

## APPLICATION REPORT – 22/00886/FULHH

**Validation Date: 12 August 2022**

**Ward: Chorley North East**

**Type of Application: Householder Application**

**Proposal: Part two storey/part single storey extension to rear, two storey extension to side and single storey extension to front**

**Location: 7 Oakmere Avenue Withnell Chorley PR6 8AX**

**Case Officer: Mrs Hannah Roper**

**Authorising Officer:**

**Applicant: Mr Andy Baker**

**Agent: David Haworth, David Haworth Design**

**Consultation expiry: 27 September 2022**

**Decision due by: 19 January 2023 (Extension of time agreed)**

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### UPDATE

1. Members will recall that consideration of the application was deferred at Planning Committee on 6 December 2022 to give members the opportunity to visit the site. The original committee report follows on below.
2. The recommendation remains as per the original report and addendum, both of which are provided below with an amendment made to the recommended reason for refusal to correct a typographical error with regards to the neighbouring property numbers.

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### ORIGINAL REPORT

#### RECOMMENDATION

1. It is recommended that planning permission is refused for the following reason:

The first floor element of the proposed development would, by reason of its siting, height and proximity to neighbouring side facing habitable windows, result in unacceptable adverse impacts of loss of light, overbearing effect and loss of outlook for the residents of no.6 and no.8 Oakmere Avenue which would be detrimental to their living conditions. The proposed development, therefore, fails to accord with policy HS5 of the Chorley Local Plan 2012-2026 and The Householder Design Guidance Supplementary Planning Document.

#### SITE DESCRIPTION

2. The application site is located in the Green Belt. The existing property is a semi-detached dwelling and the western end of Oakmere is characterised by pairs of semi-detached properties. Directly to the rear of the property are dwellings located on Thirlmere Drive with the wider area characterised by open fields.

3. The application property has been previously extended by the addition of a single storey rear extension with the window facing towards the common boundary with no.8. A driveway lies to the front of the property and a small garden to the rear.
4. The neighbouring property at no.8 has a similar extension. No.6 has a flat roof, two storey rear extension with a kitchen window facing towards the common boundary with the application dwelling. A variety of extensions are evident in the surrounding area.

### **DESCRIPTION OF PROPOSED DEVELOPMENT**

5. The application seeks planning permission for a two storey side extension, single storey front extension and part two storey/part single storey extension to the rear.
6. The proposed side extension would project 1.2 metres and would tie in with the rear elevation of the host dwelling. The first floor would be set back 1.9 metres with the ground floor projecting forward of the front elevation of the property by 0.9 metres. A mono pitched roof would be utilised to tie this into a front canopy that extends across the frontage of the dwelling, encompassing a new bay window to the lounge.
7. To the rear, the proposed extension would project 2.7 metres to the rear across the original rear elevation of the host dwelling. The first floor element would be set in approximately 2.6 metres from the common boundary with no.8 Oakmere Avenue. Both the side extension and the rear extensions would tie in with the eaves of the host dwelling but would have a ridge height lower than that of the host dwelling.

### **REPRESENTATIONS**

8. This application is being brought before committee for determination at the request of Councillor France.
9. At the time of report preparation, 7no. representations have been received, however many of these are duplicates from the same respondents. Objections have been raised on the following grounds:
  - The proposal extends out from the original building line
  - The windows on the side extension overlook neighbours and should be frosted to protect neighbour's privacy
  - Current regulations state that the roof pitch should match that of the host dwelling and that extensions cannot be built forward of the original building line. This proposal breaks both
  - The proposal far exceeds permitted development rights and would therefore represent overdevelopment of the plot
  - The proposal represents inappropriate development within the Green Belt and as such would harm openness as it is disproportionate
  - The proposal would have adverse impact on the character and appearance of the dwelling and the streetscene
  - There would be severe harm to the residential amenity enjoyed by no.8 Oakmere Avenue
  - There would an impact on biodiversity
  - The proposal would set and undesirable precedent
  - The application is incorrect as Certificate A has been served but foundations would need to be constructed on neighbouring land
  - The proposal would result in a terracing effect between this property and the neighbour and unbalances the pair of semi-detached dwellings
  - Loss of light and privacy to the residents at number 8 Oakmere Avenue
  - There would be an increase in noise and disturbance as a result of the proposed bi fold doors being left open.
  - There are proposed works to the roof and no bat survey has been submitted
  - The proposal is out of keeping with this traditional country road

- There would be noise disturbance whilst people are working from home

## CONSULTATIONS

10. Withnell Parish Council – No comments have been received.
11. CIL Officers – Advise that the proposal is not CIL liable.
12. Lancashire County Council Highway Services – Advise that they have no objection.

## PLANNING CONSIDERATIONS

### Principle of the development in the Green Belt

13. National guidance on the Green Belt is contained in Chapter 13 of the National Planning Policy Framework (the Framework) which states:

*137. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*

*138. Green Belt serves five purposes:*

- a) to check the unrestricted sprawl of large built-up areas;*
- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

*147. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*

*148. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

*149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry;*
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- e) limited infilling in villages;*
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*
  - not have a greater impact on the openness of the Green Belt than the existing development; or*
  - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified*

14. *The Central Lancashire Rural Development SPD states that proposals for extensions to dwellings in the Green Belt which have an increase of over 50% of the volume of the original building that stood in 1948, will be considered inappropriate.*
15. *Policy HS5 of the Chorley Local Plan 2012-2026 states that permission will be granted for the extension of dwellings in the Green Belt provided that the proposed extension does not result in a disproportionate increase in the volume of the original dwelling. Increases of up to 50% (volume) are not considered disproportionate.*
16. The volume increase that would occur as a result of the proposed development has been calculated at less than 50% of the volume of the original dwelling. As such, it is not considered that the proposed development would have any unacceptable adverse impact on the character and openness of Green Belt and, therefore, the proposal, accords with The Framework, policy HS5 of the Chorley Local Plan and The Central Lancashire Rural Development SPD.

#### Design and impact on the streetscene

17. *Policy HS5 of the Chorley Local Plan 2012 – 2026 stipulates that the proposed extension respects the existing house and the surrounding buildings in terms of scale, size, design and facing materials, without innovative and original design features being stifled.*
18. *The Householder Design Guidance SPD requires that extensions are subservient to the existing dwelling and respect the scale, character, proportions of the existing dwelling and surrounding area. In particular, it states that in order to avoid terracing, side extensions should leave a reasonable gap (at least 1m) between an extension and the boundary with the adjacent property, or incorporate in some circumstances a substantial set back from the front elevation which creates a clear visual break between properties. In addition the SPD states that front extensions may be acceptable, in cases where there is no distinct building line or form, in a street with a wide variety of architectural styles.*
19. The proposal has a number of parts. With regard to the rear elements of the proposal, these would be screened behind the host dwelling and as such would not have an impact on the streetscene. The eaves tie in with the host dwelling and the ridge is dropped and as such these elements demonstrate visual subservience to the host dwelling.
20. With regard to the proposed side extension, this is set in approximately 0.9m from the common boundary with no.6 Oakmere Avenue and the first floor element is set back approximately 1.9m from the front elevation. The proposal also emulates the hipped roof style and pitch of the host dwelling and is set down from the main ridge. As such it is considered that this element of the proposal demonstrates an appropriate level of subservience to the host dwelling and that there are no concerns regarding terracing given the combined set in and set back from the frontage at first floor.
21. With regard to the single storey front element and front canopy, this projects forward of the front elevation of the dwelling. A mono-pitched roof would encompass the proposed extension and a new bay window to the lounge. Concerns have been raised regarding the breaking of the building line along Oakmere Avenue. Due to the arrangement of properties along Oakmere Avenue, nos.1-10 are read as a 'block' of properties before a natural break. Of these properties it is clear from visiting the site that there are number of porches and front extensions that have been added to these dwellings, including the two direct neighbours to the application property and at nos. 1 and 3 Oakmere Avenue.
22. Whilst the proposed front extension is wider than could be achieved under permitted development rights, due to sitting in front of the proposed two storey side extension, it is not excessive in overall scale and would not project notably forward of front of the porch extensions at the two neighbouring dwellings and much of the mono pitched roof to the front of the two storey extension would be screened from wider streetscene views by the neighbouring dwelling at no.6.

23. Given the variety of materials and front extensions along this stretch of Oakmere Avenue it is, therefore, considered that the existing building line is not a defining feature of the streetscene, and that the proposed front extension would not undermine any particular character over and above the existing front porches and extensions already in existence along Oakmere. Matching materials could be secured by condition in the interests of the appearance of the development.
24. Having regard to the above, it is not considered that the proposed development would be detrimental to the host dwelling or the streetscene and accords with policy HS5 of the Chorley Local Plan.

#### Impact on the amenity of neighbouring occupiers

25. *Policy HS5 of the Chorley Local Plan 2012 – 2026 states that there should be no unacceptable adverse effect on the amenity of neighbouring properties through overlooking, loss of privacy or reduction of daylight.*
26. *The Householder Design Guidance SPD asserts that extensions should not result in unacceptable harm to the amenity of neighbouring occupiers. It also states that two storey and first floor extensions, without proper consideration, can result in an overbearing addition, not only with respect to the over-dominance of neighbouring/affected private amenity space but also in relation to the existing/parent building. Where the extension or large part of the house has more than one storey, it must be a minimum 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged. Blank walls on any proposed extension shall be located no less than 12 metres from any neighbouring/facing habitable room windows. The SPD also asserts that single storey extensions shall not project no further than 3 metres beyond a '45-degree' guideline drawn on plan from the near edge of the closest ground floor habitable room window on an adjoining/affected property.*
27. Considering first the relationship with the properties to the rear, a distance of approximately 6 metres would be achieved to the rear common boundary with the properties on Thirlmere Drive. A first floor, a rear facing window is proposed to serve a bathroom, and this is not classed as a habitable room. A further rear window is proposed to serve a bedroom and a distance in excess of 21 metres would be achieved to those properties to the rear.
28. With regard to the relationship with the adjacent property no.6 Oakmere, this dwelling has an existing two storey rear extension. A kitchen window is located in the side elevation at ground floor level, facing towards the common boundary with the application property. A second, smaller window serves this room in the rear facing elevation. Neither window is obscurely glazed and the window in the side elevation already looks directly towards the side elevation of the existing kitchen extension at the application property. The relationship is already poor, however, the addition of a first floor above it, with its associated height and massing, at distance of approximately 4.7 metres would worsen this existing outlook and reduce light to this window for part of the day given its location immediately to the west of the application property. On this basis it is considered that the proposed two storey element of the proposal would result in unacceptable adverse impacts on the amenity of the occupiers of this neighbouring property due to loss of outlook, overbearing impact and loss of light, which would be detrimental to their living conditions. The proposal, therefore, fails to accord with policy HS5 of the Chorley Local Plan and the Householder Design Guidance SPD in terms of its relationship with this property.
29. In terms of facing windows in the side elevation of the proposed extension, these are proposed to be obscurely glazed and this could be controlled by way of a planning condition. It should be noted, however, that the landing and hallway windows are not habitable rooms. The proposed side facing window in the proposed rear extension would be set in 2.48m from the common boundary and would serve a kitchen which is a habitable room. At the current time the boundary treatment is a low-level fence. Given that this window could be added to the existing extension without permission and that a 2m high boundary fence could be erected along the common boundary by either neighbour without

the need for planning permission enhancing the privacy for both parties, then it is not considered that a reason for refusal based on loss of privacy for neighbouring residents can be sustained.

30. With regard to no.8, this property has a single storey rear kitchen extension. The extension is served by three windows, however the window facing towards the common boundary is considered to represent the principal window as the two others are obscurely glazed. With regard to the single storey element of the proposed rear extension this would extend along the common boundary by 3.7 metres and would have a mono pitched roof. Whilst concerns have been raised by the neighbour regarding this element of the extension, it needs to be considered that the application property benefits from permitted development rights and this element of the proposal is less than could be achieved using these rights. The proposal would not project 3 metres beyond a 45-degree line drawn from the rear facing dining room window adjacent to the common boundary and as such the proposal complies with the guidance in this SPD in this regard.
31. With regard to the two storey element this would project 2.7 metres to the rear. It is set in 2.7 metres from the common boundary and approximately 5.8 metres from the side facing neighbouring window. It would sit directly in front of the neighbouring side facing habitable room window to the west. As such, the proposal fails to achieve an acceptable interface distance between a habitable room window and a blank elevation and as such would result in an overbearing impact and loss of light to this window and would have a detrimental impact on the outlook from this dwelling. The proposal, therefore, fails to accord with policy HS5 of the Chorley Local Plan the Householder Design Guidance SPD.

#### Highway safety

32. *Policy HS5 of the 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.*
33. *The Householder Design Guidance SPD states that off-street parking should 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 but spaces in front of a garage should be 2.5 metres by 6 metres to allow for opening/closing doors and if a garage is to be classified as a parking space the size must be 6m by 3m.*
34. The proposal would enlarge existing bedrooms rather than adding any additional rooms. Lancashire County Council Highway Services have viewed the plans and are satisfied that there would be no detrimental impact on highway safety or amenity and as such proposal is, therefore, acceptable and in accordance with policy HS5 of the Chorley Local Plan.

#### Other matters

35. Bats - With regard to concerns regarding the potential for bats within the roof space, an informative could be utilised to ensure that the applicant is aware of the protected nature of bats and the correct procedure should be adopted should any be found during construction.
36. Noise - In terms of noise during the construction phase of the proposal and following completion of the bifold doors, the construction noise would be expected to be short term and there are mechanisms for reporting and dealing with noise concerns outside of the planning system.
37. Precedent – Concerns have been raised about the application setting a precedent, however, each application is considered on its own merits in line with relevant planning policies and material considerations.

## **CONCLUSION**

38. The proposed development would not have an unacceptable adverse impact on the character and appearance of the existing dwelling or the surrounding area, nor would it cause any harm to the openness of the Green Belt or highway safety. It would, however, result in unacceptable adverse impacts on the amenity of the occupiers of neighbouring properties either side due to loss of outlook, overbearing impact and loss of light, which would be detrimental to their living conditions. The proposal, therefore, fails to comply with policy HS5 of the Chorley local Plan and the Householder Design Guidance Supplementary Planning Document.

**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**

There is no recent relevant planning history.