

Item 4c **12/00655/FUL**

Case Officer **David Stirzaker**

Ward **Astley and Buckshaw**

Proposal **Retrospective application for conversion of garage to habitable room (including permanent closure and incorporation of former pedestrian access pathway adjacent to garage from Blacksmith Walks to rear parking area into the habitable accommodation of the dwelling)**

Location **10 Blacksmith Walks, Buckshaw Village, Chorley Lancashire, PR7 7BP**

Applicant **Mr Sean Sculfor**

Consultation expiry: **6 August 2012**

Application expiry: **29 August 2012**

1. Members will recall that this application was reported to Development Control Committee on 2 October 2012 wherein it was deferred for a site visit which was undertaken on 16 October. The recommendation, that this application is granted conditional planning approval remains as per the original report.

Proposal

2. This application is retrospective and has been submitted following an investigation by the Council's Planning Enforcement Team. This application is seeking planning permission to regularise the conversion of a garage to habitable accommodation which has also incorporated a pedestrian access to a rear communal car parking area into part of the habitable accommodation of the property.
3. The application site comprises 10 Blacksmith Walks. The property is a modern one bedroom ground floor apartment located on Buckshaw Village. Planning permission is required for the development as a condition attached to the original planning permission for the development prohibits the conversion of garages to habitable living accommodation.
4. As stated, the flat occupies the ground floor of a two storey property terraced property and there is a first floor apartment above the applicant's ground floor property. To the rear of the property is a communal car parking area which serves the applicant's property and the others adjacent to it.
5. When originally constructed, between the applicant's property and the garage, the covered pedestrian walkway enabled residents to access the car parking area to the rear of their properties without having to walk around onto Baker Close and then through the underpass from Baker Close.

Recommendation

6. It is recommended that this application be granted retrospective planning permission.

Main Issues

7. The main issues for consideration in respect of this planning application are:
 - Applicants Case
 - Background information
 - Impact on the neighbours
 - Design

- Traffic and Transport

Representations

8. Letters of objection have been received from three local residents, the contents of which can be summarised as follows: -
- This causes a great inconvenience for me and my husband, who have stopped parking at our designated parking space and garage due to the distance we now have to walk
 - The value of our property would fall, as there is no access close by, and I myself would never consider to buy a property like this
 - Me and my husband plan to have children, I would want to park on my designated area instead of on the road, however, to have to struggle such a great distance with children, carrier bags, etc.
 - Also to unload my car on the road with children would cause safety issues and I also feel unsafe having to walk all the way round in the dark on my own, when I return from matches, which can be late on
 - A Police Community Support Officer has asking that residents park in designated areas, which I refuse to do while the walkway is blocked, but will happily do once it is reinstated
 - I used the car park many times and walked through this alley and never saw graffiti, gangs, needles etc.
 - The only problem I only encountered was cheese wire that was attached to the walls across the alley
 - The work was done without any consultation with residents who the closure would affect i.e. this being the only access to their parking space and garage without a long walk involved
 - Some residents have received a letter from the local policing officer asking them to use their allocated parking spaces which will not happen if they have to walk all the way round to their front doors
 - If there was as stated a group of youths gathering at night, where the police informed at any point as to this problem as there would be a record of this kept by them
 - Is there any photographic evidence of the litter and needles left in the passage way?
 - Why was a locked gate not put across the access with keys for residents instead of it being made into part of the applicants living room
 - If Barratt Homes did the building work as suggested, they will have records of it
9. Letters of support have been received from eighteen local residents which in general state that the closure of the walkway has mitigated anti-social behaviour. The contents of these letters can be summarised as follows: -
- The access was directly opposite my house and the subject of graffiti and broken bottles and alcohol related cans/bottles
 - This has made a huge difference to the immediate area and has seen the gathering of youths/anti-social behaviour move away from Blacksmith Walk
 - I fully support this application
 - Before the work, the walkway had been used by gangs of teenagers as a hangout from the weather and empty beer cans and litter was found along with a used needle
 - The car park is marked as private property but was being used as a shortcut through the village
 - The car park itself was originally illuminated by a large light when first completed but Barratts removed the light and the car park is now only illuminated by a street light some distance away as Barratts never put a light back in the car park
 - I did not feel safe using the walkway as a lone woman when it was dark
 - The general public used it as a shortcut
 - On several occasions, youths were using this as a shelter to hang around in at night and drink, there were occasions when they discarded empty alcohol containers in the car park and on parked cars
 - I would much rather use the "long way round" than walk through this dark passageway alone
 - I now feel safer using this car park at night knowing that there is only one entrance/exit to the car park and the parking area will only be used by residents
 - When the walkway was open, it was a magnet for trouble
 - Blacksmiths Walks is in fact private land, so no other person bar the 14 residents should

have used the access, moreover the people that are named named on title deeds

- I recently saw on a Sunday morning that glass was covering the path as if someone had thrown bottles, there was also house that was covered with eggs whilst cars have been scratched and sprayed with paint
 - The closure of the walkway has seen a vast improvement in the area of Blacksmith Walks
 - The old "walkway" was just a magnet for gathering youths and the dumping ground for beer cans and bottles
 - People still have access to their garages and the area is now more secured and lit
 - How can house prices be affected when the area is more secure
10. The applicant has also made additional comments which can be summarised as follows: -
- I am shocked that after 3yrs there is an issue with the works
 - Crime on the estate has rocketed
 - Anti-social behaviour has taken place in the area including car damage and bottles thrown on the path and my conservatory
11. No comments have been received from the Parish Council

Consultations

12. The **Architectural Design and Crime Reduction Advisor** states that a crime and incident search for the period 20/07/2012 to 20/07/2012 has been undertaken and whilst this shows that there have been crimes committed within the immediate vicinity of this location during this time, none of them are directly related to the closure of the walkway or conversion of the garage. The **Architectural Design and Crime Reduction Advisor** goes on to state that the original arrangement of a covered walkway leading to a rear parking arrangement would have been discouraged and that it is preferable that footpaths are not placed to rear and side properties. Also, if they are essential to give access to the rear of properties (e.g. for car parking they must be gated) and gating arrangements should be secured with a key operated lock which is lockable from both sides. This type of covered walkway can be a crime generator and cause problems for residents as a place for youths to congregate. As this application is retrospective, the **Architectural Design and Crime Reduction Advisor** does not have any objections to make but wishes to clarify that the original arrangement should have been avoided in the first instance or it should have been secured with gates at both ends which where flush with the building line whilst keys could have been provided for residents to gain access. It is also stated that the car parking arrangements at the rear of the applicants property should be well lit with both
13. **Lancashire County Council (Highways)** advise that the retention of a single car parking space means the level of car parking is still sufficient to serve the property which has a single bedroom hence there are no highways objections to the loss of the parking space originally provided by the garage. They go on to state that with regards to the closure of the pathway providing access to the rear car parking area, it is evident from a site inspection that adjacent properties are similarly treated and do not necessarily provide for a separate pedestrian pathway from the main road. The current situation is therefore typical of residential design on Buckshaw Village, that is, rear car parking areas with vehicle access only and no separate pedestrian pathway. As such the vehicle access via an underpass arrangement from Baker Close through the residential building provides a shared vehicular and pedestrian use, which was observed during the site visit with residents readily walking through from Baker Close. The underpass access is typically 3m wide with a further 200mm wide internal recess to the main building line on the inside on either side. Walking through the tunnel can be slightly intimidating with a potential for conflict with cars especially if carrying shopping or pushing a pram/wheelchair for example so as such, it may not always prove suitable for everyone, but under the circumstances, residents generally have the benefit of using their rear property door to gain access to and from the rear car park should they so wish. However, residents do readily and freely walk through the underpass access therefore the principle is already established and agreed. As the pedestrian passageway is not of public use, it is unlikely to have another highway implication and ultimately, building over the passageway may well come down to a private matter to be resolved between the parties involved. **Lancashire County Council (Highways)** conclude by stating that from a highway viewpoint, it may be difficult to

sustain any strong objection to the application.

Assessment

Applicants Case

14. This application has arisen as a result of an enforcement investigation following a complaint made to the Council by a local resident. The works to the property were undertaken and completed several years ago in 2009.
15. The applicant's agent states that in 2009, the applicant and the other residents were having problems with anti-social behaviour centred on the covered walkway next to number 10 Blacksmith Walks (the applicant's property) and the police became involved on many occasions. After discussions with Barratt Homes on site, it was agreed that the applicant would pay to have the path sealed off with gates. However, this did not solve the problem and the residents decided that the options were to place an electric gate across number 3 Baker Close or for the applicant to block off the walkway on a permanent basis. Each of the neighbours was prepared to confirm that the footpath should not be reopened for the safety and security of all the properties around Blacksmith Walks.

Background Information

16. Barratt Homes have also been in contact with the applicant and on 6th March 2012 requested in writing that the walkway be reinstated to its original form with immediate effect, unless the applicant could provide Barratt Homes with a signed letter from all of the current occupiers of the dwellings affected by the closure of the walkway confirming their agreement for the work to remain, a satisfactory planning permission from the Council, confirmation from the Council that the level of car parking is acceptable, a satisfactory building regulations approval from the Council and a letter from the management company stating that they are happy for the area to be maintained by the applicant and that it is understood that it will no longer fall within their remit. Barratt Homes wrote to the applicant again on 24th April 2012 reiterating the above. Barratt Homes state in the letter that failure to produce the required information will result in Barratt Homes seeking legal advice on the matter.
17. The applicant's property comprises a ground floor apartment which is part of a small cluster of properties which front onto Blacksmith Walks with car parking provided to the rear in a courtyard arrangement accessed from Baker Close via an underpass below no. 3 Baker Close. The properties on Blacksmith Walks all front onto a pedestrian walkway.
18. There are three first floor apartments on Blacksmith Walks and two of these do not have direct access to the rear parking courtyard (nos. 7 and 11 Blacksmith Walks). The coach house type apartment adjacent to the applicant's property sits above garages at ground floor level and this property does have direct access to the rear parking court through its ground floor hallway.

Impact on the neighbours

19. The conversion of the garage and the pedestrian walkway does not cause any physical harm to the living conditions of the occupiers of the adjacent and adjoining properties as the only physical elements at the front are walls and windows which are flush with the front and rear elevations of the property as originally constructed.
20. However, the main issue is that the closing up of the pedestrian access has resulted in the need for residents to walk around the front of the properties which back onto the car park then onto Baker Close for a short distance and then through the underpass to the car park from Baker Close. This has reduced the pedestrian permeability of this part of the development. The distance from the original entrance to the walkway on Blacksmith Walks adjacent to the applicant's property at the front, to the original position of it at the rear where it would have enabled access to the car park is approx. 72 metres. This is therefore the additional distance that has to be walked by the occupiers of properties which do not have direct access to the car parking area from the rear of their properties.
21. There are two properties on Blacksmith Walks which do not have such direct access and these properties are first floor apartments, one of which is above the applicant's property (no. 11 Blacksmith Walks) with the other being no. 7 Blacksmith Walks. All of the other properties have

the benefit of direct access to the said car parking courtyard including the coach house style property adjacent to the applicants.

22. Given that the occupiers of the first floor apartments can no longer cut through to the car parking area via the walkway as a result of the works undertaken by the applicant, the judgement is whether or not this impact, as a result of the works undertaken by the applicant, is a reason why retrospective planning permission should be refused.
23. As already stated, the Architectural Design and Crime Reduction Advisor does not raise any objections to the application and has stated that the original arrangement should have been avoided in the first instance or it should have been secured with gates at both ends flush with the building line providing residents with keys for access. Also, LCC (Highways) do not raise any objections to the application on highway safety grounds. In light of these consultation responses, it would be difficult to justify a reason for refusal on crime and safety or highway safety grounds without support of the Architectural Design and Crime Reduction Advisor or LCC (Highways).
24. It must also be noted that a grant of retrospective planning permission for the works would not override the rights of way afforded residents in the deeds to their properties.

Design

25. The original covered walkway between the applicant's property and garage was open. At the front, this has been closed up with a window and low wall in materials which match the property so from a design perspective, the works to close the access have been undertaken in a manner sympathetic to the original property and wider development. To the rear, the garage door has been retained and the pedestrian walkway opening has been closed with a window akin to the front elevation so there is little change when the property is viewed from within the parking court area.
26. From a design and streetscene perspective, it is therefore considered that the works have not resulted in detrimental harm to the character and appearance of the applicant's property or that of the street scene hence the application is considered to be acceptable on these grounds.

Traffic and Transport

27. The conversion works have resulted in the pedestrian permeability of Blacksmith Walks being reduced since those residents without direct access to the car parking courtyard must walk onto Baker Close then underneath no. 3 Baker Close. This involves walking an additional distance of approx. 72m. LCC (Highways) do not raise any objections to this change to the way in which pedestrians access the car parking spaces.
28. The applicant's property is a single bedroom ground floor apartment. The property would have originally benefitted from 2 no. car parking spaces. The conversion of the garage has reduced this to a single space but this is still sufficient to serve the property given it only has a single bedroom. LCC (Highways) do not raise any objections to the level of car parking retained to serve the property given it only has a single bedroom.
29. In other respects (LCC Highways) do not raise objections to the application in terms of use of the underpass access by pedestrians accessing the rear car parking court that would have originally accessed it via the pedestrian walkway given this is already in place and being utilised by local residents.

Overall Conclusion

30. The conversion of the garage and the pedestrian walkway has had some adverse impact on local residents, particularly the occupiers of the first floor apartments who do not have direct access to the rear car parking area. It is the occupiers of these properties which have to walk the extra distance stated around to the car parking area at the rear of Blacksmith Walks. The occupier of one of these first floor apartments has objected to the application.
31. However, there are no objections to the application for the conversion of the garage and the closure of the walkway from either LCC (Highways) or the Architectural Design and Crime

Reduction Advisor. The extra distance which the occupiers of the first floor apartments have to walk to gain access to the rear car parking court has to be balanced against the fact that the closure of the pedestrian walkway has resolved the original design issues highlighted by the Architectural Design and Crime Reduction Advisor.

32. In the absence of objections from either of the above consultees, it is considered that there are insufficient reasons to form the basis of a reason to refuse planning permission for this application.

Other Matters

Non-material planning considerations

33. In terms of the objection citing the issue of loss of property value, this is not a material planning consideration. Whilst planning permission can be granted for the conversion of the garage and the permanent closure of the pedestrian access by way of its incorporation into the applicant's property, it should be noted that such planning permission does not override any rights of way that property owners may have been granted in the deeds to their properties, over the land in question or indeed the ability of Barratt Homes to take legal action against the applicant to remedy the works undertaken as enforcing these rights is a separate legal matter which the planning permission, if granted, does not override.

Planning Policies

National Planning Policies:

NPPF (National Planning Policy Framework)

Adopted Chorley Borough Local Plan Review

Policies: GN1 / GN5 / HS9 / TR4

Supplementary Planning Guidance:

Householder Design Guidance

Joint Core Strategy

Policy 17: Design of New Buildings

Planning History

09/00072/FUL - Rear conservatory – Permitted on 30th March 2009

Recommendation: Permit retrospective planning permission Conditions

1. The approved plans are:

Plan Ref.	Received On:	Title:
-----	20 August 2012	Existing Floorplan & Elevations
-----	20 August 2012	Location Plan, Site Plan & Proposed Floor Plan & Elevations (as built)

Reason: To define the permission and in the interests of the proper development of the site.