

APPLICATION REPORT – 17/00578/FUL

Validation Date: 2 June 2017

Ward: Chorley North East

Type of Application: Full Planning

Proposal: Change of use from single dwelling to 3no. self-contained apartments and erection of three story rear extension following demolition of existing rear projection

Location: 40 Park Road Chorley PR7 1QU

Case Officer: Mr Iain Crossland

Applicant: Mr Christian Attack

Agent: Mr Kiran Patel

Consultation expiry: 28 June 2017

Decision due by: 28 July 2017

RECOMMENDATION

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

SITE DESCRIPTION

2. The application site comprises a mid-terraced dwelling located on Park Road within the core settlement area of Chorley. The building is of traditional design style and is faced in painted render to the front and a combination of render and red brick to the rear, with a roof laid in slates. It has two storeys to the front and is three storeys to the rear. There is a small yard to the rear of the building. The character of the locality is predominantly residential with some commercial and service uses in the vicinity.

DESCRIPTION OF PROPOSED DEVELOPMENT

3. Planning permission is sought to change the use of the property from a single dwelling to 3no. self-contained flats. The proposal includes the erection of a three storey rear extension following the demolition of an existing three storey outrigger. The proposed extension would project approximately 4m to the rear of the existing property. It would be approximately 3.1m in width and would have a dual pitched roof with a ridge and eaves height approximately 1.2m lower than the existing ridge and eaves.

REPRESENTATIONS

4. One letter of objection has been received relating to the following issues:
 - The drawings show no dimensions and make it hard to judge the scale.
 - The extension is overly dominant and has a brutal appearance.
 - Parking provision
 - It is also queried how no.42 Park Road be made good following demolition

CONSULTATIONS

5. **Lancashire Highway Services:** Comment that the site is in a town centre location where there are available on-street parking provisions and nearby Local Authority car parks. As such, although the proposed change of use would normally require 4no. car parking spaces more than the existing dwelling, no highway objections are raised to the proposal.

PLANNING CONSIDERATIONS

Principle of the development

6. The National Planning Policy Framework (The Framework) states that housing 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 Central Lancashire Core Strategy focuses growth in Key Service Centres such as Chorley town, where the application site is located.
8. The site is not allocated for any specific use within the Chorley Local Plan 2012 - 2026 and the Local Plan 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.

Impact on character and appearance of the locality

9. The proposed development would result in the erection of three storey rear extension. This would replace an existing brick outrigger with a flat roof. It would have a dual pitched roof with a gable end perpendicular to that of the existing building. The proposed extension would appear appropriately subservient, whilst reflecting the existing form of development in the area. Matching materials would be used.
10. Although the proposed extension would be visible to the rear, its design, scale and siting would be compatible with the appearance of the existing building and would not compromise the appearance of the property or character of the surrounding area.

Impact on neighbour amenity

11. The proposed development would be located immediately adjacent to a residential dwellinghouse at 42 Park Road located to the north of the application site. The dwelling at 42 Park Road has a three storey outrigger with windows to habitable rooms in the side elevation facing the application site. These currently face a blank brick elevation of a three storey outrigger at the application property that would be replaced by the proposed extension. The existing outrigger projects approximately 2.4m from the rear elevation of the existing dwelling and is located immediately adjacent to the boundary with 42 Park Road. The proposed extension would project 4m from the rear elevation but would be positioned approximately 2.2m further from the dwelling at 42 Park Road.
12. Although the windows to habitable rooms in the side elevation of the outrigger at 42 Park Road would face the blank side elevation of the proposed outrigger, at a distance of 5m, it is noted that they are not the sole windows to the rooms they serve, as there are additional windows in the rear elevation. This is other than the ground floor where the windows face a boundary fence and are partially enclosed by a roof structure over the yard. Therefore, although there would be some impact on outlook from the habitable rooms in the outrigger at 42 Park Road, they are not entirely dependent on the windows in the side elevation for outlook and amenity.
13. Furthermore, any impact on light to the habitable room windows in side elevation of the outrigger at 42 Park Road would be mitigated to some extent by the proposed extension being positioned 2.2m further from those windows than the existing outrigger. Even accounting for the additional length of the extension, it is considered that any reduction in light would not be so severe that planning permission should be refused, given the present

circumstances and the fact that there are other windows to the habitable rooms in the outrigger.

14. There are windows to habitable rooms in the rear elevation of the main body of the dwelling at 42 Park Road. The impact on outlook and light from the proposed extension would be similar to the existing situation as the proposed extension would be 1.6m longer but positioned 2.2m further from the boundary than the existing outrigger.
15. The property at 38 Park Road to the south side is a dental surgery and there are no properties to the rear.

Impact on highways/access

16. It is accepted that there is already parking demand generated by the existing dwelling and that this must be considered in relation to the proposed development. The residential parking demand generated by this proposal would result in the need for an additional 4no. car parking spaces. No specific off street parking has been proposed as part of the development. There are, however, available on-street parking provisions and nearby Local Authority car parks.
17. The site is close to a high frequency bus route, supermarkets and is approximately 500m from the town centre. Such good access to public transport and local amenities result in the location being highly sustainable, such that a relaxation in the car parking standards can be made as per the provisions of policy ST4 of the Chorley Local Plan 2012-2026. It is also noted that the proposed development incorporates the provision of covered bicycle storage in the rear yard area.
18. Given the sustainability credentials of the location and existing parking demand already generated, the lack of specific parking provision is considered acceptable in this instance.

Public open space

19. The Development Plan requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.
20. A written Ministerial statement from the 28 November 2014 sought to set a National Policy and remove the ability of Councils to secure S106 contributions on small sites and resulted in the National Planning Practice Guidance (NPPG) being changed. This was challenged by a consortium of Councils in the High Court who were successful and the change to the NPPG was removed. Chorley resisted the change to the NPPG and applications were processed through Committee rather than delegated decision (officers gave up their delegated powers).
21. The Government challenged the decision of the High Court in the Court of Appeal on four grounds and the outcome was that on the 13 May 2016 the decision gave legal effect to the written Ministerial Statement of 28 November 2014. The NPPG has been changed again but highlights that the Ministerial statement should be taken into account. The Ministerial Statement (28 November 2014) carries weight in the decision making process, as does the National Planning Policy Guidance.
22. The Court of Appeal judgement does however state that “the aim or goal of a policy’s author is that his policy should be followed” this remains subject to “the proper operation of s 38(6)” and that the policy guidance does not have to explicitly express that an alternative view can be reached as “the changes were introduced as policy, not binding law”. The judgement goes on to highlight “In the determination of planning applications the effect of the new national policy is that although it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances as compared with the new national policy” (evidence submitted on behalf of the SofS)

23. The Council must determine what lower thresholds are appropriate based on local circumstances as an exception to National Policies and how much weight to give to the benefit of requiring a payment for 1 or 2 dwellings.
24. It is considered that the benefit of securing a public open space contribution on the basis of the two additional dwellings that would be created as a result of the proposed development would not be sufficient or carry significant weight to outweigh the national policy position. The benefit to the Council is the delivery of improvements to play space however the cost of managing the end to end process of delivering those improvements is high and not commensurate to the benefit. The likely success of delivering improvements is also in doubt due to the difficulty of identifying schemes to pool small amounts of money secured through Section 106 agreements.
25. Therefore, a POS commuted sum is not requested for this scheme.

Other matters

26. The plans have been provided to an accepted scale, which enable measurements to be taken in support of a full planning assessment.

CONCLUSION

27. There would be no unacceptable detrimental impact on the character or the appearance of the area or the amenity of neighbouring occupiers as a result of the proposed development. In addition the development is located in a sustainable location and would not have an unacceptable impact on highway safety. On the basis of the above, it is recommended that planning permission be granted.

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.

RELEVANT HISTORY OF THE SITE

Ref: 88/00208/COU **Decision:** REFFPP **Decision Date:** 3 May 1988
Description: Change of use from private house to office

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 of the development hereby permitted shall match in colour, form and texture those set out in the application form and approved plans, unless alternatives are submitted to an agreed in writing by the Local Planning Authority. <i>Reason: In the interests of the visual amenity of the area in general and the existing building in particular.</i>						
3.	The development hereby permitted shall be carried out in accordance with the following approved plans:						
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	Location plan	1715-EX01	02 June 2017
	Proposed plans and elevations	1715-SK01	02 June 2017
	Cycle store details	N/A	12 July 2017
	Cycle store location plan	1715-SK02	13 July 2017
<i>Reason: For the avoidance of doubt and in the interests of proper planning.</i>			