

No.1	APPLICATION NO.	2020/0908/FUL
	LOCATION	Land To The Rear Of 14a To 20 New Cut Lane Halsall Lancashire
	PROPOSAL	Variation of Condition No's 2 and 3 of Planning Permission 2018/1043/FUL to vary the approved plans and materials.
	APPLICANT	Mr & Mrs Collins
	WARD	Halsall
	PARISH	Halsall
	TARGET DATE	2nd December 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor Mills has requested it be referred to Committee to consider the impact on residential amenity.

2.0 SUMMARY

- 2.1 This application seeks to vary condition numbers 2 and 3 attached to planning permission reference 2018/1043/FUL which granted planning approval for one detached dwelling. Since the previous approval the dwelling has been constructed and is now occupied but it has not been built in accordance with the approved plans. As a result the applicant seeks to vary the approved plans to make a number of design changes along with a change to the materials. The proposed amendments are considered to be acceptable. I am satisfied the proposal would not cause any significant harm to the character and appearance of the area nor result in an unacceptable loss of privacy through overlooking to warrant refusal of the application, and is therefore compliant with Policy GN3 of the Local Plan and the Council's SPD Design Guide.

3.0 RECOMMENDATION: APPROVE with Conditions

4.0 THE SITE

- 4.1 The site is situated to the south of New Cut Lane in Halsall and comprises of a single dwelling house which was completed and occupied in early 2020. The site is bounded to the north by a recently completed residential development scheme and is bounded to the east, west and south by open undeveloped land. This dwelling shares an access road with the housing development immediately to the north.

5.0 THE PROPOSAL

- 5.1 This application seeks retrospective planning permission to vary condition number 2 (plans) and 3 (materials) attached to planning permission reference 2018/1043/FUL relating to the design of the dwelling. The design changes are as follows:

Attached garage on southern elevation has a flat roof and glass panels forming a balcony; A 1st floor window and a door has been fitted to the south elevation gable end leading to this balcony;
A 2nd floor window has been fitted to the south elevation gable end in the roof space;
A double gable roof has been built on the front (west) elevation (instead of a single gable, as approved);

The depth and style of the front and rear elevation windows and front door have been reconfigured;
Window cills/head removed and materials changed;
Three velux windows have been fitted to the rear (east) elevation roof space;
Design of the chimney has been amended;
2 ground floor windows to the northern elevation have been omitted.

- 5.2 In respect of condition 3, the applicant seeks approval for a change to the brick, tiles and render previously approved.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2018/1043/FUL GRANTED Variation of Condition No. 2 of planning permission 2016/1173/FUL to vary the approved plans.
- 6.2 2017/0722/CON APPROVED Approval of Details Reserved by Condition Nos. 3, 4, 7, 8, and 9 of planning permission 2016/1173/FUL relating to materials; landscaping scheme; finished levels of all parts of the site, including the floor levels of all buildings; a Method Statement detailing measures to be taken during construction (including No-Dig methodology) to protect the health of the existing trees and an easement agreement allowing continuous future access to the surface water drainage system.
- 6.3 2016/0479/FUL GRANTED Demolition of dwelling, erection of two dwellings both with private rear gardens, in-curtilage car parking and served by a new access road.
- 6.4 2016/1173/FUL GRANTED Demolition of dwelling, erection of one dwelling with private rear garden, in-curtilage car parking and served by a new access road.

Relevant Enforcement

- 6.5 E/2020/0130/BC Breach of Condition 2 - 2018/1043/FUL. Investigation complete and regularising application received.

7.0 OBSERVATIONS OF CONSULTEES

- 7.1 None received

8.0 OTHER REPRESENTATIONS

- 8.1 Halsall Parish Council (17.11.20) Objects to the changes for the following reasons:

The flat roof garage falls short in meeting design criteria and is not high quality design;
Three velux roof lights fitted on rear elevation will overlook plots 6 and 7 resulting in loss of amenity;
Two small windows on front elevation overlook number 14B resulting in loss of privacy and amenity;
Not convinced the loft space is for storage only when significant investment has been made to the roof re-structure;
The double gable construction is not in-keeping with the new development in terms of design, appearance, character and materials;
Why has the chimney been altered from the original design? It has 3 pots instead of 2 and the height has decreased which may fail to provide the required draw for the flues.

Other matters

Do the works comply with building regulations?
No evidence that the glass panels forming the balcony are safe.

9.0 SUPPORTING INFORMATION

- 9.1 Covering letter supporting statement.
Letter of support from neighbor at 14B New Cut Lane.

10.0 RELEVANT PLANNING POLICY

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

The site is allocated under Policy RS1 (a) (viii) of the West Lancashire Local Plan 2012-2027 DPD as being a Housing Allocation site (Land at New Cut Lane, Halsall). The access to the site is located within settlement area of Halsall, which is designated as a Rural Settlement Village in the Local Plan.

West Lancashire Local Plan 2012-2027 DPD

Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy RS1 – Residential Development
Policy IF2 – Enhancing Sustainable Transport Choice
Policy EN1 – Low Carbon Development and Energy Infrastructure
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Advice

SPD – Design Guide (January 2008)

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

Design, Scale and Layout

- 11.1 Whilst the changes to the scheme have necessitated a new application being submitted, I note that the general layout and siting of the dwelling has not been altered. Since the previous approval, the dwelling has been constructed and is now occupied but it has not been built in accordance with the approved plans. As a result the applicant seeks to vary the approved plans to make a number of design changes along with a change to the materials. The changes include alterations to windows and doors, inclusion of three velux roof lights on the rear elevation, an additional gable on the front elevation, alterations to the design of the chimney and alterations to the attached garage from a pitch roof to a flat roof with glass panels forming a balcony. In respect of the materials, permission was secured for a slate blue brick course around the dwelling and garage with the remainder of the dwelling rendered in off white. Both the dwelling and garage have been completely rendered in white with a small red brick course. There has been a minor change to the grey roof tile from a cement construction to a concrete construction.
- 11.2 There is a mix of dwelling types in the immediate area surrounding the site including detached, semi-detached, and dormer bungalows. This dwelling is located to the rear of existing frontage development and behind a recently constructed cul-de-sac of eight dwellings and is not readily visible from the street scene and is viewed in isolation to surrounding developments. The site is bounded to the east, west and south by open land

which is allocated for future housing development. I am of the view that the design changes such as alterations to the fenestration and chimney are minor alterations. In respect of the additional gable end on the front elevation, this has been designed to mirror the approved gable end and in my view matches the architectural style of the approved dwelling. In respect of the attached garage, the approved design included a pitch roof, but the garage has been constructed with a flat roof with a glazed balustrade. Whilst the use of flat roof garages are rarely encouraged I am mindful that this dwelling is set back in isolation from the frontage development and the garage is sited adjacent to open, undeveloped land, therefore I am of the view the design of this garage would not have a detrimental impact upon the character of the area. As a result I consider the impact of the changes to the dwelling are negligible and I am satisfied the changes will not be incongruous or harmful to the overall character of the street scene and area in compliance with policy GN3.

Impact on Residential Amenity

- 11.3 In terms of the relationships between the application dwelling and neighbouring dwellings, I am satisfied that the revised design maintains the required interface distances secured under the previous application.
- 11.4 The nearest residential properties are located immediately to the north of the dwelling, and have recently been constructed. Three velux roof lights have been added to the roof on the rear (west) elevation. At the current time, the roof space is used for storage only and is accessed via a loft ladder. I am of the opinion that the roof lights do not result in an unacceptable loss of privacy for the occupiers of the recently constructed plot 6, to the north of the site as the two dwellings are at right angles from each other and direct overlooking is reduced by the oblique angle between the properties. The roof lights address the applicant's own rear garden and the property already has approved rear facing main habitable room windows at first floor level.
- 11.5 In respect of the balcony, this has been placed upon the roof of the garage on the southern elevation which is bounded by open land. I note the concerns raised by the Parish Council in respect of the impact upon the occupiers of 14B New Cut Lane however there is over 21m between the proposed balcony and the rear elevation of number 14B, in addition I am mindful the balcony and number 14B are offset from each other and direct overlooking is reduced by the oblique angle between the two properties. Therefore I am of the opinion that due to the siting and orientation of the balcony it will not have an unacceptable loss of amenity to number 14B. On the basis of the above I am satisfied that the proposed development complies with Policy GN3 in the Local Plan.

Summary

- 11.6 I consider the proposal satisfactorily meets the requirements of Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to the following conditions

Conditions

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Plan reference Drawing reference 758_102 Rev B and 758_108 Rev A received by the Local Planning Authority on 5th October 2018

Plan reference Drawing reference 758_103 Rev E received by the Local Planning Authority on 31st October 2018

Plan reference Drawing reference 758_100 Rev H (Floorplans), 758_101 Rev H (Comparison Elevation) and 758_109 Rev B (Street Scene) received by the Local Planning Authority on 7th October 2020

Reason: For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

2. The materials shall be implemented in accordance with the details shown on drawing number 758_101 Rev H received by the Local Planning Authority on 7th October 2020.
Reason: To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. The landscaping shall be implemented in accordance with the details agreed under application 2017/0722/CON - as shown on in the Landscape Management Plan and drawing number 758-103 Rev C received by the Local Planning Authority on 11th July 2017.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) Schedule 2, Parts 1 A - F and 2 A - B, or any amendments made to that Order, shall not apply:
 - (i) no extensions shall be carried out to the dwelling(s)
 - (ii) no garages or carports shall be erected within the curtilage of the dwellings
 - (iii) no vehicle standing space shall be provided within the curtilage of the dwellings
 - (iv) no buildings, greenhouses, swimming pools, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings
 - (v) no means of access shall be constructed to the curtilage of the dwellings
 - (vi) no windows or dormer windows shall be added to the dwellingunless on application to the Local Planning Authority, planning permission for such development has been granted.
Reason: The character and location of the property are such that the Local Planning Authority wish to exercise control over future development in order to protect residential and visual amenity to comply with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The easement agreement shall be implemented in accordance with the details agreed under application 2017/0722/CON Easement Agreement dated 1st December 2016 received by the Local Planning Authority on 11th July 2017.
Reason: To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. The sustainable drainage scheme for the site shall remain in accordance with the approved 'Drainage Strategy Report', C-0703 Issue 5 and drawing number C-0703-01 rev B, by Hamilton Technical Services, and shall be managed and maintained in accordance with the agreed management and maintenance plan.
Reason: To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. External lighting associated with the development shall be directional and designed to avoid excessive light spill and shall not illuminate bat roosting opportunities within the site,

the roof or eaves of nearby buildings or trees and hedgerows. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institute of Lighting Engineers guidance Bats and Lighting in the UK, 2009)

Reason: To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. The bat boxes on the property as set out in the Updated Ecological Appraisal dated January 2017 submitted under application reference 2016/1173/FUL shall be implemented within 3 months of this date of this permission.

Reason: To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The car parking and manoeuvring areas as shown on approved site layout plan 758-103 Rev E, received by the Local Planning Authority on 31st October 2018 shall be permanently maintained for the parking and turning of vehicles.

Reason: To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy GN1 - Settlement Boundaries

Policy GN3 - Criteria for Sustainable Development Policy

Policy RS1 - Residential Development

Policy IF2 - Enhancing Sustainable Transport Choice

Policy EN1 - Low Carbon Development and Energy Infrastructure

Policy EN2 - Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.