

Item 3h **15/01168/FUL**
Case Officer **James Appleton**
Ward **Brinscall**
Proposal **Erection of detached store to the rear alleyway. (Retrospective)**
Location **59 School Lane**
 Brinscall
 Chorley
 PR6 8QS
Applicant **Mr Simon Atkinson**
Consultation expiry: **7 January 2016**
Decision due by: **16 February 2016**

Delegated		Delegated following Chairs Brief		Committee	x
Date: 9 th February 2016					

	Case Officer	Authorising Officer
	JA	
Date	27 th January 2016	

Recommendation
Refuse retrospective planning permission.

Executive Summary

The main issues to consider are whether the proposal is acceptable in terms of its impact on the character and appearance of the locality, the amenities of neighbours and highway safety. It is considered that the design of the outbuilding is harmful to the character of this location.

Representations

Withnell Parish Council – No comments received
In total 4 representations have been received which are summarised below
Objections
<ul style="list-style-type: none">• Prevents residents' adequate access to the rear of their properties.• Prevents residents from carrying out any maintenance works.• Dangerous and unsafe structure.• A neighbour has injured themselves on the structure• Impossible to see the structure in the dark due to the colour of materials and no street lighting.• How can a tenant build a permanent structure on land they don't own.• There is a legal covenant stating that there has to be access at all times for vehicles in the rear alley of school lane and the alleyway must be kept unobstructed and unbuilt upon.• Restricts access for emergency services, utility and telecommunication companies to carry out repairs or maintenance works.• Power is running to the structure.

Consultees

Consultee	Summary of Comments received
The Coal Authority	Standing Advice

The Site

1. The application site is to the rear of no.59 School Lane off the square which is a private access alleyway which serves the rear of the properties along School Lane. The alleyway is an unclassified road and an un-adopted highway.
2. The application property is a mid- terraced two storey property of traditional design and character located on School Lane, Brinscall. It is faced with stone, has as a grey slate roof and green timber window frames and door. There is a yard area to the rear.
3. The area is characterised by residential properties of similar traditional design and style.
4. There is a gravelled track to the rear of the properties with grass verges either side of this. Many of the residents along this strip store their bins and there are plots of vegetation along the back of the rear boundary treatments.

The Proposal

5. This application seeks retrospective planning consent for the erection of a detached store to the rear alleyway.
6. The proposed detached store measures approximately 2.1m wide and has a length of approximately 6m. It will have a sloping roof with a ridge height of approximately 1.7m to the front and approximately 1.6m to the rear.
7. The detached store is built with green metal cladding with a green metal cladded corrugated roof supported by six timber posts and is located in the rear alleyway to the properties along school lane. The building is built to very basic construction and design standards.
8. The outbuilding will be used to store coal, logs and the applicant's bikes.

Background Information

9. Following an enforcement enquiry it was identified that the store had been constructed without planning permission and this application seeks to regularise the situation at the site.

Principle of the Development

Assessment

The main issues are as follows :-

Issue 1 – Impact on character and appearance of the locality

Issue 2 – Impact on neighbour amenity

Issue 3 - Impact on highways/access

Impact on character and appearance of locality

10. *One of the core principles in The National Planning Policy Framework is to secure high quality design.*
11. *Paragraph 64 of The National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*
12. *Policy BNE1 of the Adopted Chorley Local Plan 2012-2026 states that the proposal must not have a significantly detrimental impact on the existing building, neighbouring buildings or on the street scene by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, materials, orientation, use of materials.*
13. *Policy 17 of the Adopted Core Strategy states that the design of new buildings will be expected to take account of the character and appearance of the local area and the siting, layout, massing, scale, design, materials, building to plot ratio and landscaping. In addition to this new buildings*

should be sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.

14. *The Householder Design Guidance SPD also states that outbuildings should appear subordinate and be commensurate in scale and function to the original house. Outbuildings should normally be sited close to the house. In addition, the size of any outbuilding should be commensurate with the scale of any replaced or extended property.*
15. The detached store is constructed of green metal cladding with a green metal cladded corrugated roof supported by six timber posts. The materials used do not match the application property or surrounding area. The proposal is of an unsympathetic design to the character of the rear alley that does not contribute to the wider character and has the look and feel of a more communal space. It is noted that the building in question is of relatively low significance and does not appear disproportionate to its stated function. However it would result in the development of an unusual feature that is conspicuous in this location for users and residents of School Lane. In addition to this, outbuildings are not a common feature of the surrounding area and as such the proposals warrants refusal and approval of this development would create a precedent for further development.
16. The proposal also fails to accord with the Framework, one of the core principles of which is to always seek to secure high quality design. Good design is a key aspect of sustainable development and is indivisible from good planning. While the Framework discourages the imposition of particular styles or tastes, it states that it is proper to seek to promote or reinforce local distinctiveness. The proposed wood store is of a poorly designed construction and in accordance with the National Planning Policy Framework would warrant refusal.
17. The proposal isn't prominent in the street scene and is not visible from School Lane itself. The outbuilding is located approximately 11m from the application property and is not located within a domestic garden curtilage and it is noted that there is alternative available space to construct a similar structure within the residential curtilage of the property. The store is located in an area that has not been developed in this way and the area remains undeveloped hereby retaining a character of a typical rear alleyway used for access for the residents and an area of shrubbery.
18. The proposed detached outbuilding will have a detrimental impact on the character and appearance of the locality given its design and location. And as a result is contrary to the National Planning Policy Framework, Policy BNE1 of the adopted Chorley Local Plan 2012-2026, Adopted Central Lancashire Core Strategy and the householder design guidance.

Impact on neighbours

19. *Policy BNE1 of the Adopted Chorley Local Plan 2012-2026 states that developments must not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing.*
20. *The Chorley Borough Council Householder Design Guidance SPD asserts that outbuildings should not lead to an unacceptable level of overshadowing of neighbouring properties, disturbance or loss of privacy.*
21. The proposed detached outbuilding is located approximately 10.5m from no.57 School Lane. It is accepted that the proposed store will be visible from no.57 School Lane however there is a stone wall at an approximate height of 1.4m which screens part of the store facing 57 School Lane
22. The proposed detached store is located approximately 6m from the property to the south at no. 9 Larch Drive and it is considered that the resultant relationship will be acceptable as the proposal cannot be viewed from this property and due to the scale of the proposal, its positioning and degree of separation there would be no impact on light, outlook or privacy in relation to this property.

23. Having regard to the above, it is not considered that the proposed store will have an unacceptable impact on the neighbour amenity and is therefore considered acceptable.

Impact on Parking Provision and Highway Safety

24. *Policy HS5 of the adopted Chorley Local Plan 2012 – 2026 states that permission will be granted provided that the proposal does not have an unacceptable adverse effect on highway safety.*

25. *The Householder Design Guidance SPD states that off-street parking should generally be provided at a ratio of 2 spaces for a two or three bed dwelling, and 3 spaces for a larger property, including garages. It also states that car parking spaces occupy a space of 2.5 metres by 5.5 metres and spaces in front of a garage should be 2.5 metres by 6 metres.*

26. Parking provision will not be comprised by the development.

27. The proposal is located on an unclassified and un-adopted highway. There is a distance of approximately 2.6m from the side elevation of the store to the edge of the existing alleyway.

28. Whilst it is appreciated that the proposal may cause difficulties for drivers to access through the alleyway. However it is noted that following a site visit it was clear that there are two properties that require vehicular access to the rear of their properties. However there would be space at a width of approximately 2.6m remaining, however with the mix of wheelie bins and greenery with the alley, any restriction to the feeling of openness of the alleyway will have an adverse impact.

29. As a result it is accepted that that the proposal will not cause any significant harm to highway safety.

Other matters

30. A restrictive covenant is not a material planning consideration and cannot be taken into account when assessing a planning application.

31. The applicant has completed certificate B and served notice on the landowner and has therefore signed the correct certificate of ownership.

32. The maintenance of a boundary treatment is private legal matter and cannot be taken into account when assessing a planning application.

33. Access to the rear of neighbouring properties and access for vehicles for emergency services, utility and telecommunication companies to carry out repairs or maintenance works are private legal matters and cannot be taken into account when assessing a planning application.

34. There is no street lighting in the alleyway, however it is noted that the council has not received any complaints of unsafe or dangerous structures at this location.

35. It is noted following a site visit there was no electrical power or insulation of electricity to the structure.

Overall Conclusion

36. It is considered that the proposal doesn't accord with National Planning Policy and the provisions of the Adopted Chorley Local Plan and Adopted Central Lancashire Core Strategy and the guidance set out in the Householder Design Guidance SPD. It is therefore recommended that the application is refused.

37. The 'principle' of the proposal is an unacceptable one and whilst it is considered that this will not have a direct harmful impact on the amenities of neighbouring residents, the development will harm the character and feel of the communal space. From a design perspective, the proposal is considered to be unacceptable with regards to the choice of materials, design and given the

location of the site; it is considered that the works will have a harmful impact on the character and appearance of the area.

Planning Policies

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 proposal has had regard to guidance contained within 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

There is no relevant planning history at this property.

Reason for Refusal

No.	Reason
1.	The outbuilding is considered unacceptable by virtue of its siting and design and will have a detrimental impact upon the character and appearance of the locality. The proposal is therefore contrary to The Framework, Policy 17 of the Adopted Central Lancashire Core Strategy and Policy BNE1 of the adopted Chorley Local Plan 2012 – 2026 and the Council’s adopted Householder Design Guidance Supplementary Planning Document.