

Item 4c **13/00875/FUL**

Case Officer **Mr Iain Crossland**

Ward **Heath Charnock And Rivington**

Proposal **Erection of single storey side extension to form garage**

Location **109 Chorley Road Heath Charnock Chorley PR6 9JT**

Applicant **Mr Mukesh Patel**

Consultation expiry: 15 October 2013

Application expiry: 13 November 2013

Proposal

1. Erection of single storey side extension to form garage

Recommendation

2. It is recommended that this application is approved.

Main Issues

3. The main issues for consideration in respect of this planning application are:
 - Principle of the development
 - Impact on the neighbours
 - Design and impact on street scene
 - Other matters

Representations

4. One letter of objection has been received from the occupiers of 107 Chorley Road raising the following issues:
 - Overdevelopment of the plot
 - Encroachment and structural damage
 - Loss of light
 - Lack of access for maintenance
 - Lack of space for gutters and rainwater pipes.
5. One letter of support has been received from the occupiers of 111 Chorley Road.
6. Heath Charnock Parish Council - There are objections to this, on the grounds that it appears severely to affect the neighbouring property, no. 107. The residents at no. 107 (Mr and Mrs Heywood) would have no access to their garage for maintenance purposes, and there would be less than a metre between properties. We understand that there should have been a party-wall notice served by the applicant, and that has not been received by Mr and Mrs Heywood.
7. Cllr Kim Snape objection and request for the application to be heard at Development Control Committee. The objection relates to the impact on the street scene and lack of access for maintenance at both 107 and 109 Chorley Road.

Assessment

Principle of the development

8. The application relates to the erection of a single storey side extension to form a garage at 109 Chorley Road, Heath Charnock. The extension would project 2.8m from the side elevation. It would be 5.2m in depth and would have a mono pitched roof with a ridge and eaves height of around 3.55m and 2.58m respectively. The front elevation of the extension would be set back by around 2m from the front elevation of the dwelling on this side.

9. The application property is a relatively new dwelling of modern design. The dwelling is faced with red brick, stone effect features and detailing, concrete roof tiles and timber effect UPVC window frames and doors. The property has a driveway, parking space and border planning to the front and incorporates an integrated garage. There is a garden to the rear and a shed in the space at the side where the extension is proposed. The application site is located on a main road in the core settlement area of Heath Charnock. The area is characterised by residential dwellings in a variety of styles and sizes with no predominant character.
10. As the site is located within the settlement boundary, covered by Policy GN1 of the Chorley Borough Local Plan Review 2003, and Policy V1 of the emerging Chorley Local Plan 2012-2026, there is a presumption in favour of appropriate development, subject to normal planning considerations and the policies and proposals of the plan. In addition to this Policy GN5 of the Chorley Borough Local Plan Review and BNE1 of the emerging Chorley Local Plan 2012-2026 stipulates that the design of proposed developments will be expected to be well related to their surroundings. Further guidance is set out in Policy HS9 Chorley Borough Local Plan Review 2003, HS4 of the emerging Chorley Local Plan 2012-2026 and the Householder Design Guidance SPD.
11. It is noted that the application property does not benefit from permitted development rights, these having been removed as a condition of the original planning application 08/00549/FUL under which the property was developed.

Impact on the neighbours

12. The proposed extension would be located around 0.15m from the side elevation of an attached garage at 107 Chorley Road, which forms the common boundary between the two properties. The development would not include any windows to habitable rooms and would not therefore present any overlooking issues.
13. It is noted that there is a conservatory to the rear of the attached garage at 107 Chorley Road. The proposed extension would be parallel with the conservatory for a distance 0.7m. At a single storey and with an eaves height of around 2.58m this would not have unacceptably detrimental impact upon the outlook from windows in the side elevation of the conservatory over and above that which already exists from the application property. Furthermore it is noted that there is a fence of around 2m in height currently in place on this side, which would be partially replaced by the extension, and already presents an impact on outlook.
14. The conservatory would be located to the north of the neighbour at 107 Chorley Road. As such there would be no loss of direct light as a result of the proposed side extension. There are windows in the side elevation of the attached garage at 107 Chorley Road, however, as a garage is not classed as a habitable room the impact on light to these windows cannot be considered as part of the assessment. It should be noted that this does not override any right to light that the occupier of 107 Chorley Road may have.
15. It is concluded that the proposed development would not have an unacceptable impact on the occupants of 107 Chorley Road through loss of privacy, outlook or light.
16. The extension would be screened entirely from the neighbour at 111 Chorley Road by the application property itself and therefore would have no impact on privacy, outlook or light.
17. The extension would be located around 20m from the rear boundary and around 40m from the nearest property to the rear at 6 Lower Hill Drive. The garage would also be situated at a lower level to this neighbour and would be well screened. As such there would be no impact on this or any other property through loss of privacy, outlook or light.

Design and Impact on Street Scene

18. The proposal would involve the erection of a single storey side extension projecting 2.8m from the side elevation of the dwelling. The extension would be set back around 2m from the front elevation. As such it would be subservient to the original dwelling and would not form a prominent feature. It would be very well screened from the street scene by a boundary hedge to the front and the application property itself.

19. The garage would be constructed of matching materials with a mono pitched roof of similar pitch to that of the main roof, and would incorporate matching design features such as the artstone detail and quoins.
20. As a result of this matching design, modest scale and level of screening it is considered that the proposed side extension would blend in well with the existing property and its character and would have a negligible impact on the street scene.
21. In relation to the overall plot the proposed garage would take up only around 15m.sq. leaving around 430m.sq. of available garden curtilage. This is not considered to represent an over development of the plot and a significant amount of outdoor amenity space would remain following development.

Overall Conclusion

22. The proposed development would not result in any significant harm to the character and appearance of the existing dwelling or the surrounding area, nor would it cause any significant harm to the amenity of neighbouring residents. The proposed development would therefore be in accordance with policies GN1, GN5 and HS9 of the Chorley Borough Local Plan Review, V1, HS4 and BNE1 of the emerging Chorley Local Plan 2012-2026 and the Householder Design Guidance SPD. Consequently, it is recommended that the application be approved.

Other Matters

Encroachment and structural damage

23. Certificate A of the application form has been signed along with a red edged location plan. On the basis of the information received the proposed development would be carried out entirely within land owned by the applicant. The Council's Building Control Officer has confirmed that it is possible to carry out such a development without undermining the foundations of a neighbouring property, which encroach onto the applicants land (with the consent of the previous owner). Such a matter is not a material planning consideration in any case. The grant of planning permission does not in any event override the need to obtain third party consents or permission under the provisions of any other legislation such as the Party Wall etc. Act 1996. If the applicant causes damage to his neighbour's property this is a private legal matter that would need to be resolved directly between the parties themselves as the local planning authority is not empowered to intervene or take action in such situations other than where development is not in accordance with the approved plans.

Loss of access for maintenance

24. Although it is recognised that access would be made difficult to the side of the garage and conservatory at no.107 Chorley Road adjacent to the application site, this is not a material planning consideration. This does not override any rights through the Access to Neighbouring Land Act 1992, which enables persons who desire to carry out works to any land which are reasonably necessary for the preservation of that land to obtain access to neighbouring land in order to do so.

Lack of space for gutters and rain water pipes

25. This is not a material planning consideration, however, the proposed plans show gutters to both the proposed extension and neighbouring property. Furthermore, according to the information received gutters to both properties fall within land under the ownership of the applicant.

Planning Policies

National Planning Policies:

National Planning Policy Framework

Adopted Chorley Borough Local Plan Review

Policies: GN1, GN5, and HS9

Supplementary Planning Guidance:

- Householder Design Guidance SPD
- Statement of Community Involvement

- Design Guide

Joint Core Strategy

Central Lancashire Core Strategy (2012)

Chorley Local Plan 2012 - 2026

Policies: V1, HS5 and BNE1

Planning History

Ref: 07/01365/FUL Decision: REFFPP Decision Date: 21 January 2008

Description: Demolish existing bungalow and erect a 3 storey detached house,

Ref: 08/00216/FUL Decision: WDN Decision Date: 9 April 2008

Description: Demolition of existing bungalow and the erection a new two storey dwelling

Ref: 08/00549/FUL Decision: PERFPP Decision Date: 3 October 2008

Description: Demolition of bungalow and erection of two storey dwelling

Ref: 08/01171/FUL Decision: PERFPP Decision Date: 15 January 2009

Description: Revised elevations to previously approved house

Ref: 09/00109/DIS Decision: PEDISZ Decision Date: 17 April 2009

Description: Discharge condition No 5 of application 08/00549/FUL

Ref: 10/00561/FUL Decision: PERFPP Decision Date: 6 September 2010

Description: Retrospective application for a velux roof in the rear roof and a garden shed

Ref: 77/00368/FUL Decision: PERFPP Decision Date: 24 May 1977

Description: Extension (kitchen/utility room/car port)

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 51 of the Planning and Compulsory Purchase Act 2004.*

2. All external facing materials shall match in colour, form and texture those specified on the application form and approved plans. *Reason: In the interests of the visual amenity of the area in general and the existing building in particular.*

3. The approved plans are:

Title	Plan Ref.	Received On:
Location Plan	1353/100A	08 October 2013
Existing and Proposed Elevations	1353/101A	08 October 2013
Proposed Elevations	1353/102A	08 October 2013

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