

Item 4h **13/00361/FUL**

Case Officer **Caron Taylor**

Ward **Pennine**

Proposal **Retention, conversion and extension to barn to form detached dwelling (forfeiting previous permission ref: 10/00757/FUL for dwelling to front of site)**

Location **Little Knowley House 19 Blackburn Road Whittle-Le-Woods ChorleyPR6 8LD**

Applicant **Mr Lee Bootle**

Consultation expiry: **10 June 2013**

Application expiry: **9 July 2013**

Proposal

1. Retention, conversion and extension to barn to form detached dwelling (forfeiting previous permission ref: 10/00757/FUL for dwelling to front of site)

Recommendation

2. It is recommended that this application is granted planning approval subject to the associated legal agreement (unilateral undertaking).

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Background information
 - Principle of the development
 - Impact on the neighbours
 - Design and Layout
 - Trees and Landscape
 - Ecology
 - Traffic and Transport
 - Public Right of Way
 - Contamination and Coal Mines

Representations

4. One letter of objection has been received on the following grounds:
 - The site is the subject of an enforcement notice subject to an unsuccessful appeal – it was refused because the outbuilding’s height is clearly visible from Blackburn Road which is at a lower level across open land to the west and on that basis harms the openness of the Green Belt;
 - These circumstances remain largely unchanged today except the original house has been demolished;
 - It is clear the building has never been intended as an outbuilding but as a house;
 - The law should be upheld and the enforcement notice complied with.
5. Whittle-le-Woods Parish Council
State their only concern is the use of appropriate materials.

Consultations

6. **United Utilities**
Have no objection to the proposed development subject to conditions and informative notes.

Assessment

Background Information

7. The site has a complicated recent planning history. There was originally one detached dwelling on the site that was close to and fronted Blackburn Road. This property applied for a first floor side and rear extension and single storey rear extension in 2006, which was withdrawn (ref: 06/00027/FUL).
8. In 2008 another application was submitted (ref: 08/01019/FUL) which was part retrospective for a first floor side and rear extension, erection of a single storey rear conservatory and alterations to the roof. The application as recommended for refusal but was withdrawn before a decision was made on it.
9. A further part retrospective application (ref: 08/01193/FUL) was submitted. Work had already started on the extension and an enforcement notice had been authorised by committee but was not issued pending the outcome of this application. The application was refused.
10. Alongside this a large outbuilding was erected at the property over 4m in height which required planning permission, but did not have it. The Council therefore issued two enforcement notices, one directed at the extension to the property requiring it to be demolished and one directed at the outbuilding requiring it to be reduced in height to 4m.
11. In the meantime an application was made (ref: 10/00520/FUL) to demolish the dwelling that then existing on the frontage and construct a replacement. This was refused in September 2010, however a later application (ref: 10/00757/FUL) for a replacement dwelling was approved in December 2010.
12. Appeals against the enforcement notices were made, both were dismissed and the enforcement notices upheld.
13. The dwelling that had permission to be replaced was demolished, therefore implementing planning permission ref: 10/00757/FUL. Demolishing the dwelling overcame the enforcement notice directed at the extensions, however the outbuilding still remains on site.
14. The current application proposes to retain the outbuilding and convert it to a dwelling (with extensions) but forfeit permission ref: 10/00757/FUL (that could still be built as it has been implemented by demolishing the previous property).

Principle of the development

15. A new dwelling in the Green Belt would normally be inappropriate development, however the outbuilding to be extended and converted would be instead of the previously approved replacement dwelling. Although it would not be on the same footprint as the previously approved dwelling it would be within the curtilage of the property. In accordance with the National Planning Policy Framework (NPPF) gardens in the Green Belt fall within the definition of previously developed land as the site is not in a built-up area. In accordance with the last bullet point of paragraph 89 of the NPPF the partial or complete redevelopment of previously developed sites is appropriate development providing what is proposed would not have a greater impact on the openness of the Green Belt and the purpose of including land within in than the existing development.
16. Although the previous dwelling has been demolished, the permission to replace it has been implemented. This fall back position is a material consideration that is considered to carry substantial weight in the determining of this application.
17. The extant replacement dwelling on the site approved under 10/00757/FUL was 1321m³ in volume, a 32% increase on the dwelling that previously stood fronting Blackburn Road. The dwelling now proposed (through conversion of the outbuilding plus extensions) does not exceed this volume (amended plans have been received as part of this application reducing the size of the proposal so it is the same volume as the extant dwelling) of what could be built under the fall back position. It is therefore considered that the current proposal will not have a

greater impact on the openness of the Green Belt and the purpose of including land within in than the existing development and the proposal is therefore acceptable in principle.

18. The proposal is however only acceptable if the replacement dwelling at the front of the site is not constructed. The application has submitted a Unilateral Undertaking legal agreement agreeing not to build that dwelling if this application is permitted. This is a material consideration in determining the application and the Unilateral Undertaking will provide a legal safeguard preventing two dwellings on the site.

Impact on the neighbours

19. There are no immediate neighbours that bound with the application site. The nearest properties to the north are Gorse House (28 Blackburn Road) that is approximately 95m away on the other side of Blackburn Road to the proposed property and Little Knowley Barn (39 Blackburn Road) on the same side as the proposed property approximately 100m away. To the south the nearest property is 23 Guildford Avenue that backs onto Blackburn Road and is approximately 170m away. Due to the distance of these properties from the proposed dwelling it is not considered that the proposal will have a detrimental impact in terms of neighbour amenity.

Design and Layout

20. The existing building is built of stone and will be extended to the south. It will be two-storey with a large cat-slide roof over the extended part. It will also have a two-storey projecting gable on the rear elevation. The design takes its lead from agricultural buildings and materials, with features such as arched openings that mimic the look of former cart openings.
21. The dwelling will be set back significantly from Blackburn Road (approximately 30m) the B6228. As the land drops away from the road and so the dwelling will be set down in the landscape. The views of the proposal are considered acceptable from the B6228.
22. The side and rear of the property will also be visible from Blackburn Road (the A674). This is at a lower level than the property and it will therefore be visible from this road, although mainly in winter when there is less tree cover. However, the materials to be used reflect those found in rural areas and the proposal is considered acceptable in this respect in accordance with Policy 17 of the Core Strategy.

Trees and Landscape

23. There are a number of trees on the site although it is not considered the proposal will have a detrimental impact on them. The extension of the building will be to the south and the trees immediately adjacent to the building are to the west side of the building.

Ecology

24. The building has been built in the last five years. It is of modern construction with cavity walls and sealed eaves and soffits. It is not considered the building has features that provide a habitat for protected species.

Traffic and Transport

25. The property will use the existing two access points on to Blackburn Road which is considered acceptable.
26. There is sufficient parking for a number of vehicles off-road, far in excess of the Council's parking requirement of three spaces for properties of four or more bedrooms.

Public Right of Way

27. There are no public rights of way affected by the proposal.

Contamination and Coal Mines

28. The site is in a Low Risk Area as identified by the Coal Authority. This requires an informative note to be placed on any permission.

Section 106 Agreement

29. A Unilateral Undertaking has been submitted with the application that secures that the previously permitted dwelling at the front of the site will not be constructed. This has been taken into account as a material consideration in the acceptability of the proposal.

Overall Conclusion

30. The application is recommended for approval subject to the legal agreement.

Planning Policies

National Planning Policies:

The National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: DC1, GN5, TR4

Joint Core Strategy

Policy 1, 17

Recent Planning History

06/00027/FUL Withdrawn, February 2006. First floor side and rear extension and single storey rear extension,

08/01019/FUL Withdrawn, 10 November 2008. Part retrospective application for the erection of a first floor side and rear extension, erection of a single storey rear conservatory and alterations to the roof.

08/01193/FUL Refused, 23 January 2009

Part retrospective application for the erection of a first floor side extension and formation of a first floor rear extension

10/00520/FUL Refused, 13 September 2010

Proposed demolition of existing dwelling and construction of replacement dwelling

10/00757/FUL Approved December 2010

Proposed demolition of existing dwelling and construction of replacement dwelling, (resubmission of application 10/00520/FUL still pending).

Recommendation: Permit Full Planning Permission Conditions

- All external facing materials to be used in the extension to the building hereby permitted shall match in colour, form and texture those on the existing building.**
Reason: In the interests of the visual amenity of the area in general and the existing building in particular.
- 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.
- The hereby permitted shall be carried out in accordance with the following approved plans:**

Title	Drawing Reference	Received date
Proposed extension and changes to Little Knowley House	0.01A	8 July 2013

Reason: For the avoidance of doubt and in the interests of proper planning.