

Item D. 3 **06/00048/COU** **Permit Full Planning Permission**

Case Officer **Mrs Helen Lowe**

Ward **Pennine**

Proposal **Change of use from amenity space to garden and alterations to existing boundary wall/erection of perimeter fence.**

Location **10 Heys Lodge Dark Lane Whittle Le Woods Chorley Lancashire**

Applicant **Mr N Burton**

Background The application property is one of 10 recently created during the conversion of the former Howard Arms Public House, Whittle le Woods.

Proposal This application proposes the change of use of an area of land adjacent to No. 10 Heys Lodge from shared amenity space to residential curtilage (private garden); to enclose the northern and western boundary of that land with a 1m high wrought iron fence and to increase the height of the existing wall along the southern boundary by 30cm (using brick). The wall forms part of the undercroft parking area, adjacent to the access drive. The access drive is approximately 2.8m lower than the amenity space.

Planning Policy The application site lies within the Green Belt, as defined in the Adopted Chorley Borough Local Plan Review. The following policies from the Local Plan are considered relevant:

DC1 Development within the Green Belt
GN5 Building Design and Retaining Existing Landscape Features and Natural Habitats

The following central government guidance is also considered relevant:

PPG2 Green Belts

Planning History 9/01/00886/COU Change of use of public house into 10 dwellings and erection of 2 storey extensions to front and rear
Approved 23.01.02

9/03/00763/FUL Erection of 9 garages and gardeners store
Withdrawn 04.06.03

9/03/01154/FUL Conversion of existing outbuilding to 5 garages and erection of 5 new garages
Approved 08.03.04

Consultees Responses

The Councils Urban Design Officer has made the following comments on the proposals:

1. Raising the wall will upset the proportion of the wall and to a lesser extent the arches underneath;

2. Any increase in height will give the entrance drive a tunnel like character;
3. The impact on the setting of the building through sub-division of its existing open curtilage causes concern. The open aspect of the building at present enhances its setting and historical character (although it has no historical protection);
4. Should any sub-division be approved it is likely to upset this setting and set a worrying precedent in terms of further subdivision. Should this occur it will have a detrimental effect on the character of the development.

Whittle le Woods Parish Council have raised no objections to the proposals and requested that neighbours be consulted.

Third Party Representations

Three letters of objection has been received from occupants of neighbouring properties (Spring Mews). They make the following comments:

- Will block view/spoil outlook;
- Will cause overshadowing;
- Changes to the open setting of the properties will cause a fundamental change to the character and setting of the development.

Assessment

The main issues to consider in determining this application are impact on neighbour amenity, impact on the Green Belt and issues of design and appearance.

Neighbour Amenity

The main impact in terms of neighbour amenity would arise from the raising of the height of the existing wall and would mostly impact upon the occupants of Nos. 26-23 Spring Mews. The wall is approximately 8m from the rear boundary of the gardens of the properties affected and sited to the north. Due to the orientation it is not considered that any undue loss of daylight/sunlight or increase in overshadowing would occur as a result of the proposals. It is not considered that an increase in height of 0.3m, 8m away, is so significant that the wall would form an unduly overbearing or dominant feature when viewed from the properties on Spring Mews.

Green Belt

The formation of residential curtilage is normally considered to be inappropriate in the Green Belt, however it is considered that in this particular case very special circumstances do exist to allow the proposal. Although the land does not presently form part of a private garden, it is already in domestic use, and prior to that formed part of the grounds of the Howard Arms. The proposal would not result in a loss of land that is presently in an agricultural use, nor land that is rural in character. The proposed change of use would not change the existing character or likely activities that would take place on the land.

The erection of fencing and increased height of the existing wall would have some impact on the openness of the site, however due to the low height and open nature of the fencing proposed and existing character of the area, this is not considered sufficient reason to warrant refusal of the proposals. It is considered that the nature of the fencing (decorative wrought iron) is in keeping with the nature of the immediate surroundings.

Design and appearance

With regard to the comments of the Urban Design Officer, it is not considered that an increase in height of 0.3m will have such a significant impact upon its character and appearance to warrant refusal of the proposals. The height of the existing wall is approximately 3.5m; therefore an increase in height of 0.3m represents a relatively small increase.

A number of other properties on the development have small grassed areas adjacent to them and an obvious concern is that in allowing this proposal other properties would wish to do the same. These grassed areas are much smaller than the land that is the subject of this application some areas have been planted with low level formal planting. A wider area of land surrounding the development, is less formally laid out as communal open space.

The location of the land that is the subject of this application is such that it forms a very obvious association with the application property and does not appear as much of a part of the communal garden areas (both formal and informal) as other areas of the site. Any further proposals to form separate curtilages would require further planning applications to be submitted and the merits of such proposals would be assessed at the time. However it is considered that it is unlikely that other areas of the site are of an appropriate size and siting for residents to require their enclosure.

The property is not a statutory Listed Building, nor has it been identified as a locally important building in the Adopted Chorley Borough Local Plan Review. Accordingly it is not considered that a refusal on design grounds alone could be sustained.

Currently, as no properties on the site have individual residential curtilages, none benefit from permitted development rights. In order to be able to continue to exercise control over future development at the property it is recommended that a condition removing permitted development rights for future extensions and erection of outbuildings at this property is attached to this permission.

It is considered that the erection of detached outbuildings, such as sheds, summerhouses, inappropriately designed extensions etc. could have a significant detrimental impact upon the character of the overall development and its surroundings and should therefore continue to be strictly controlled

Conclusion

It is considered that the proposal would not cause undue harm to the neighbour amenity, the Green Belt or character and

appearance of the area and it is recommended that approval be granted.

**Recommendation: Permit Full Planning Permission
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 91 of the Town and Country Planning Act 1990.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (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: To protect the appearance of the locality and in accordance with Policy Nos. DC1, GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

3. No development shall take place until full details of the hedging to be provided along the northern boundary of the land edged red on the location plan has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The details shall indicate the species, density and size of the proposed planting. There shall be no additional planting along the western boundary of the land.

Reason: In the interests of the amenity of the area and in accordance with Policy Nos. DC1 and GN5 of the Adopted Chorley Borough Local Plan Review.

4. All planting comprised in the approved details of hedging shall be carried out in the first planting season following the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the appearance of the locality and in accordance with Policy Nos. GN5 and DC1 of the Adopted Chorley Borough Local Plan Review.

5. The wrought iron fencing detailed on the approved plan(s) shall be used and no other type of fencing substituted without the prior written approval of the Local Planning Authority. The fencing hereby approved shall be retained at all times thereafter and the approved fencing shall not be altered or replaced without first obtaining planning permission from the local planning authority.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy Nos. GN5 and DC1 of the of the Adopted Chorley Borough Local Plan Review.

6. The development hereby permitted shall not commence until samples of all materials to be used in altering the existing boundary wall (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 DC1 of the Adopted Chorley Borough Local Plan Review.

7. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no buildings or other works permitted by Part 1 Class E, F G and H and Part 2 Class A, nor any other structures, enclosures and other items (except the wrought iron fence and planting expressly authorised by this permission as shown on Plan 0512/05 received on 23rd December 2006) shall be constructed or erected on the land edged in red on the location plan without express planning permission first being obtained.

Reason: To avoid the unnecessary proliferation of buildings, structures, enclosures and other items within and detrimental to the character and appearance of the Green Belt and in accordance with Policy DC1 of the Adopted Chorley Borough Local Plan Review, and for the avoidance of doubt.
