

Item 3b **15/00462/FUL**

Case Officer **Helen Lowe**

Ward **Lostock**

Proposal **Erection of single storey dwelling (resubmission of application 14/0158/FUL)**

Location **5 The Orchard, Croston**

Applicant **Mrs B Fairclough**

Consultation expiry: **3rd July 2015**

Decision due by: **8th July 2015 (extension of time agreed until 14th August 2015)**

Recommendation **Approve, subject to the associated legal agreement**

Executive Summary **This application proposes the erection of a one bedroom bungalow, within the side garden of a dwelling in Croston. The site complies with the Council's policy on infill development in gardens. It is not considered that the proposal would cause undue harm to the amenities of neighbouring residents, highway safety or the character and appearance of the area. The proposal is accordingly recommended for approval.**

Representations

Croston Parish Council No comments have been received from the Parish Council

In total two representations have been received which are summarised below

Objection

Total No. received: Three

- The proposed dwelling would cause an extreme feeling of enclosure and overshadowing to their property;
- The mass, bulk and proximity of the proposed development would present an overbearing and intrusive element to us as neighbours at the rear of our property;
- They would suffer loss of privacy and have to endure its visual overbearing impact;
- It would create a feeling of over development;
- Has an environmental and geological survey been undertaken to ascertain whether the proposed development would impact upon the water table, subsidence or other related factors? There is a regular problem at the moment outside 5 The Orchard with flooding which is likely to be exacerbated by the introduction of concrete and other hard building materials.
- The building process would have a negative impact on highway safety and cause noise disturbance, dirt, dust and mud;
- Loss of privacy and overlooking;
- Increase in noise and disturbance due to the close proximity of the dwelling;
- Proximity of the driveway;
- If a property went ahead, they would have concerns should they wish to alter the plans and add an extra window to the side of the property next to theirs.
- They believe the plan may not have been drawn and/or measured properly. They are unsure if the distance from the boundary with their house (no.7) to the side elevation of no. 5 is actually 12.99m, as shown on the submitted plans.

Consultees

Consultee	Summary of Comments received
LCC Highways	No objections

Assessment

Background

1. The application site forms the side garden area to the south of no. 5 The Orchard, a true bungalow. The application site is located within the settlement boundary of Croston. The site is bounded to the east and south by other dwellings.
2. A planning application for the erection of a detached two storey dwelling was refused earlier this year (ref. 14/01158/FUL) due to the unacceptable degree of overlooking and loss of privacy that would be caused for the occupants of no. 11A Lostock Road to the rear.
3. The current application proposes the erection of a one bedroom, true bungalow. The eaves height of the proposed dwelling would be 2.2m and the ridge height would be 4.2m.

Principle of the Development

4. The application site is located to the south of no. 5 The Orchard, within the side garden area of the property.
5. Policy HS3 of the Local Plan deals with private residential garden development. It states that within settlements, applications for development within private residential gardens will only be permitted for replacement dwellings, conversion of domestic buildings and infill development. Infill development is the filling of a small gap in an otherwise built up street frontage. The Council will also have regard to the sustainability of the site and proposals which significantly undermine the distinctive character of an area will be refused.
6. One of the core principles of the Framework is that development should be focussed in locations that are sustainable. It is considered that the site is located in a relatively sustainable location with easy access to public transport, amenities such as a supermarket and public house nearby and the means to access other amenities easily. The Framework also states that development in sustainable locations should be approved without delay.
7. It is considered that the application site does form an infill plot in an existing street frontage and is located in a sustainable location with easy access to services such as a school and doctors surgery.

Neighbour Amrnty

8. Policy BNE1 of the Local Plan states that new development must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact. The Council's interface standards state that windows to habitable rooms at ground floor level should not allow an unrestricted view into neighbouring garden areas or into the ground floor window of any other house.
9. The rear elevation of the proposed dwelling would be 5.37m from the rear boundary with no. 11A Lostock Road. The rear elevation of no. 11A has a set of patio doors at ground floor level, serving a lounge. This would be approximately 11.5m from the kitchen window of the proposed dwelling, offset at an oblique angle. There is also a fence, approximately 1.8m high along the common boundary. Taking into account that the proposal is for a bungalow and taking the above factors into consideration it is considered that it would be difficult to refuse the application on the grounds that it would cause an excessive loss of privacy for the occupants of no. 11A.
10. The side elevation of the proposed dwelling would be a minimum of 3.2m from the side elevation of no. 7. A ground floor window to a bathroom is proposed in the side elevation that would face the side of no. 7. There are no windows in the side elevation of no. 7 and this area of the garden appears to be used a side passageway or driveway. The rear elevation of the proposed dwelling would be set back approximately 1.5m from the rear elevation of no.7. A degree of oblique overlooking into the rear garden of no. 7 may arise

as a result of the proposed dwelling, however it is not considered that this level of overlooking would be so severe as to warrant refusal of the proposal.

11. Noise and disturbance experience during the construction period would be temporary. For a development of this size and scale it is not considered that it would be appropriate to refuse the application on these grounds, nor is the site sufficiently constrained to warrant the imposition of a condition requiring a construction method statement to be agreed and implemented. Matters of drainage would be dealt with through the building regulations. The use of permeable materials for ground surface materials to the front will be secured by condition.
12. The comments made regarding the accuracy of the plans are noted. The position of the neighbouring property, no. 7 has been surveyed on site by the case officer and the application proposal has been assessed on the basis of the measurements taken. The site plan also accurately reflects those measurements. A further site visit has also been carried out and the distance between the site boundary with no. 7 and the gable of no. 5 has been checked on site. The distance is 12.7m and amended plans have been received.
13. The revised plans have maintained the separation distances between the proposed dwelling and the side elevation of no. 7 at a minimum of 3.2m, and reduced the distance between the east facing gable of the proposed dwelling and no. 5 The Orchard by 0.3m. The relationship with no. 11A is m

Design and Appearance

14. The Framework attaches considerable importance on achieving good design and a high quality built environment. It states that planning policies and decisions should respond to local character and history and seek to reinforce local distinctiveness. The importance of high quality design is reflected in the recently adopted Central Lancashire Core Strategy (Policy 17) and the Local Plan (policy BNE1).
15. Neighbouring properties on The Orchard are a mixture of true bungalows and two storey properties, both detached and semi-detached. There are dormer bungalows to the rear. The adjacent property to the south, no. 7 The Orchard, has been extended towards the application site through the addition of a two storey side extension, however to the front the first floor accommodation is provided within the roof and a dormer, giving the appearance of a one and a half storey dwelling to the front. This design compliments the scale and size of the adjacent true bungalow at no. 5.
16. The roof of the proposed dwelling has been hipped on all sides. This is not in keeping with the adjacent dwelling, however, this has the effect of reducing the bulk and scale of the property and reduction the impact on neighbouring properties. It is not considered that this would be so detrimental to the character of the street scene to warrant refusing the application.
17. The materials proposed are concrete/black interlocking roof tiles and red/brown multi rustic facing brick. These materials are considered to be in keeping with neighbouring properties.

Highway Safety

18. The Council's parking standards (policy ST4 of the Local Plan) require that dwellings with one bedroom should have at least one off road parking space. The proposed dwelling would have driveway of 2.4m in width and 7.4 m in length. An additional area measuring 4.5m by 2.4m off the driveway in the front garden is proposed as a turning/parking area. This is sufficient for the size of dwelling proposed.

CIL

19. The Chorley CIL Charging Schedule provides a specific amount for housing - £65 per sq m. This was adopted in July 2013 and charging commenced on 1 September 2013. As

the proposal results in new residential floor space being created a CIL liability notice will be issued for the development.

S106

20. Since the application was first reported to Members the Judgement in relation to the West Berkshire District Council and Reading Borough Council Judicial Review has been published in favour of the local authorities. The outcome is that the Government was wrong to seek to impose a change to legislation or policy via a ministerial statement.
21. As such this part of the NPPG guidance has now been removed and therefore this application falls to be determined in accordance with the Development Plan (Local Plan Policies HS4A and HS4B and the Open Space and Playing Pitch SPD). In this regard the following commuted sums will be secured via a Section 106 Agreement:

Amenity Greenspace

A contribution of £140 towards new provision in the settlement of Croston.

Provision for children/young people

A contribution of £134 towards new provision in the settlement of Croston.

Allotments

A contribution of £15 towards the provision of new allotments at the following site allocated in the Chorley Local Plan 2012-2026:
HW5.4 - Land East of Station Road, Croston

Playing Pitches

A contribution of £1,599 towards the improvement of existing playing pitches in the Borough as identified in the Chorley Action Plan within the Central Lancashire Playing Pitch Strategy & Action Plan, June 2012.

TOTAL= £1888

Overall Conclusion

22. Taking into consideration the reasons set out above the proposal is considered to be acceptable. The proposal is accordingly recommended for approval, subject to the imposition of suitable conditions.

Planning Policies

23. 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 Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposals has had regard to guidance contained with the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
14/01158/FUL	Proposed erection of a detached two storey dwelling	Refused	

Suggested Conditions

No.	Condition												
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p><i>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004</i></p>												
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table border="1" data-bbox="320 533 1302 824"> <thead> <tr> <th data-bbox="320 533 762 595">Title</th> <th data-bbox="762 533 1058 595">Drawing Reference</th> <th data-bbox="1058 533 1302 595">Received date</th> </tr> </thead> <tbody> <tr> <td data-bbox="320 595 762 696">Proposed site plan and location plan</td> <td data-bbox="762 595 1058 696">20140807-01 C</td> <td data-bbox="1058 595 1302 696">13 August 2015</td> </tr> <tr> <td data-bbox="320 696 762 759">Proposed floor and roof plans</td> <td data-bbox="762 696 1058 759">20140807-02 C</td> <td data-bbox="1058 696 1302 759">13 May 2015</td> </tr> <tr> <td data-bbox="320 759 762 824">Proposed elevations</td> <td data-bbox="762 759 1058 824">20140807-03 C</td> <td data-bbox="1058 759 1302 824">13 May 2015</td> </tr> </tbody> </table> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning</i></p>	Title	Drawing Reference	Received date	Proposed site plan and location plan	20140807-01 C	13 August 2015	Proposed floor and roof plans	20140807-02 C	13 May 2015	Proposed elevations	20140807-03 C	13 May 2015
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3.	<p>Prior to the commencement of any development, full details of the alignment, height and appearance of all fences and walls to be erected to the site boundaries (notwithstanding any such detail shown on previously submitted plan(s)) shall have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied or land used pursuant to this permission before all walls and fences have been erected in accordance with the approved details. Fences and walls shall thereafter be retained in accordance with the approved details at all times.</p> <p><i>Reason: To ensure a visually satisfactory form of development and to protect the amenities of occupiers of nearby property.</i></p>												
4.	<p>The external facing materials, detailed on the approved plans, shall be used and no others substituted.</p> <p><i>Reason: To ensure that the materials used are visually appropriate to the locality.</i></p>												
5.	<p>Notwithstanding the details shown on the submitted plans, the proposed driveway/hardsurfacing to the front of the property shall be constructed using permeable materials on a permeable base, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the boundaries of the property (rather than to the highway), unless otherwise agreed to in writing by the Local Planning Authority.</p> <p><i>Reason: In the interests of highway safety and to prevent flooding</i></p>												
6.	<p>All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>												
7.	<p>Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.</p>												

	<p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.</i></p>
8.	<p>No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.</p> <p><i>Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.</i></p>
9.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (Schedule 2, Part 1, Classes A, B, C, D, E) or any subsequent re-enactment thereof, no extension to the dwelling, porch, garden shed, greenhouse, garage or car port shall be erected nor any hardstanding area extended other than those expressly authorised by this permission.</p> <p><i>Reason: In the interests of neighbour amenity.</i></p>