Description: Minor non-material amendment to planning permission ref: 22/01293/FULHH (Erection of detached garage (following demolition of existing detached garage and shed)) involving the installation of a door and window to the northern elevation, installation of 1no. roof light and an increase to the depth, width, and height of the building

Ref: 23/00397/FULHH **Decision:** REFFPP **Decision Date:** 11 July 2023
Description: Erection of outbuilding in rear garden to provide ancillary residential living space and home working (hairdressers) space (retrospective) (following demolition of existing detached garage and shed)

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.