

Item B.1 **08/00549/FUL** **Permit (Subject to Legal Agreement)**

Case Officer **Mr Andy Wiggett**

Ward **Heath Charnock And Rivington**

Proposal **Demolition of bungalow and erection of two storey dwelling**

Location **109 Chorley Road Heath Charnock Lancashire PR6 9JT**

Applicant **Mr Mukesh Patel**

Proposal This application was deferred at the previous meeting of the Development Control Committee to allow a site visit.

The application proposes the demolition of an existing bungalow on the site and its replacement with a five bedroom two storey dwelling.

Policy GN1- Settlement Policy
GN5 – Building Design
HS4 – Design and Layout of Residential Developments
HS6 – Housing Windfall Sites
SPD - Householder Design Guidance

Planning History **07/01365/FUL** – Demolish existing bungalow and erect 3 storey detached house – Refused
08/00216/FUL – demolition of existing bungalow and erection of a new two storey dwelling - Withdrawn

Consultations The Parish Council considers that the dwelling is too large for the site and out of character with the area.
Neighbourhoods have requested a condition requiring an initial desk top study and site walkover to assess the potential for contamination of the site.
Standard comments have been received from the Coal Authority.

Representations Eight letters of objection have been received raising the following matters

- Proposed house too large for the plot
- Overdominant in relation to neighbouring properties
- Out of character as most of the surrounding properties are bungalows
- Noise and disturbance during construction
- Overlooking of garden and overshadowing

Applicant's Case The applicant has not put forward any specific reasons in writing.

Assessment The main issues to consider in relation to the proposal are scale, design and appearance and impact on neighbour amenity.

Scale, Design and Appearance

The size of the dwelling is much larger than the modest bungalow that it will replace on the site. It must also be acknowledged that

this is a much larger dwelling than those in the immediate area. However, given the wide variety of house types and styles within this part of Heath Charnock and that the property would still have a rear garden of about 12m and a front garden of 10m in length which are average dimensions for modern houses, it is considered that the dwelling is not too large for the plot. There are bungalows to the side and rear of the site but the proposal would be next to two storey houses to the south. Directly across the road there are houses and on the other side of Lower Hill Drive is a two storey house. It is not considered that a house would be out of place here, it can be judged as a continuation of the row of houses to the south along Chorley Road.

In terms of appearance, the application has been amended to have a roof height the same as the adjoining house and the front of the property will not project beyond the line of the fronts of existing property along Chorley Road. The house would have an integral double garage and bay windows to the lounge and first floor bedroom. At the rear the property would have a single storey lean to element which would contain the kitchen, dining room and utility room. The construction would be conventional with brick for the walls and tiles for the roof with brown UPVC windows. Conditions can be attached to ensure the colours of the materials are sympathetic to the area.

Impact on Neighbour Amenity

The positioning of the dwelling on the plot has been amended from the previous application such that it now satisfies the 45degree rule in relation to the two storey aspect and the 45 degree plus 3m for the single storey rear element. The impact has been assessed against the three nearest properties. As the proposed dwelling will be slightly northwest of No.107, the adjacent house, it is considered that any overshadowing will be marginal such that a refusal on these grounds could not be substantiated. All windows on the side elevations will be to bathrooms and contain obscure glazing. The property will be at least 30m from the bungalows to the rear on Lower Hill Drive and the first floor windows will be 12m from the boundary and so satisfies the Council guidelines.

Other Issues

It has been drawn to the Local Planning Authority's attention that a summer house and decking has been erected in the rear garden. This satisfies the Regulations so as to qualify as permitted development. If the bungalow on the site were to be demolished and the proposed dwelling was erected, the summer house and decking can remain even though they would have required planning permission if they were to be constructed after this as they would be within 5m of the new house.

Conclusion

There have been two previous applications for a replacement dwelling on this site. The earlier versions were too large and out of keeping and did not satisfy the Council's interface distances. The current application satisfactorily addresses these issues and whilst it will be a large house it is not considered to overwhelm the adjacent properties to a degree which would warrant a refusal which could be defended on appeal. The dwelling is considered to have reached the limit of built development on the site and

permitted development rights should be removed.

**Recommendation: Permit (Subject to Legal Agreement)
Conditions**

1. The development hereby permitted shall not commence until full details of the colour, form and texture of all external facing materials to the proposed building (notwithstanding any details shown on the previously submitted plan(s) and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.

2. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall not commence until the applicant has submitted to and had approved in writing by the Local Planning Authority a report to identify any potential sources of contamination on the site and where appropriate, necessary remediation measures. The report should include an initial desk study, site walkover and risk assessment and if the initial study identifies the potential for contamination to exist on site, the scope of a further study must then be agreed in writing with the Local Planning Authority and thereafter undertaken and shall include details of the necessary remediation measures. The development shall thereafter only be carried out following the remediation of the site in full accordance with the measures stipulated in the approved report.

Reason: In the interests of safety and in accordance with Policy No. EP16 of the Adopted Chorley Borough Local Plan Review.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (Schedule 2, Part 1, Classes A to E), or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling hereby permitted, or any garage, shed or other outbuilding erected (other than those expressly authorised by this permission).

Reason: To protect the appearance of the locality and in accordance with Policy No. HS4 of the Adopted Chorley Borough Local Plan Review.

5. All windows in the first floor of the building's north and south elevations shall be fitted with obscure glass and obscure glazing shall be retained at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring property and in accordance with Policy Nos. GN5 and HS4 of the Adopted Chorley Borough Local Plan Review.

6. The development hereby permitted shall not commence until full details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area and in accordance with Policy No. GN5 of the Adopted Chorley Borough Local Plan Review.
