

## **APPLICATION REPORT – 16/00890/FUL**

**Validation Date: 7 November 2016**

**Ward: Chorley North West**

**Type of Application: Full Planning**

**Proposal: Build an open wooden canopy/shelter at the bottom of the garden to be used by the children during outdoor play.**

**Location: Pipers Private Nursery 11 Southport Road Chorley PR7 1LB**

**Case Officer: Andrew Williams**

**Applicant: Pipers Private Nursery**

**Agent: N/A**

**Consultation expiry: 28 November 2016**

**Decision due by: 2 January 2017**

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### **RECOMMENDATION**

**Permit retrospective planning permission**

### **SITE DESCRIPTION**

1. The application site is occupied by Piper's Nursery which is located along Southport Road and accessed to the rear, from Shaftesbury Place.
2. The building is typically late Victorian/early Edwardian in appearance, being constructed in brick with bay windows to the ground and first floors with front entrance under a stone archway and curved window above. The main pitched roof is lined with slates whilst the modern single storey rear extension has grey concrete roof tiles.
3. The immediate area is characterised by similarly scaled buildings of corresponding design which occupy long narrow plots with access onto Shaftesbury Place to the southern boundary. The connecting building to the east (No.9) is understood to be in commercial use whilst No.13 to the west, adjacent to the application site, is in residential use. The properties located along Shaftesbury Place to the southern aspect are also in residential use.
4. Each building within the immediate vicinity of the application site has undergone extension and alteration to the rear elevation through the construction of various single storey and two storey extensions of different sizes under a mixture of flat, mono-pitched and gable ended roofscapes.
5. There are three trees to the rear boundary adjacent to Shaftesbury Place (a sycamore and a horse chestnut) which are protected under Tree Preservation Order 6 dated 1984.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

6. The proposal seeks retrospective planning permission for the construction of an open fronted wooden canopy/shelter surrounding a protected sycamore tree to the rear boundary of Piper's Nursery. The canopy/shelter is partly constructed.

#### **RELEVANT HISTORY OF THE SITE**

**Ref: 00/00627/COU Decision: REFFPP Decision Date: 25 October 2000**  
**Description: Change of use from mixed use (Day Nursery/Residential) to Day Nursery use with ancillary office and staff accommodation,**

**Ref: 03/00044/COU Decision: PERFPP Decision Date: 30 April 2003**  
**Description: Change of use from mixed use (residential/day nursery) to day nursery,**

**Ref: 05/01203/FUL Decision: REFFPP Decision Date: 8 February 2006**  
**Description: Demolish existing wall, remove tree and create a parking area to the rear of the existing nursery**

**Ref: 14/00589/ADV Decision: PERADV Decision Date: 12 August 2014**  
**Description: Retrospective application for advertisement consent for a Non-illuminated sign on gable end of property**

**Ref: 16/00065/FUL Decision: WDN Decision Date: 18 March 2016**  
**Description: Erection of single storey rear extension and first floor rear extension**

**Ref: 16/00527/FUL Decision: PDE Decision Date:**  
**Description: Single storey extension and first floor extension to rear elevation of Nursery.**

**Ref: 16/00533/FUL Decision: PDE Decision Date:**  
**Description: Variation of condition 4 attached to 03/00044/COU (the change of use from mixed use (residential/day nursery) to day nursery) to increase the total number of children within the building from 55 to 70.**

**Ref: 93/00403/FUL Decision: PERFPP Decision Date: 3 August 1993**  
**Description: Single storey side extension to form additional classroom and toilet accommodation**

**Ref: 92/00829/FUL Decision: PERFPP Decision Date: 7 December 1992**  
**Description: Formation of vehicular access**

**Ref: 92/00280/FUL Decision: REFFPP Decision Date: 19 May 1992**  
**Description: Vehicular access**

**Ref: 91/00110/TPO Decision: PERTRE Decision Date: 2 April 1991**  
**Description: Pruning of horse chestnut tree covered by TPO No.6 (Chorley) 1984**

**Ref: 89/00070/FUL Decision: REFFPP Decision Date: 2 May 1989**  
**Description: Vehicular access**

**Ref: 89/00069/ADV Decision: PERFPP Decision Date: 28 March 1989**  
**Description: Display of name board**

**Ref: 87/00549/FUL Decision: PERFPP Decision Date: 8 September 1987**  
**Description: Conversion of two ground floor reception rooms into pre-school nursery**

**Ref: 86/00420/TPO Decision: REFTRE Decision Date: 23 September 1986**  
**Description: Felling 2 horse chestnut trees covered by a tree preservation in garden of**

**Ref: 85/00737/TPO Decision: REFFPP Decision Date: 19 December 1985**  
**Description: Felling 2 horse chestnut trees**

**Ref: 81/00032/FUL Decision: PERFPP Decision Date: 9 February 1981**  
**Description: Conversion of coach house to granny flat**

**Ref: 80/00859/FUL Decision: PERFPP Decision Date: 20 October 1980**  
**Description: Change of use to Nursery and Support Unit for parents of mentally handicapped children (Use Class XV)**

**Ref: 80/00711/FUL Decision: PERFPP Decision Date: 29 September 1980**  
**Description: Conversion of former Coach House into Granny Flat**

## **REPRESENTATIONS**

Four letters of objection have been received (one duplicate) detailing the following concerns:

- The structure is too large and imposing;
- The proposal could cause damage to the protected tree;
- The structure is not in keeping with its surroundings and is damaging to the streetscene;
- The back of the structure projects around 2ft higher than the brick wall; and
- The structure as well as the proposed extension will seriously affect light entering The Coach House.

## **CONSULTATIONS**

**Parish Council** – No response received.

**Trees** – No objection subject to a condition restricting any form of fixings onto the main stems, limbs or branches of the tree.

## **PLANNING CONSIDERATIONS**

It is considered that the main issues for consideration in this application are:

- Impact of development upon the character and appearance of the street scene;
- Impact of development upon the amenity of neighbouring occupiers; and
- Tree implications.

### **Impact of development upon the character and appearance of the street scene**

Policy BNE1 of the Chorley Local Plan 2012 – 2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials.

The proposal seeks retrospective planning permission for the construction of an open canopy located to the rear of Pipers Nursery and adjacent to Shaftesbury Avenue.

The canopy is to be used in association with the outdoor play area and has been constructed from timber under a Perspex roof which encompasses a protected sycamore tree. The structure is 'L' shaped in form and measures 7.1 meters wide by 3.5m deep by 2.5 meters in height.

As viewed from Pipers Nursery, the structure appears domesticated in character and being constructed from timber remains a subservient feature within its context. Additionally, with appropriate staining, the canopy will assimilate with the centrally sited horse chesnut tree running through the near centre of the structure and also the dark tones of the adjoining brick walling.

As viewed from Shaftesbury Avenue, the concerns raised by neighbouring properties are duly noted. The structure projects approximately 0.3m above the brick walling and spans 7.1 meters

across the width of the boundary. Its current form is also highlighted within the street scene by the untreated timbers which given the colour differentiation between the boundary treatments highlights its prominence.

Notwithstanding the above, the scale is not excessively proportioned to detrimentally harm the character and appearance of this residential area. It is noted that the structure extends beyond the height of the brick wall, however with appropriate dark brown staining its prominence would be significantly reduced. Consideration is also given the presence of adjoining outbuildings/garages in the immediate area which also extend beyond the height of the brick walling and therefore such a feature is not uncommon.

It should be noted that the proposal, if the application building was in residential use, is unlikely to have required planning permission given its accordance with the stipulations of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

It is therefore considered that on balance, and subject to the submission of staining details, the proposal complies with Policy BNE1 of the Local Plan.

### **Impact of development upon the amenity of neighbouring occupiers**

Policy BNE1 of the Chorley Local Plan 2012 – 2026 states that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the development would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or overbearing.

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.

The nearest residential properties are located at Nos. 9 and 11 Shaftesbury Avenue, approximately 12 meters to the south of the application site. It is therefore considered that whilst the structure will be visible from these properties, its presence and visibility from these properties is not a viable reason for refusal. Given its height and distance from these properties, the proposal would not cause harm by virtue of overlooking, overshadowing or overbearing effect.

In respect to the comments made by the neighbouring occupier at The Coach House, the nearest habitable room window is approximately 17 meters from the canopy and is not in direct view from those windows. To this end the proposal is not considered to cause any discernible degree of harm through overshadowing.

The proposal complies with policy BNE1 of the Local Plan.

### **Tree Implications**

Policy BNE9 of the Chorley Local Plan 2012-2026 states that proposals which result in the loss of trees and/or involve inappropriate works to trees which contribute positively to the character and appearance of the area will not be permitted.

In this regard the Council's Tree Officer has undertaken a site visit and notes that no excavations were carried out during construction with the canopy positioned on an existing area of hardstanding. The Officer therefore raised no objection to the works providing no nails, screws, fixings of any kind are placed on the tree and that wood treatment shall be contact free and shall not leach onto the ground surface. The latter, however, is not enforceable through a condition.

Subject to the incorporation of a condition requiring that no fixings are attached to the tree, the proposal is acceptable and complies with policy BNE9 of the Local Plan.

### **CONCLUSION**

The proposal seeks retrospective planning permission for the erection of a timber canopy. The structure is proportionately scaled and with appropriate staining will not significantly impact upon the character and appearance of the street scene. There are no adverse impacts upon the amenities of neighbouring occupiers or the health and protection of the tree and therefore the application is recommended for approval.

**RELEVANT 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.

### **Suggested Conditions**

1. The development hereby permitted shall be carried out in accordance with the approved plans below:

*Reason: For the avoidance of doubt and in the interests of proper planning*

Title	Plan Ref	Received On
Location Plan	N/A	2 November 2016
Proposed Site Plan	N/A	2 November 2016
Elevations and Floor Plan	N/A	2 November 2016

2. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

*Reason: To ensure that the materials used are visually appropriate to the locality.*

3. Prior first use of the structure hereby permitted, full details shall be submitted to and approved in writing by the Local Planning Authority in relation to the type of staining to be used on the structure. The work shall only be carried out in accordance with the approved details.

*Reason: In the interests of the character and appearance of the area.*

4. At no time shall any nails or screws be knocked into, or fixings of any kind be placed on the tree that goes through the structure.

*Reason: To safeguard the health and appearance of the tree being retained.*