

Item 3b **14/00879/FUL**
Case Officer **Iain Crossland**
Ward **Astley And Buckshaw Ward**
Proposal **Change of use of land from public open space to domestic garden curtilage, raising of ridge to create first floor extension and erection of single storey rear extension.**
Location **18A The Farthings, Astley Village, Chorley, PR7 1TP**
Applicant **Mr & Mrs Parker**
Consultation expiry: **12 September 2014**
Decision due by: **06 October 2014**

Delegated		Delegated following Chairs Brief		Committee	X
Date: 23 rd September 2014					

	Case Officer	Authorising Officer
	IC	NCH
Date	19 th September 2014	19 th September 2014

Recommendation

It is recommended that this application is approved subject to conditions.

Executive Summary

The main issues to consider are the loss of open space, impact on neighbour amenity, the character and appearance of the surrounding area, and highway safety. As assessed below the proposals are considered to be acceptable when assessed against the relevant criteria.

Representations

Astley Village Parish Council - objects to the principle of the use/disposal of public open space for private gardens, which will eat away the buffer area between West Way and the village.

Cllr Perks has requested that the application is considered at Development Control Committee and has raised the following objections:

- Impact on neighbour amenity
- Character of the area
- Lack of parking for the number of vehicles at the address
- Covenants relating to retention of open space

In total 10 representations have been received which are summarised below

Objection

Total No. received: 10

- Lack of parking provision and access
- Impact on neighbour amenity
- Character of the area
- Loss of open space
- Covenants
- Business use
- Inconsiderate parking and excessive numbers of vehicles

Consultees

Consultee	Summary of Comments received
LCC Highways	No comments received

Assessment

The Site

1. The application site comprises a detached bungalow and associated residential curtilage, with an area of public open space to the rear. The dwelling is faced in red brick, the roof is laid in concrete roof tiles and there are white UPVC window frames and a timber front door.
2. The public open space to the rear consists of a land locked area of grass beyond which is a woodland buffer separating the estate from West Way. There is a surfaced path running across the open space that appears to be unused and ends at the garden to 18a The Farthings.
3. The site is located on the outer edge of Astley Village in the settlement area of Chorley. The location is characterised by part single part two storey dwellings and bungalows of modern design set in a typical suburban context. The estate is characterised by small areas of woodland resulting in a rather sylvan appearance and context.

The Proposal

4. The proposed development is for the raising of the ridge height to create first floor accommodation and for the erection of a single storey rear extension. The ridge and eaves height over the southern part of the dwelling would be raised by around 2.4m up to a height of 6.9m and 5.2m respectively. There would be a hipped roof. The rear extension would project around 3.4m from the rear elevation of the dwelling. It would be around 9m in width and would have a mono pitched roof with a ridge and eaves height of around 3.9m and 2.7m respectively.
5. The proposal also includes the change of use of an area of public open space to the rear of the property to garden curtilage. This would bring a triangular section of land within the curtilage of 18a The Farthings measuring approximately 260m.sq. in area.

Assessment

Principle of the Development

6. The National Planning Policy Framework (The Framework) states that applications should be considered in the context of the presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved without delay.
7. The Inspector has issued her Partial Report on her findings into the soundness of the Chorley Local Plan, which is a material consideration in the consideration of any planning application.
8. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination later in 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan, following a supplementary report.
9. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”* The Council accepted the Inspectors modifications for Development Management purposes at its Executive Committee on 21st November 2013.

10. It is therefore considered that significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
11. The application site is located in the core settlement area of Chorley. The emerging Chorley Local Plan 2012 - 2026 states that within the settlement areas excluded from the Green Belt, and identified on the Policies Map, there is a presumption in favour of appropriate sustainable development.
12. Policy HW2 of the emerging Chorley Local Plan 2012 – 2026 states that land and buildings currently or last used as, or ancillary to, open space or sports and recreational facilities will be protected unless certain criteria can be met. These are assessed below.
13. This approach is reflected and supported in the National Planning Policy Framework (The Framework).

Loss of Public Open Space

14. The proposal involves the loss of a small part of land allocated as open space under Policy HW2 in the emerging Local Plan. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal is assessed against these criteria below:
 15. *b) It can be demonstrated that the loss of site would not lead to a deficit of provision in the local area in terms of quantity and accessibility;*
There is currently a surplus of amenity greenspace in the Astley and Buckshaw ward. Therefore, the loss of this site would not lead to a deficit in provision in the local area in terms of quantity and accessibility.
 16. *c) The site is not identified as being of high quality and/or high value in the Open Space Study;*
The site is not identified as being of high value in the Open Space Study, but it is identified as being of high quality. As the proposal results in the loss of high quality open space this is contrary to criterion c.
 17. *d) It can be demonstrated that retention of the site is not required to satisfy a recreational need in the local area;*
The retention of the site appears unlikely to be required to satisfy a recreational need in the local area.
 18. *e) The site does not make a significant contribution to the character of an area in terms of visual amenity;*
This site is allocated as amenity open space and forms part of the much larger 'Adjacent to Chancery Road/Wymundsley/The Farthings' amenity open space (Open Space Study site ref: 1687) Much of this open space is wooded. However, the proposal involves the loss of part of an open area of the space, which lies to the rear of the wooded area. It is not visible from public highways and is not easily accessible. Therefore, this part of the site does not make a significant contribution to the character of the area in terms of visual amenity.
19. The proposal does not accord with criterion c) of Policy HW2 because the site (as a whole) is assessed as being of high quality. Therefore, in order to satisfy this policy, alternative provision is required under criterion a). The policy requires that this provision is provided nearby before the existing provision ceases to be available. As this proposal only involves the loss of a small part of the open space, which is not visible or easily accessible, it is considered acceptable in this case to secure a commuted sum payment to be spent on new provision or improving existing provision in the area. Any planning approval would therefore be dependent upon a section 106 agreement detailing and securing such payment. The amount of open space to be lost is 288 m². The commuted sum that would be required to replace this amount of amenity open space is £2,304 (288 x £8).

Design and impact on the character of the area

20. The proposed extensions to the existing dwellinghouse involve the addition of first floor accommodation along with a single storey rear extension. The proposal also includes the change of use of land at the rear from public open space to form part of the garden curtilage.
21. The application property occupies a corner plot on a cul de sac and as such is not in a prominent position. The addition of first floor accommodation to the rear part of the dwelling would be enabled through raising the ridge and eaves height by around 2.4m. It is noted that both neighbouring dwellings at 18 and 18b The Farthings are two storey and as such the proposed alterations would result in a dwelling of similar height to the neighbouring properties, which is appropriate to the location. The scale and mass of the dwelling following the alterations would be commensurate with the dwelling curtilage and would not be out of character with other dwellings on the estate.
22. The proposed alterations would be faced in materials to match the existing dwelling, and rendered to match neighbouring dwellings. The window openings would be of a horizontal orientation consistent with those of the application dwelling and surrounding properties. Their positioning is considered appropriate in design terms. The design and overall finish would not harm the appearance of the dwelling and would not cause unacceptable harm to the character of the surrounding area.
23. The proposed single storey rear extension would not be visible in the street scene and would be of a domestic design and scale appropriate to the appearance of the dwelling and character of the area.
24. The area of open space to the rear of the application site is not visible from West Way or any other surrounding roads as it is screened by residential curtilage to the east and by woodland to the south and west. The area of open space subject to this application is grassed and of low visible quality. The incorporation of this land into the garden curtilage at 18a The Farthings by way of a 1.8m high concrete post and timber panel fence would have very little impact on the character and appearance of the area.
25. The development is therefore considered to be in accordance with Policy BNE1 and HS5 of the emerging Chorley Local Plan 2012 - 2026.

Impact on the neighbours

26. The proposed first floor accommodation would be located around 3.4m from the common boundary with 18 The Farthings and around 4.3m from the property itself. There would be no windows in the side elevation facing this neighbouring property and the windows in the rear elevation would not provide any views of the private intimate amenity space at 18 The Farthings due to the relative positioning of these dwellings.
27. It is noted that there is a conservatory to the rear of 18 The Farthings, however, the proposed first floor would be positioned to the north west of this conservatory and would not therefore result in any loss of light. There would be no unacceptable loss of outlook as the primary aspect from the conservatory at 18 The Farthings is towards the rear of the garden to the south west. It is noted that the first floor addition would not interfere with a 45-degree line drawn from the near edge of any ground floor rear-facing window to a habitable room at 18 The Farthings.
28. The proposed rear extension would be located around 6m from the common boundary with 18 The Farthings and around 10m from the property itself. The proposed extension would be positioned a similar distance from this neighbour as an existing fully glazed conservatory that would be removed to make way for the rear extension. The rear extension would project around 3.4m from the rear elevation of the application dwelling. It would not interfere with a line drawn at 45 degrees plus 3m from the near edge of the closest ground floor rear facing window at 18 The Farthings or from the edge of the pane

of glass closest to the back wall of the original house in relation to the conservatory at 18 The Farthings. There would be no unacceptable impact on light or outlook from this element of the scheme.

29. It is noted that high level windows would be included in the side elevation of the proposed rear extension facing the garden at 18 The Farthings, however, these would not result in any direct overlooking due to their high level positioning. In addition to this the windows would effectively replace the fully glazed elevations in an existing conservatory of similar positioning at the property. As a result the impact on privacy would be improved in relation to the existing situation. The windows in the rear elevation would not provide any views of the private intimate amenity space at 18 The Farthings due to the relative positioning of these dwellings. It is therefore concluded that the proposed development would not have a detrimental impact on the occupants of 18 The Farthings through loss of privacy, outlook or light.
30. The proposed first floor accommodation would be located around 13.5m from the common boundary with 18b The Farthings and around 16m from the property itself. It is noted that there would be windows to habitable rooms in the front elevation of the first floor accommodation facing 18b The Farthings. The proposed window to the eastern bedroom would provide views towards the front of the property however it would be located around 22.5m from the nearest facing window at 18b The Farthings which exceeds the Council's required 21 metres and as such it will not have a harmful impact on privacy.
31. The proposed window to the western bedroom would result in views towards the rear garden of 18b The Farthings. The window would be located at least 21m from the most intimate private amenity space at 18b The Farthings, due to the existence of an attached garage between the application site and dwelling at 18b The Farthings, and it would be 13.5m from the boundary. The Householder Design Guidance states that windows to habitable rooms at first floor level, which overlook a neighbour's garden, should be a minimum of 10 metres from the boundary they face. On the basis of this separation and the Council's adopted guidance it is considered that the proposed first floor addition would not result in any unacceptable impact on the privacy of the occupiers of 18b The Farthings.
32. The proposed first floor addition would be located to the south of 18b The Farthings. The first floor would be located 13.5m from the boundary and around 22.5m from the main body of the dwelling. Due to the degree of separation there would be a limited impact on light as a result of the proposal. The proposed first floor would be located around 22.5m from the nearest facing window at 18b The Farthings and would therefore have a limited impact on outlook. It is therefore concluded that the proposed development would not have a detrimental impact on the occupants of 18b The Farthings through loss of privacy, outlook or light.
33. There are no dwellings to the rear of the site, however, it is noted that some views from the rear facing windows of the proposed first floor addition towards 22 The Farthings would be possible. Any views would not be direct and only possible at an angle. The windows would be around 15m from the property boundary at 22 The Farthings and over 21m from the most intimate private amenity space at 22 The Farthings. As a result of this positioning and degree of separation the proposed development would not have a detrimental impact on the occupants of 22 The Farthings through loss of privacy, outlook or light.
34. Having regard to the above, the proposed development is considered to be in accordance with policy HS9 of the Chorley Borough Local Plan Review, HS5 of the Chorley Local Plan 2012 – 2026 and the guidance set out within the Householder Design Guidance SPD.

Impact on highways/access

35. The site currently has an established vehicular access to The Farthings which is shared with 18b The Farthings. This existing access will be retained within the proposed development and is unaffected. Should the access be obstructed for any reason then this becomes a private matter to be resolved between the parties involved.
36. The application dwelling would retain off street car parking on site with a capacity for at least 5 vehicles. The dwelling would have 5 bedrooms as a result of the proposed development. The Council's adopted Householder Design Guidance and emerging Local Plan 2012-2026 (Appendix A) states that residential dwellings of 3 bedrooms or more should have 3 off road car parking spaces and as such the parking provision detailed is considered to be sufficient for the size of dwelling.

S106 Requirement

37. The proposal involves the loss of a small part of land allocated as open space under Policy HW2 in the Local Plan. Policy HW2 protects all existing open space, sport and recreational facilities and requires alternative provision to be made under criterion a) of the policy unless the proposal satisfies all of criteria b) to e). The proposal does not accord with criterion c) of Policy HW2 because the site (as a whole) is assessed as being of high quality. Therefore, in order to satisfy this policy, alternative provision is required under criterion a).
38. The grant of planning permission is subject to the applicant entering into a Section 106 agreement to make alternative provision or improvement to offset the loss of the public open space.

Other matters

39. Covenants on the public open space: As the Council has an interest in this land the Council's legal team have been asked to investigate the details of any such covenants and implications for both the Council and applicant in transferring such land into private ownership for private domestic use. Any covenants relating to the land cannot, however, be taken into account as part of the assessment of this planning application as covenants are a legal matter and not a material planning consideration.
40. Business use: No business use is specified or proposed as part of this planning application. If the property were in use for a business that could not be considered ancillary to the domestic character of the dwelling then this may be subject to enforcement action and may require a separate assessment as part of a full planning application.
41. Nuisance caused during the construction phase: This is not a material planning consideration and may be dealt with by other legislation.

Overall Conclusion

42. The proposed development would not impact unacceptably on the amenity of neighbouring occupiers or the overall appearance and character of the area. Nor would there be an unacceptable impact on highway safety. Although a small part of the protected open space would be lost the impact is considered acceptable and will be fully mitigated against by payment of a commuted sum. On the basis of the above, it is recommended that planning permission be granted.

Planning Policies

43. In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Borough Local Plan Review 2003 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained within the National Planning Policy Framework (the Framework), the development plan and the emerging Local Plan 2012-2026. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

There is no recent planning history at the property.

Suggested Conditions

No.	Condition
1.	The proposed development must be begun not later than three years from the date of this permission. <i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</i>
2.	All external facing materials shall match in colour, form and texture those specified on the application form and approved plans. <i>Reason: In the interests of the visual amenity of the area in general and the existing building in particular.</i>
3.	The approved plans are: Title Location Plan, Site Plan, Fencing Detail (Amended) Received On: Existing and proposed plans (Amended) 11 September 2014 Proposed front and east side elevations (Amended) 11 September 2014 Existing elevations and proposed rear 19 September 2014 and west side elevations (Amended) 11 September 2014 <i>Reason: To define the permission and in the interests of the proper development of the site.</i>