

**Item 4c**                      **12/00712/REM**

**Case Officer**              **Caron Taylor**

**Ward**                              **Chorley North West**

**Proposal**                      **Reserved Matters application for the erection of three new dwellings giving details of appearance and landscaping of the proposed properties (relating to outline planning permission 07/01041/OUT)**

**Location**                      **4 Rectory Close Chorley PR7 1QW**

**Applicant**                      **Mr George Banks**

**Consultation expiry:** **29 August 2012**

**Application expiry:** **17 September 2012**

**Proposal**

1. The proposal is a Reserved Matters application for the erection of three new dwellings giving details of appearance and landscaping of the proposed properties (relating to outline planning permission 07/01041/OUT).

**Recommendation**

2. It is recommended that this application is approved.

**Main Issues**

3. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Housing Development
  - Density
  - Levels
  - Impact on the neighbours
  - Design
  - Open Space
  - Trees and Landscape
  - Ecology
  - Flood Risk
  - Traffic and Transport
  - Contamination and Coal Mines
  - Drainage and Sewers

**Representations**

4. 2 letters of objection have been received
  - The proposal would change the character of the area with the increase in the number of people living there and the increase in the number of cars and problems will occur when cars try to pass and prejudice road safety;
  - 4 bed houses are out of character with the adjacent 2 and 3 bedroom bungalows;

- The houses will overlook their property (number 3 Rectory Close) and obscure their views into Astley Park;
- Rectory Close is a private road;
- The lighting in the close is substandard;
- The proposal is garden grabbing;
- There are deeds on the land that say any building must be in keeping with the style and character of the area and materials should harmonise with surrounding properties.

## **Consultations**

5. No consultation responses have been received.

## **Assessment**

### Principle of the development

6. The principle of three new dwellings on the site has already been established by outline permission (ref: 07/01041/OUT). This was permitted by the Development Control Committee on 13 November 2007 but was not issued until 2009 when the associated s106 agreement was signed. The outline permission approved the layout, scale and access of the properties. The only aspects that were not approved were their appearance and the landscaping of the site. This application therefore only relates to the acceptability of these outstanding reserved matters.

### Levels

7. The levels of the site drop away to the west towards Astley Park. The property on plot 1 furthest to the west proposes to take advantage of this by the inclusion of an undercroft garage on one side and will have an associated retaining wall along the side of the driveway leading to it. The case officer has requested details of proposed floor levels and the acceptability of these will be reported on the addendum.

### Impact on the neighbours

8. The nearest property is number 3 Rectory Close, a bungalow which has a detached single garage to the rear against the boundary with the application site. The nearest proposed property will be on plot 3. This plot will have no windows in its side elevation facing towards this property. There is an existing bungalow (to be demolished) on this part of the site and although the proposed property will be higher than the existing bungalow and will have a gable with first floor accommodation and first floor dormers, the relationship with no. 3 is considered acceptable subject to conditions preventing the insertion of windows in the side elevation of plot 3.
9. The windows in the proposed properties face north or south, away from each other. The only side windows are at ground floor serving a dining or living area and are proposed to be obscure glazed. This can be controlled by condition as can suitable boundary treatments to ensure the amenity between the dwellings is maintained.
10. There are no properties to the north, west or south of the site. The proposal is therefore considered acceptable in terms of neighbour amenity in accordance with policy HS4 of the Local Plan.

### Design

11. The properties are as shown at outline stage, in that they are one and a half storeys in height (they incorporate living accommodation in the roof space) and this scale was approved at

outline stage. In terms of appearance which is for consideration this stage, the properties include a small gable and open porch on the front elevation at ground floor with two first floor dormers. To the rear there is a larger gable at first floor the same height as the ridge height with two further first floor dormers. The design of plots 2 and 3 are the same, however plot 1 is different having the garage as an undercroft and therefore the ground floor layout has a lounge rather than a garage. It is considered that the appearance properties are appropriate to the area and there are a variety of other properties in Rectory Close in accordance with Policy 17 of the Core Strategy.

#### Open Space

12. The outline permission has a Section 106 Agreement tied to it in relation to a public open space payment.

#### Trees, Landscape and Parking

13. There are four protected trees on the site (protected at the time of the outline application) covered by Tree Preservation Order 9 (Chorley) 2007. The position of the properties are as approved by the outline application and will not have a detrimental impact on these trees.
14. The site plan shows the dwellings each have a driveway sufficient for at least two cars to be parked as well as an integral garage. The garage will be conditioned to be retained as parking to ensure the properties meet the Council's parking standards of three spaces for properties will four or more bedrooms.
15. Paths will be provided to the front door of each property and the rest of the site provided as gardens to the properties.

#### Other Matters

16. Representations to the application have raised issues about the principle of the development and that it is garden grabbing but as discussed above the development of the site has already been established by the outline permission.
17. Comments that Rectory Close is a private road is not a planning issue which can be taken into account when determining the application. Planning permission does not however override other legal restrictions there may be on the land. Issues raised regarding the deeds of the properties are a separate matter and not enforced through the planning system.
18. It has been considered that the proposals are acceptable in terms of the character of the area.
19. Lighting on the close is not in control of the Highway Authority as it a private road, however unless this is changed then the properties will use the lighting that currently serves the existing properties.

#### **Overall Conclusion**

20. The principle of the dwellings and their siting, layout and access to the site has already been established by the outline permission. Their appearance of the properties and their landscaping is considered acceptable subject to finished floor levels being satisfactory.

#### **Planning Policies**

##### National Planning Policies:

National Planning Policy Framework

## Adopted Chorley Borough Local Plan Review

Policies: HS4

Supplementary Planning Guidance:

- Statement of Community Involvement
- 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

Policies 5 and 17.

### **Planning History**

**07/01041/OUT-** Outline application for the demolition of existing bungalow and erection of three new dwellings (access, layout & scale). Permitted by Committee November 2007 (issued October 2009).

### **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 51 of the Planning and Compulsory Purchase Act 2004.*
- 2. All windows in the ground floor of the west elevation of the dwellings hereby permitted shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy or equivalent.**  
*Reason: In the interests of the privacy of occupiers of neighbouring properties given the level difference on the site and in accordance with Policy Nos. GN5 and HS9 of the Adopted Chorley Borough Local Plan Review.*
- 3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be inserted or constructed at any time in the side elevations of any of the dwellings hereby approved.**  
*Reason: To protect the amenities and privacy of the adjoining property and in accordance with policy HS9 of the Adopted Chorley Borough Local Plan Review.*
- 4. The dwellings hereby permitted shall not be occupied until the driveway and access for each dwelling, as shown on plan 2140/PL/01, have been implemented in accordance with the approved plans.**  
*Reason: In the interests of highway safety and to avoid on street parking.*