

Item D. 4 **06/01089/FUL** **Permit Full Planning Permission**

Case Officer **Caron Taylor**

Ward **Chisnall**

Proposal **Erection of new dwelling to replace existing.**

Location **60 Chorley Lane Charnock Richard Chorley PR7 5ES**

Applicant **Mark Wright**

Proposal: The application is for erection for a new dwelling at 60 Chorley Lane, Charnock Richard.

Background: A replacement dwelling was permitted at the site in June this year. This application has been received as drains have been found on the site and the design of the dwelling has therefore had to be altered. These could not be treated as a minor amendment to the previous permission.

The site is unusual in that the former dwelling that stood on the site 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 property that originally stood on the site has been demolished since the previous application was permitted. It was a detached property 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.

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.
06/00667/FUL Erection of new dwelling to replace existing – Permitted but not implemented due to the location of drains on the site.

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

Consultations: The consultations received for this application are the same as for the previously approval application.
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: No representations have been received in response to the latest application.

Applicants Case: Upon clearing the site to build the dwelling approved under 06/00667/FUL a manhole and neighbouring drain was discovered crossing the plot. This has resulted in a slight change of the ground floor layout. The neighbouring drain has had to be redirected as agreed with the building inspector and a manhole has been placed where the direction changes. This manhole is on the right of the plot on the boundary with the neighbour and has resulted in a reduction in width of the proposed house, so that this manhole can be assessed at all times.

A manhole was also discovered at the rear of the property that serves a public sewer. This runs the length of the property and had been incorrectly measured in the original drawings, which would have resulted in the proposed property being built over the manhole. In order to keep access to the manhole and drain clear, the rear left of the proposed property has been brought in.

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 sun 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. The amendments to the design of the dwelling now take the dwelling further away from the boundaries of the properties at either side. In addition the flat roof element has had its corner removed to avoid a drain in the rear garden. A small window serving a WC has been inserted in the side elevation facing the neighbouring property, however, this does not serve a habitable room and a condition will be applied to any permission ensuring it is and remains obscure glazed to maintain the amenity of the neighbouring property.

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 addition the amendment now proposed, takes this elevation of the dwelling 850mm further away from the side window of no. 56.

In terms of the terracing effect, 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 showed the siting of the dwelling only half a meter from the boundary with the neighbouring property. As this permission could still be implemented it is a material consideration in deciding this application. In addition, the amendments now proposed would result in the side elevation of the property being 850mm from the boundary of no. 56 (as apposed to 400mm as previously approved). Therefore, the dwelling now applied for will have less impact on the neighbouring properties than that approved under application number 06/00667/FUL. It is therefore considered that it would be very difficult to refuse the current application on the grounds of terracing policy.

The only side windows in the proposed dwelling facing no. 56 will serve a landing and WC, which are not principal windows and the nearest first floor window to this property on the rear will serve a bathroom so again is not a principle 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 the side gable of this property their garage. The amendments also move it away from the boundary with this property by 1200mm, (rather than the 1000mm previously approved). 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 streetscene 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 streetscene 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 No. 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 provisions 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.

Reason: To protect the appearance 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 'Bathroom' and 'Ensuite', and the ground floor WC as marked on the approved plan stamped 26th September 2006, 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 properties 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 it.

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