

**Item B. 1**                      **06/00598/FUL**                      **Permit Full Planning Permission**

**Case Officer**                      **Mrs Helen Lowe**

**Ward**                                      **Pennine**

**Proposal**                              **Remove existing external wall and construct replacement three storey dwelling with attached single storey garage (amendment to previous approval)**

**Location**                              **10 Dark Lane Whittle Le Woods Lancashire PR6 8AE**

**Applicant**                              **Mr C Toal**

**Background**                              Planning permission was granted in 2001, and subsequently amended later in 2001 and 2003, for a number of extensions and alterations to this property. This application now proposes the replacement of the existing dwelling. The design of the proposed dwelling would be the same as that previously approved in 2003, however it has transpired that it is no longer possible to construct the proposal as approved, as extension to the existing property, as the foundations of the existing property are unable to support the dwelling as proposed. It is therefore necessary for the applicants to submit a further application for a replacement dwelling.

The front elevation of the existing dwelling is set back approximately 6m from the footway on Dark Lane, the front garden slopes upwards from the road, so that the ground floor level at the front of the existing dwelling is approximately 2m higher than Dark Lane. Due to the sloping nature of the site the eaves height of the dwelling differs at the front and rear. At the front the eaves height is 4m, to the rear 2.2m. Similarly the ridge height is 7m when view from the front and 5.2m when viewed from the rear (although it is actually 6m above ground level). Thus, the ridge height of the existing dwelling is approximately 9m higher than the level of the road.

The width of the existing dwelling is 7.9m and its depth 9.6m. There are dormers to the front and rear almost the full width of the roof and a conservatory to the rear (measuring 4.2m x 4.1 m by 2.1m to the eaves and 3m to the ridge). There are also two single flat roofed garages included within application site, both also in an elevated position to Dark Lane. These are located to the north of the existing dwelling.

The lower ground floor dwelling as proposed would be at the same level as Dark Lane, therefore due to the sloping nature of the site what appears to be the first floor level to the front would in fact be at ground floor level to the rear. The eaves height of the front elevation would be 7.5 m, to the rear 4.9m. The ridge height would be 10.1m when viewed from the front, and 6.6m from the rear (and actually 9.2m above ground level). The dwelling would be 10.9m wide and a maximum of 11.9m deep at first floor level and 10.5m deep at third floor level (not including the proposed conservatory). The proposed conservatory would measure 3.9m by 4.1m by 2.4m to the eaves and 3.1m to the ridge and would be

located to the rear. The attached garage would be at the same ground level as Dark Lane and would be 5.5m wide, with a maximum depth of 5.5m and eaves height of 2.8m and ridge height of 4.3m (although this varies slightly from front to rear due again to the sloping nature of the site).

**Planning Policy** The following policies from the Adopted Chorley Borough Local Plan Review are considered relevant:  
GN5: Building Design and Retaining Existing Landscape Features  
DC8A: Replacement Dwellings and Extensions in the Green Belt

The following national guidance is also relevant:  
Planning Policy Guidance Note 2: Green Belts

**Planning History** The planning history of the site is as follows:  
9/00/00201/FUL  
Three storey side and forward extension, single storey side extension and raising of roof to form enlarged upper floor living accommodation  
Approved 24 January 2001

9/01/00199/FUL  
Three storey side and forward extension, single storey extension and raising of roof to form enlarged upper floor living accommodation (Revision to planning permission 9/00/00201/FUL)  
Approved 14 May 2001

9/02/00978/FUL  
Three storey side and forward extension, single storey side extension, raising of roof to form enlarged upper floor living accommodation and first floor extension (amendment to planning permission 00/201/FUL)

**Consultees Responses** Whittle le Woods Parish Council – No comment

**Third Party Representations** Two letters of objection have been received from occupants of adjacent properties. They make the following comments:

- Works to the existing house have weakened the foundations of no. 6 and no. 8 Dark Lane;
- There is no party wall agreement between us so therefore no contractors would be allowed to enter my property until I was happy with arrangements;
- Plans to form a living space underneath what was the original ground floor will be detrimental to the properties adjacent.

The issues raised regarding possible structural damage to the adjacent properties and contractors entering neighbouring properties are not material planning considerations and therefore cannot be taken into consideration in determining the proposal.

**Assessment** The main issues to consider in determining this proposal are: impact on the street scene, impact on the Green Belt and impact on neighbour amenity.

*Impact on street scene*

The proposal would result in a large detached dwelling, essentially three storeys in height (the third floor windows cut into the eaves of the roof). The ridge height of the proposed dwelling would be 10.1m high, 1.1m higher than the ridge height of the dwellings either side. As stated above the proposed dwelling is of the same design and appearance as the dwelling approved under 02/00978

The houses fronting Dark Lane in this area are of a variety of styles and designs; the adjacent property at No. 12 has recently been constructed (planning ref. 9/99/312/FUL) and has a number of similar design features to the proposed dwelling. It is not considered that the design as proposed would result in a dwelling that would be unduly incongruous or prominent in the street scene. It must also be taken into consideration that there remains an extant permission for a dwelling of the same design and size in this location. On this basis it is considered that it would be unreasonable to refuse the current proposal.

#### *Impact on the Green Belt*

As the previous proposal was for extensions to the existing dwelling the proposal was assessed against the Council's House Extension Design Guidelines which state that, in the Green Belt, extensions should not exceed 50-70% the volume of the original house and should not lessen the open and rural character of the area. Replacement dwellings in the Green Belt are not inappropriate, provided that the proposed replacement would not be materially larger than the building being replaced. The Council does not have any specific figure or guideline as the maximum volume increase that may be allowed for replacement dwellings.

The proposed dwelling would be approximately 77-80% above the volume of the existing house and garage and an increase of approximately 125% above the volume of the original house. This is clearly in excess of the guidelines for house extensions and would be considered to be materially larger than the dwelling to be replaced. Again however, it must be remembered that an extant permission for a dwelling of the same size and design in this location exists.

This area of Dark Lane is relatively built up and there are a number of other relatively new dwellings in the vicinity of similar scale, mass and style (in particular no. 12 Dark Lane).

#### *Neighbour Amenity*

It is not considered that the proposal would result in any undue detriment for the occupants of neighbouring properties. To the front (west) the property overlooks an area of vacant land. To the rear (east) properties on Spring Crescent are in an elevated position to the application property and windows in the rear of the proposed dwelling would be 22m from the rear of No. 11 Spring Crescent. The part of the dwelling that would be adjacent to no. 12 Dark Lane would be single storey and windows in the north elevation would be obscure glazed, therefore it is not considered that any undue loss of privacy or overshadowing to No. 12 would occur. The conservatory to the rear would have a solid wall on the south facing elevation adjacent to No. 8, therefore no loss of privacy would occur. The proposed dwelling would not extend any further to the rear than the existing dwelling therefore it is not considered that the proposal would have an unduly overbearing impact upon the occupants of No. 8 to the south.

**Conclusion**                    Although the proposed dwelling is clearly substantial in scale, given the fact that the proposed design is no different in size and design from that previously approved and also taking into account the location of the dwelling it is considered that the proposal is acceptable, without undue detriment to the amenities of neighbouring residents, nor to the appearance of the area on general.

**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. 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 Nos. GN5 and DC8A of the Adopted Chorley Borough Local Plan Review.*

3. The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) or as may otherwise be agreed in writing with the Local Planning Authority before any development is first commenced.

*Reason: To protect the appearance of the locality and in the interests of the amenities of local residents and in accordance with Policy Nos. GN5 and DC8A of the Adopted Chorley Borough Local Plan Review.*

4. All windows in the north elevation shall be fitted with obscure glass 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. DC8A of the Adopted Chorley Borough Local Plan Review.*

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