

**Item 4d**                      **13/00631/FUL**

**Case Officer**              **Adele Hayes**

**Ward**                         **Heath Charnock And Rivington**

**Proposal**                    **Erection of free standing adapted residential unit for disabled relative**

**Location**                  **26 Long Lane Heath Charnock Chorley PR6 9EN**

**Applicant**                  **Mr A D Rudd**

**Consultation expiry:** **20 August 2013**

**Application expiry:** **11 September 2013**

### **Proposal**

1. Planning permission is sought for the erection of a detached building within the residential curtilage of 126 Long Lane, Heath Charnock, which would be occupied as a 'granny annexe' by a member of the applicant's family who has special and specific needs.
2. The existing house is a semi-detached property located in the Green Belt at the edge of a small enclave of buildings built on the western side of Long Lane, close to its junction with Slacks Lane.
3. The land to the north is open and there are substantial trees to the rear (west) of the site within the garden of the adjoining property, Bent House.
4. The proposed building would be located towards the north western corner of the existing garden, approximately 3 metres from the western boundary. It would measure approximately 11 metres x 7 metres and would have a pitched roof with a maximum height to the ridge of approximately 5.8 metres above ground level. The elevations would be stone faced and the roof would be laid in slate incorporating a dormer window to the front (eastern) slope to allow usable space at first floor that would be occupied by a full-time carer.
5. Vehicular access to the site would be retained via the existing driveway and no independent vehicular access is proposed.
6. Members should note that the applicant is related to an officer of the Planning Services Unit, and the principal dwelling is occupied by that officer. Hence the application is brought before the Development Control Committee for consideration.

### **Recommendation**

7. It is recommended that this application is granted conditional planning approval.

### **Main Issues**

8. The main issues for consideration in respect of this planning application are:
  - Principle of the development
  - Design
  - Impact on the neighbours

### **Representations**

9. 7 letters of objection have been received citing the following grounds of objection:
  - New building has not been permitted in this area for some 50 years because the area is principally agricultural and should retain its rural appearance.

- The land itself has been used for sheep grazing until recently and is classed as Green Belt.
- The effect of a two storey house would impact greatly on all immediate neighbours. It would be clearly visible and would significantly change and dominate the outlook from the rear of all four cottages on Bent Row. This would also affect light to the rear of the cottages.
- To the rear of the proposed building are many beautiful mature trees that may be felled spoiling the natural environment.
- The building could become a separate dwelling in the future.
- The proposed development would interfere with extensive views beyond this property especially in winter and instead of views being of greenery, trees and foliage will be of a new construction which is unattractive.
- As a two storey building the proposed development will block the view for neighbours from the rear of their properties.
- A two storey property in this area of beautiful countryside is detrimental all round.
- This proposal is inappropriate within Greenbelt and contravenes National Planning Policy Framework guidelines. In particular Section 9 items 87 and 89.
- This development would obscure the open aspect from Bent House.

### **Consultations**

10. **Parish Council** - objects to the proposal on the grounds that it is development in the Green Belt, and would also cause access problems.
11. **United Utilities** - no objections.
12. **Lancashire County Council (Highways)** - no comments received
13. **Chorley's Waste & Contaminated Land Officer** - no comments

### **Assessment**

#### Principle of the development

14. The National Planning Policy Framework (the Framework) sets out national planning policy on Green Belts. The Framework sets out that there is a general presumption against inappropriate development in the Green Belt and advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It advises that development which is harmful to the Green Belt should only be permitted in 'very special circumstances' and that these will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. This is echoed in Policy DC1 of the Chorley Local Plan.
15. However, residential outbuildings, may not necessarily be inappropriate development in the Green Belt providing they appear subordinate and are commensurate in scale and function to the original house.
16. The intention of the proposed development is that it would provide incidental living accommodation for a family member who has special needs and this could be secured by the imposition of a condition.
17. The development would result in a detached annexe building measuring 11m by 7m. Whilst it would be a single storey, it has been designed to incorporate accommodation in the roof space and at 5.8 metres in height goes beyond the guidelines for outbuildings in rural areas set out in the Council's Householder Design Guidance SPD in that it would contain residential accommodation at first floor within the roof space. Accordingly the proposal is considered to constitute inappropriate development in the Green Belt.
18. The onus is on the applicant to demonstrate that very special circumstances exist for the proposed building that outweigh the harm caused to the Green Belt as a result of

inappropriate development. The applicant has submitted a statement of 'very special circumstances' together with medical evidence in support of the application which seek to demonstrate that the proposed building is essential.

19. The application is for a detached building specifically for the uncle of the applicant who is severely disabled and is no longer able to live on his own and is dependent on full time care. The building has been specifically designed to meet the needs of the applicant's uncle and the roof space has been designed to accommodate an overnight sleeping area for the carer needs. This will enable independent carers to be able to stay to give family members the opportunity to take breaks and is considered to be essential in this case.
20. Furthermore there is a main sewer that is controlled by United Utilities and runs directly down the existing double width drive and across Long Lane and serves the properties on the other side of the road. It is not therefore feasible technically to extend the existing dwelling due to the requirement for an easement and a detached annexe building is the only feasible and practical option for the family's needs.
21. The fall-back position for the applicant is a material planning consideration in the determination of this application. Given that the building is to be used incidental to the enjoyment of the existing dwelling, the building could be designed to constitute permitted development under the provisions of the GDPO. Whilst this would mean the building could be no higher than 4 metres, it could have a significantly larger footprint and be nearer to the road, thereby appearing more prominent.
22. As very special circumstances are being advanced to support the principle of constructing this detached supported living building then it would be appropriate to impose conditions to ensure that the building is linked to the occupation of the main dwelling to avoid a situation where the building is sold on as a separate dwellinghouse.
23. It is considered that the 'very special circumstances' submitted by the applicant demonstrate that the proposed building is essential and outweigh the harm that would be caused to the openness of the Green Belt by reason of inappropriateness. In terms of specific harm to the openness of the Green Belt and notwithstanding the 'very special circumstances', the issue of the design, scale and impact on the locality is assessed below.

#### Design and Impact on the Dwelling and Street Scene

24. Policy GN5 of the Chorley Borough Local Plan Review stipulates that the design of proposed developments will be expected to be well related to their surroundings.
25. The Householder Design Guidance SPD requires the size of any outbuildings to be commensurate with the scale of the existing property.
26. The proposed building would be situated within the garden area of the application property, and would be lower than the existing property and patio area. This would mean that the building would not be particularly prominent in the street scene or surrounding area.
27. Although 6.00 metres high, the building would have a lower ridge and eaves height than the existing house and would be set at a lower level given the natural topography of the garden.
28. Construction would be largely of natural stone and slate to match the dwelling.
29. Given the above, it is considered that the proposed development appears commensurate in scale with the dwellinghouse and would not cause significant harm to the character and appearance of the existing dwelling or the surrounding area.
30. The proposed annexe building is therefore considered to be in accordance with policies GN5 of the Chorley Borough Local Plan Review and the Householder Design Guidance SPD.

### Impact on the neighbours

31. The nearest residential properties are located on Long Lane, Slack's Lane, and Nickleton Brow to the south and east of the proposed building.
32. The adjoining property, no. 24 Long Lane, does not have any habitable room windows that would directly overlook the proposed building.
33. The properties to the east on Nickleton Brow would be located approximately 52 metres away from the front elevation of the proposed building with Long Lane running in between.
34. The proposed building would be located approximately 37 metres away from Bent Row Cottages which are located at a higher level to the south on Slack's Lane.
35. There would be an interface distance of at least 41 metres between the proposed building and Bents House, also located to the south on Slack's Lane, with a substantial belt of tree planting in between. As such, it is considered that the proposed development would not have an unacceptable impact on the amenity of the occupiers of any neighbouring properties through loss of outlook, privacy or light.

### Traffic and Transport

36. Direct vehicular access from Long Lane would be retained following the implementation of the proposal and therefore there would be no additional impact as a result of the proposal.

### Community Infrastructure Levy

37. As the building is within the defined schedule for CIL (being a building greater than 100m<sup>2</sup>) then the building would be liable for a payment under the Community Infrastructure Levy with an estimate of the CIL liability being £10k. The final detailed liability assessment will be reported further on the addendum.

### **Overall Conclusion**

38. As a result of the 'very special circumstances' put forward by the applicant in accordance with the Framework, the proposed building is considered to be acceptable in 'principle' given the specific needs of the applicant and his family.
39. In terms of the impact of the building on the openness of the Green Belt, its position in the existing garden means that the building will not be prominent in the wider landscape. With regards to design and scale, the building is considered to be of satisfactory design given the building will be built in stone built with a slate roof and such materials are commonly found in the rural areas.
40. The proposed siting and scale of the proposed building are such that it will not impact on the living conditions of local residents given that there would be adequate separation distances.

### **Planning Policies**

#### National Planning Policies:

The Framework

#### Adopted Chorley Borough Local Plan Review

Policies: GN5, DC1 and DC8A

Supplementary Planning Guidance:

- Householder Design Guidance

### **Planning History**

**90/01077/FUL** - Two-storey side extension and porch. Approved 11 January 1991.

**89/00161/FUL** - New vehicular access. Approved 13 April 1989.

**87/00562/FUL** - Proposed two storey side extension. Withdrawn 17 July 1987.

**76/00605/OUT** - Outline application for bungalow and garage. Refused August 1976

**Recommendation: Permit Full Planning Permission  
Conditions to be reported on the Committee Addendum**