

Item D. 6                      06/00667/FUL                      Permit Full Planning Permission

Case Officer                      Miss Caron Taylor

Ward                                      Chisnall

Proposal                              Erection of new dwelling to replace existing,

Location                              60 Chorley Lane Charnock Richard Chorley PR7 5ES

Applicant                              Mr M Wright

**Proposal:**                              The application is for erection for a new dwelling to replace the existing at 60 Chorley Lane, Charnock Richard.

**Background:**                              The site is unusual in that the application property was once the end property of a row of terraces that ran from no. 50 to no. 60. However, in the past no. 58, which sat between no. 56 and the application property was demolished and the space that was left was split between the two properties to make a driveway for each.

The existing property at 60 Chorley Lane is therefore a detached property. It is in a poor state of repair and in the past it had a single flat roofed garage on its northeast elevation up to the boundary with no. 56, although this has now mainly gone, with only its rear elevation still on the site.

**Planning History:**                              98/00067/FUL                              Two-storey side extension, first floor extension over existing garage and single-storey rear extension: Permitted but not implemented  
04/00480/OUT                              Demolition of existing dwelling and erection of detached house – Permitted but not implemented to date.

**Planning Policy:**                              GN4: Settlement Policy – Other Rural Settlements  
Windfall Housing Supplementary Planning Guidance

**Consultations:**                              **Lancashire County Highways**  
Have no objection to the principle of the proposed replacement dwelling, but advise a turning facility within the site (which is provided).

**Environmental Services (Landfill Gas)**  
The application lies within 250m of a former landfill site. However, based on the distance from the application to the landfill site, or what is known about the risk from landfill, gas migration is considered low.

**Representations:**                              Charnock Richard Parish Council has no objection to the proposal.

A letter of objection has been received from no. 56 Chorley Lane. They state that the House Extension Design Guidelines say there should be 1m between the side of the dwelling and the boundary. They intend to submit an application for a two-storey side extension in the future and feel if they have to comply with this guideline so should this application for a dwelling.

In addition, they state the building still projects 15.5 feet beyond their sun lounge windows to the rear of the property [it actually projects 13.1 feet/4 metres], with the blank wall of the rear two storey projection only 8.5 feet (2.7m) from their garden wall, with a pitched roof of 20 feet (6m). This will cause an overbearing effect to their rear ground floor outlook, greatly overshadowing their garden and sun lounge and be visually intrusive.

They also feel at some point the flat roof of the single storey to the rear will be used as a balcony and they would find this unacceptable and an intrusion of their privacy.

**Assessment:**

**Highways/Parking**

The proposal will incorporate a single integral garage and there will be 6m in front of the garage to allow a vehicle to be parked clear of the highway. In addition a turning head is provided in front of the property in line with comments from County Highways, allowing a vehicle to enter and leave the site in a forward gear. Therefore, it is considered that the proposal will not have a detrimental impact on highway safety and will actually improve the situation from what exists at present.

**Neighbour Amenity**

The main impact will be on no. 56 Chorley Lane, now the end of the row of terraces. The proposals comply with the guidelines in HEDG in terms of the 45-degree angle for the two-storey element and the 3m plus 45-degree angle for the single storey element. These have been drawn from the side window of the lounge, at the point it joins the house. The single storey element of the rear will be flat roofed so its impact on no. 56 will be reduced.

No. 56 has a side window in the elevation that will face the new dwelling, which serves the lounge. Although it is accepted that some light will be lost to this room, the main ground floor window on the front elevation also serves it, so is not a principal window.

In terms of the terracing effect, I accept the comments made by the residents of no. 56 Chorley Lane. However, in 2004 outline planning permission was granted for one dwelling on the site (04/00480/OUT), which included details of the siting and access. The approved plans show the siting of the dwelling only half a metre from the boundary with the neighbouring property. As this permission could still be implemented it is a material consideration in deciding this application and it is therefore considered that it would be very difficult to refuse the current application on the grounds of terracing policy. There is also no guarantee that the objectors would apply for permission.

The only side window in the proposed dwelling facing no. 56 will serve a landing and so is not a principal window and the nearest first floor window to this property on the rear will serve a bathroom so again is not a principal window.

The single storey element at the rear of the proposed dwelling will have a flat roof. However, its possible use as a balcony in the future can be prevented by a condition, to ensure the privacy of neighbouring properties.

In terms of no. 62 Chorley Lane, the bungalow to the east of the

application site, it is not considered that the proposals will have an unacceptable impact on this property. No. 62 has a garage on the boundary with the application site and the only window in its gable faces this garage. The other windows on the side of this property are on the side elevation facing into the garden of the property. In the proposed dwelling the only window in the west elevation facing no. 62 serves a bedroom and will look over the roof of the bungalow and garage.

### **Trees**

Although the proposals will involve the removal of a tree on the west boundary of the application site it is not considered that this tree would warrant a Tree Preservation Order as it is set approximately 14m back from the highway and its contribution to the street scene and amenity of the area is therefore limited. An existing tree on the front boundary of the property is to be retained.

### **Design and Appearance**

The proposed dwelling will be larger in size than the former end terraced property that exists on the site. However, it is considered that the property will not have a detrimental impact on the street scene as there are a variety of different properties in the immediate vicinity. In addition it will be set further back from the highway than the existing dwelling and the adjacent row of terraced properties.

### **Windfall SPG**

The proposals are not contrary to the Interim Supplementary Planning Guidance on Windfall Housing as the demolition of a dwelling and its replacement with one dwelling is an exception to the policy.

**Conclusion:** Therefore, for the reason above the application is recommended for approval.

### **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. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building slab levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

*Reason: To protect the appearance of the locality, in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 of the Adopted Chorley Borough Local Plan Review.*

3. The development hereby permitted shall not commence until samples of all external facing materials to the proposed building(s) (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 No. GN5 of the Adopted Chorley Borough Local Plan Review.*

4. Notwithstanding the provision 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 other than those expressly authorised by this permission, or as subsequently agreed in writing by the local planning authority, shall be inserted or constructed at any time in the dwelling hereby permitted.

*Reason: To protect the amenities and privacy of the adjoining properties.*

5. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 or any subsequent re-enactment thereof, no extension to the dwelling, outbuilding, or other works permitted by Schedule 2, Part 1, Class A, B, C, D and E shall be constructed or erected without express planning permission first being obtained (other than those expressly authorised by this permission).

*Reason: To protect the amenities of the adjacent properties.*

6. That part of the access extending from the kerb line/edge of carriageway for a minimum distance of 5 metres into the site shall be paved in permanent construction, in accordance with details to be first approved in writing by the Local Planning Authority, before the access is used for vehicular purposes.

*Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users and in accordance with Policy No. TR4 of the Adopted Chorley Borough Local Plan Review.*

7. Prior to first occupation of the dwelling hereby permitted the facility to enable a vehicle to enter, park and leave the site in forward gear shall be laid out in accordance with the approved Site Plan and this facility shall remain available for use as such thereafter.

*Reason: Vehicles reversing to and from the highway are a hazard to other road users and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.*

8. Before the development hereby permitted is first commenced, full details of the position, height and appearance of all fences and walls to be erected on site boundaries shall be submitted to and approved in writing by the local planning authority. The dwelling shall not be occupied until all fences and walls have been erected in conformity with the approved details.

*Reason: To ensure a visually satisfactory form of development, to provide reasonable standards of privacy to residents and in accordance with Policy HS4 of the Adopted Chorley Borough Local Plan Review.*

9. Before the occupation of the dwelling hereby approved commences, the windows in the first floor of the building's rear elevation labeled 'Family Bathroom' and 'Ensuite' on the approved plan stamped 7<sup>th</sup> June 2006, shall be fitted with obscure glass, the details of which shall be agreed in writing before development commences and obscure glazing shall be retained at all times thereafter.

*Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.*

10. The flat roof to the rear projection of the dwelling hereby permitted shall not be used as a terrace or balcony and no balustrade shall be fitted to its perimeter.

*Reason: In the interests of the privacy of occupiers of the neighbouring properties and in accordance with Policy No. GN5 and HS9 of the Adopted Chorley Local Plan Review.*

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