

**Item 6**                      **11/00773/FUL**

**Case Officer**            **Mr David Stirzaker**

**Ward**                        **Chorley South West**

**Proposal**                 **Erection of a new three bedroom two storey dwelling on land adjoining 24 Eaves Green Road.**

**Location**                **24 Eaves Green Road Chorley PR7 3PQ**

**Applicant**                **Miss Patricia Long**

**Consultation expiry:** **8 November 2011**

**Application expiry:** **20 November 2011**

### **Proposal**

1. This application seeks planning permission for the erection of a 3 bedroom two storey detached dwelling.
2. The site comprises of the garden associated with 24 Eaves Green Road which is an end of terrace property located in the main Chorley Settlement covered by Policy GN1 of the Local Plan Review.
3. The site is accessed via a vehicular crossing from Eaves Green Road over the footpath in front of the property.

### **Background Information**

4. Whilst not a material planning consideration, as a matter of public interest, given the Council has had involvement with the application site relating to land ownership legal matters (as detailed in paragraph 36), the application is being brought to Development Control Committee for consideration.

### **Recommendation**

5. It is recommended that this application is refused planning permission.

### **Main Issues**

6. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Streetscene
  - Trees and Landscape
  - Traffic and Transport
  - Contamination and Coal Mines

### **Representations**

7. To date, no letters of objection or support have been received in relation to the application. If any letters are therefore received, they will be reported in the Addendum.
8. A written request has been submitted by Cllr Holgate requesting that the application be reported to Development Control Committee.

### **Consultations**

9. No comments have yet been received from **Lancashire County Council (Highways)**. Any comments received will be reported in the Addendum.
10. **Chorley's Waste & Contaminated Land Officer** recommends an informative drawing the applicant's attention to their responsibility in addressing contaminated land issues with the site.
11. **Planning Policy** advise that in accordance with PPS3, Local Plan Policy HS6 gives priority to the development of previously developed sites in urban areas, in preference to Greenfield sites. Criterion

(f) requires applicants to demonstrate that there are no suitable allocated or previously developed sites available in the settlement where housing development is proposed on a Greenfield site. The applicant has not provided this information. The application is also contrary to the Council's Garden Grabbing Policy. If approved, the dwelling would need to be built to meet Code Level 3 and Code Level 4 if built from 2013 of the Code for Sustainable Homes in order to comply with Policy SR1.

12. No comments have been received from **United Utilities**. Any comments received will be reported on the Addendum.

## **Assessment**

### Principle of the development

13. The application site is located in the main Chorley Settlement covered by Policy GN1 of the Local Plan Review. The application site is also part of the private residential garden associated with 24 Eaves Green Road.
14. The application therefore needs to be assessed against the Interim Policy prepared by the Council in response to the changes to PPS3 last year wherein the presumption of developing 'garden land' was removed as such land was originally classified as 'previously developed land' in PPS3.
15. The Council's interim Policy on 'Private Residential Garden Development' seeks to prevent residential development on garden land and the Policy reads as follows: -  
Within the boundaries of settlements, applications for development within private residential gardens on sites not allocated in saved Local Plan Policy HS1 will only be permitted for:
  - (a) agricultural workers dwellings/dependents where there is a proven need and where they need to be located in a specific location.
  - (b) appropriately designed and located replacement dwellings where there is no more than one for one replacement.
  - (c) The conversion and extension of buildings, provided they are not allocated for, currently used for, or their last use was for, employment uses, and the conversion would have significant urban regeneration benefits.
16. Policy HS6 (f) of the Local Plan Review also requires any application for residential development on garden or Greenfield land, irrespective of size, to include details which demonstrate to the Council that there are no suitable allocated or previously developed sites which are available in the Chorley Settlement area, as defined in the Chorley Borough Local Plan Review, that could accommodate the dwelling being proposed.
17. The applicant has not submitted an assessment of other sites in the Chorley Settlement so has failed to meet the requirements of Policy HS6 (f).

### Density

18. The site covers an area of 0.023 of a hectare so the density of the development equates to approx. 43 dwellings per hectare. PPS3 no longer prescribes a set density per hectare and the dwelling would be comfortably accommodated on the site. The resultant garden would also be consistent with the adjacent gardens so the density of the development is considered to be satisfactory in this case.

### Levels

19. The site of the dwelling sits at a slightly lower level than Eaves Green Road. The applicant has submitted levels details with the application comprising of a cross section plan and confirmation that the floor levels of the dwelling will match those of 24 Eaves Green Road. No major changes to the existing land levels are proposed so this being the case, there are no specific concerns in relation to the level of the dwelling and the site.

### Impact on the neighbours

20. The position of the dwelling on the site is such that it would not result in detrimental harm to the occupiers of the nearest residential properties to the site. The land to the rear of the site is public open land and the bungalow to the south of the site is located 13.4m away from the position of the side elevation of the proposed dwelling which will not have any upper floor windows facing this property. The 13.4m distance is sufficient to ensure that the dwelling would not lead to a detrimental loss of light, detrimentally overshadow the property or have an overbearing impact.
21. On the above basis, it is not considered that there are any grounds to refuse the application in terms of the impact of the dwelling on the amenities of the nearest neighbours.

### Design

22. The design of the dwelling is fairly simple and incorporates a pitched roof facing Eaves Green Road. The front elevation incorporates simple fenestration, albeit with detailed headers and cills above the

windows the front door. The dwellings in the locality comprise of a mix of terraced and semi-detached properties faced with brick or render. Most properties have a slated roof.

23. The first floor elevation of the applicant's property is rendered. There is a canopy roof across the front above the bay window and front door. There are several other properties built in the same style. To the south is a small cluster of more modern properties. Given the mix of property types in the locality, the design of the dwelling proposed is considered to be acceptable and the most important aspect of the dwelling will be securing the use of appropriate materials. This could be achieved by requiring samples to be submitted to the Council for approval.
24. The layout of the site is sufficient to provide a good sized garden for the property and 2 no. off road parking spaces. The supporting documentation also states that the floor levels of the dwelling will match those of 24 Eaves Green Road. On this basis, there are no objections to the design of the dwelling and the layout of the site.

#### Streetscene

25. The application site at present comprises of a lawned area which slopes away from Eaves Green Road and is bounded by a hedgerow. To the left hand side of the site is a public footpath which serves as a link between Eaves Green Road and Draperfield to the west. This established link and the garden space at the side of 24 Eaves Green Road provides an attractive break in the built development of Eaves Green Road, further enhanced by the presence of the mature tree on the footpath.
26. The provision of a dwelling in the garden of 24 Eaves Green Road would erode the character of the streetscene by largely filling in this attractive open break in the street with built development. This change in character to the streetscene is such that it is considered that detrimental harm would occur, as a result of 'garden grabbing', to the character and appearance of the streetscene in the vicinity of the application site.

#### Trees and Landscape

27. There is a large mature tree on the highway at the front of the site but the dwelling would be sited outside of the tree canopy 7.5m from its trunk so the health of the tree would not be harmed as a result of the proposed dwelling.
28. The southern boundary of the site is delineated by a hedgerow which is quite close to where the dwelling would be built. However, if the dwelling was being recommended for approval, a landscaping condition could require replacement planting if the hedge was lost or damaged or a fence could be required along the boundary. This being the case, there are no objections to this element of the application.

#### Traffic and Transport

29. The curtilage of the property includes space for 2 no. vehicles to park off street. The proposed site plan also shows 2 no. parking spaces to serve the existing property. The level of parking provision would therefore be adequate. However, comments from LCC (Highways) have not yet been received in relation to the application so the comments will be reported in the Addendum.

#### Contamination and Coal Mines

30. The Council's Waste and Contaminated Land Officer does not raise any objections to the application and recommends an informative in relation to ground contamination. No comments are raised in relation to waste storage and collection.

#### Section 106 Agreement

31. If the dwelling was being recommended for approval, a S106 Agreement would be required to secure the payment of £1379 towards off-site play space.

#### **Overall Conclusion**

32. The absence of an assessment of allocated and previously developed sites by the applicant means that the application has not demonstrated compliance with Criteria (f) of Policy HS6 of the Local Plan Review.
33. Whilst there are no objections to the dwelling from a design, neighbour amenity and traffic/parking perspective, it is considered that the dwelling would have a harmful impact on the character and appearance of the streetscene as a result of its positioning in the open space adjacent to the footpath which links Eaves Green Road and Draperfield to the west.

## **Other Matters**

### Sustainability

34. Under Policy SR1, the dwelling would be required to be constructed to the requisite Code Level for Sustainable Homes. This would be secured through the imposition of a planning condition.

### Waste Collection and Storage

35. There is adequate space within the curtilage of the property for waste storage and given its location, the carry and collection distances set out in Manual for Streets would be complied with.

### Non-material planning considerations

36. At the time of the first application for the provision of a dwelling on this site in 2007, during the determination of the application, a dispute over the site boundary arose. This culminated in the application being withdrawn so as the applicant could resolve this issue with the Council. Liberata, the Council's Property Services provider advise that this was resolved in September 2010.
37. Obviously, since the time of the original application in 2007, changes to PPS3 mean that 'gardens' are no longer classified as 'previously developed land'. This eradicates the presumption in favour of such development. The Council has also prepared an Interim Planning Document entitled 'Private Residential Garden Development' to reflect changes to PPS3 hence the application now falls to be considered against this Policy.
38. Notwithstanding this, Criteria (f) of Local Plan Policy HS6 requires an assessment to be made of other allocated or available previously developed sites in the Settlement, which in this case is Chorley.
39. The applicant asserts that because of the delay with resolving the land ownership issue, the application should be viewed in a favourable manner by the Council.

## **Planning Policies**

### National Planning Policies:

PPS1 / PPS3

### Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / EP16 / EP18 / HS4 / HS6 / HS21 / TR4

Supplementary Planning Guidance:

- Design Guide

### Chorley's Local Development Framework

- Policy SR1: Incorporating Sustainable Resources into New Development
- Sustainable Resources Development Plan Document
- Sustainable Resources Supplementary Planning Document

### Joint Core Strategy

Policy 1: Locating Growth

Policy 4: Housing Delivery

Policy 5: Housing Density

Policy 6: Housing Quality

Policy 27: Sustainable Resources and New Developments

Sites for Chorley- Issues and Options Discussion Paper December 2010

### **Planning History**

07/00664/FUL - Proposed erection of 3 bedroom detached dwelling house (Withdrawn)

89/00980/FUL - Erection of prefabricated double garage (Approved)

## **Recommendation: Refuse Full Planning Permission**

### **Reasons**

1. **The proposed dwelling would have a detrimental impact on the character and appearance of the locality by virtue of the existing open character of the site and immediate locality being infilled with the dwelling. The proposed dwelling would therefore be contrary to Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review and Planning Policy Statement 3 (PPS3).**
2. **The proposed development is within the settlement boundary of Chorley on an unallocated and un-developed 'Greenfield' site. It has not been demonstrated to the Council that there are no suitable allocated or previously developed sites available within the settlement and as such the proposal is contrary to criteria (f) of Policy HS6 of the Chorley Borough Local Plan Review and PPS3: Housing.**