

No.3	APPLICATION NO.	2020/0698/FUL
	LOCATION	11 Ash Close Ormskirk Lancashire L39 3PB
	PROPOSAL	Demolition of single garage and erection of a dormer bungalow following the sub-division of the garden of no. 11 Ash Close, reconfiguration of access and parking (for both the existing and proposed dwellings), and associated hard and soft landscaping (including new boundary treatment).
	APPLICANT	Steve And Elaine Pratt
	WARD	Knowsley
	PARISH	Unparished - Ormskirk
	TARGET DATE	10th November 2020

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme however Councillors Dowling and Mitchell requested it be referred to Committee to consider the impact on the amenities of surrounding residents. The application was considered at the April Planning Committee meeting and was deferred for a further site visit.

2.0 SUMMARY

- 2.1 The principle of the proposed residential development is acceptable due to the location of the application site within the settlement of Ormskirk with Aughton. Following revisions to the original scheme, specifically the removal of the front dormer windows, I am satisfied the proposal would not result in significant harm to the amenity of surrounding residents in line with Policy GN3 of the WLLP. I am satisfied that the proposal would not cause significant harm to highway safety, ecology/biodiversity and that a suitable drainage solution can be provided. The proposed development is considered to be compliant with the relevant policies in the Council's Local Plan.

3.0 RECOMMENDATION – APPROVE with conditions

4.0 SITE DESCRIPTION

- 4.1 The application site comprises of a semi-detached dormer bungalow located on the south west corner of Ash Close in Ormskirk. The plot includes a substantial wrap around garden to the rear and side of the dwelling which it is proposed would be sub divided to create a separate residential plot for the erection of a detached dormer bungalow.
- 4.2 The site fronts the Ash Close cul-de-sac which compromises a mix of bungalows and dormer bungalows including the adjacent neighbouring bungalow of No 9 Ash Close (to the east), whilst the side and rear perimeters of the site are flanked by the gardens of residential properties on Beechwood Drive (south) and Redgate (west).

5.0 PROPOSAL

- 5.1 The applicant seeks permission for the erection of a two storey dormer bungalow with three bedrooms which would be sited in the side garden of No 11 Ash Close. Demolition of the existing garage for No 11 is proposed to facilitate the development which also includes the reconfiguration of access and driveway arrangements to the front of the site which would create parking provision for both the existing and proposed dwelling.

- 5.2 It is noted that during the course of the application the proposed development scheme has been altered by the applicants to remove the front dormer element on the new dwelling. A re-consultation with neighbours has been completed following this amendment.

6.0 SUPPORTING INFORMATION

- 6.1 Drainage Strategy Report. Received by the Local Planning Authority on 12.08.2020.
- 6.2 Supporting Information- Covering Letter. Received by the Local Planning Authority on 12.08.2020.
- 6.3 Preliminary Roost Assessment (Bats) Author: Ecology Services Ltd. Received by the Local Planning Authority on 12.08.2020.

7.0 PREVIOUS RELEVANT DECISIONS

- 7.1 2019/1269/FUL GRANTED Proposed single storey extension to the rear following demolition of conservatory. Dormer extensions to the front and rear.

8.0 OBSERVATION OF CONSULTEES

- 8.1 Lancashire County Council Highways Department. (30.09.2020) - No Objections.
- 8.2 United Utilities (23.09.2020) No Objections.
- 8.3 Drainage Engineer (21.10.2020) No objections.
- 8.4 Environmental Health (27.10.2020) No Objections.

9.0 OTHER REPRESENTATIONS

- 9.1 A number of neighbour representations have been received in relation to the proposal, a summary of which are outlined below:

The dwelling would be a few metres from my garden and would be detrimental to privacy. I will be looking at a 30ft looming wall. The structure will be overbearing and out of scale for the site and result in loss of light to my garden;

This development represents 'garden grabbing' the land is being capitalised for financial gain;

The rear of my house will be overlooked by the west facing windows and take away the privacy to the rear bedroom. My garden bears the brunt of this proposed house with the south elevation completely running the full width creating an overbearing aspect and loss of light. It will have significant impact on the amenity of my house and garden;

There are no distances on the plans showing the rear elevation of my house. Even if I raised my fence to 2m, I would still see a significant portion of the gable above the fence;

The Agent's argument about the development's compliance with the NPPF housing supply is overstated and not relevant to this small site;

The car parking provision is under the recommended Policy standards;
Concerned with regard to drainage proposals.

- 9.2 Upon receipt of the revised proposal, a re-consultation with neighbours was completed and the following comments received.

The revised scheme does not address our original concerns and our original objections remain.

The amendments do not change my view about the significant impact the dwelling will have on my property in respect of overshadowing, privacy and overbearing.

There are clearly reasons why the plot wasn't developed originally- to preserve neighbours privacy and sense of space. Development is not of benefit to anyone in the local area. Not all residents have been consulted.

Traffic flow, congestion and on street parking pressures will increase as a result of the development.

10.0 RELEVANT PLANNING POLICIES

- 10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.
- 10.2 The property is located within the Key Service Centre of Ormskirk as designated within the West Lancashire Local Plan.
- 10.3 **National Planning Policy Framework – (NPPF)**
Achieving well designed spaces
Delivering a sufficient supply of homes
- 10.4 **West Lancashire Local Plan (2012-2027) DPD – (Local Plan)**
RS1 – Residential Development
GN1 – Settlement Boundaries
GN3 – Criteria for Sustainable Development
IF2 – Enhancing Sustainable Transport Choices
EN2- Preserving and Enhancing West Lancashire's Natural Environment

- 10.5 **Supplementary Planning Document – (SPD)**
Design Guide (Jan 2008)

All the above Policy references can be viewed on the Council's website at:
<http://www.westlancs.gov.uk/planning/planning-policy.aspx>

11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

- 11.1 The main considerations for this application are:

Principle of Development;
Siting, Design and Appearance;
Impact upon residential amenity;
Highways/ Parking Provision;
Drainage;
Ecological Considerations.

Principle of Development

- 11.2 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development proposals will be assessed.
- 11.3 Policy RS1 of the WLLP states that residential development will be permitted within the Borough's settlements on brownfield sites, and on greenfield sites not protected by other policies. The site lies within the Key Service Centre of Ormskirk with Aughton and as such

the principle of residential development in this location is acceptable subject to the proposal complying with all other planning policy.

Siting, Design and Appearance

- 11.4 Policy RS1(c) of the West Lancashire Local Plan states that when considering proposals for residential development on garden land, careful attention will need to be paid to relevant policies including, but not limited to those relating to the amenity of nearby residents, the character of the immediate area, vehicular access, biodiversity and design.
- 11.5 Furthermore Policy GN3 of the Local Plan provides criteria in relation to design and layout of the development, in particular development should relate well to adjacent buildings, the area generally and natural features of the site in terms of siting, scale, orientation, design, detailing and material.
- 11.6 The proposed siting of the new dwelling and associated car parking would sit to the side albeit set back from the line of the existing dwelling of No 11 Ash Close, nevertheless providing some positive street frontage and maintaining the existing settlement pattern on the Ash Close cul de sac with driveway parking to the front and gardens to the rear. Whilst it is acknowledged the siting and width of the detached dwelling would substantially fill the width of the subdivided plot, this would not be dissimilar to the spatial characteristics and density of the prevailing grain of development within the locality.
- 11.7 The residential development on Ash Close itself comprises of relatively modest semi-detached bungalows many of which have incrementally included dormer extensions to both the front and rear. In terms of design, size and scale, the proposed dwelling whilst detached in form would retain a relatively low overall roof height consistent with both the adjacent properties of No 9 and 11 Ash Close. The creation of first floor accommodation is proposed through the addition of a flat roof dormer to the rear. In design terms the proposed dwelling would not be out of keeping with the surrounding properties within the immediate locality.
- 11.8 On the basis of the above the design of the proposal is considered accordant with Policy GN3 of the Local Plan and the West Lancashire Design Guide.

Impact upon Residential Amenity

- 11.9 Policy GN3 of the Local Plan allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/ outdoor space for occupiers of the neighbouring and proposed properties. The Council's SPD Design Guide explains that development must have consideration for the amenity of the neighbouring properties in terms of overlooking, overshadowing and overbearing impact.
- 11.10 I am satisfied the size of the proposed gardens for the new dwelling, and retained garden for the original dwelling house are sufficient to meet the standards required by Policy GN3 and that the proposed dwelling would offer a satisfactory standard of residential amenity for future occupants. Nevertheless any assessment must also consider the impact of the proposed dwelling upon the residential amenity of both the host dwelling and the neighbouring properties.
- 11.11 The proposed dwelling would be set back approximately 7.7m from the facing elevation of the existing dwelling house No 11 Ash Close, separated at ground floor level by a proposed 2m high boundary fence which would provide screening between the dwellings. There would be a single side facing first floor window on the facing north elevation of the proposed dwelling which would serve the stairwell and could therefore be obscure glazed.

Noting the above and the retained separation and off set building line between the properties I am satisfied there would be no significant harm to the residential amenity of No 11 as a result of the proposal.

- 11.12 Owing to the context and orientation of the application site in a corner location, the front, side and rear perimeters of the proposed new dwelling plot are flanked by the gardens of surrounding residential properties. The West Lancashire Design Guide SPD states that the distance between properties is important as this lets people enjoy their properties without being unduly overlooked. As a general guide the SPD indicates that the minimum distance between facing habitable room windows should be 21m and that a distance of 12 metres should be maintained between main elevations and those that do not contain primary windows.
- 11.13 The submitted plans indicate that there would be a separation of approx. 24m between the first floor dormer windows on the proposed dwelling and the facing rear elevation of No 62 Redgate, which exceeds the distances advocated within the SPD and is considered sufficient to mitigate any significant loss of privacy or overlooking for the occupants of properties on Redgate to the rear of the site.
- 11.14 The siting of the proposed dwelling means that its southern gable elevation would be set back between approximately 1.7m and 4.15m to the rear boundaries of No 9 and 11 Beechwood Drive, which are formed by timber fencing in front of which is currently mature hedging (located within the curtilage of the application site).
- 11.15 There are a number of ground and first floor windows on the facing southern gable of the proposed dwelling. The first floor windows would serve a bathroom and wc and will be obscure glazed. A secondary kitchen window and wc are proposed at ground floor level but overlooking would be mitigated by the existing boundary treatment. Therefore, I am satisfied that the development would not result in a loss of privacy for residents of neighbouring properties on Beechwood Drive.
- 11.16 Both No 9 and 11 Beechwood Drive have been extended to the rear by single storey extensions/ conservatories, with the interface distances from these points to the southern elevation of the new dwelling being approximately 17m and 21m respectively. The Council's SPD advises that in general the minimum distance between main elevations and those that do not contain primary windows or habitable rooms should be 12 metres to prevent developments being overbearing in relation to surrounding properties.
- 11.17 The proposed dwelling will be relatively modest in height at approximately 5.5 metres to the dormer roof and approximately 6.25 metres to the ridge. Whilst I acknowledge concerns of residents in Beechwood Drive, that the proposed dwelling would be sited close to the party boundary and would be overbearing and result in overshadowing to their gardens, I do not consider the impact would warrant a refusal of planning permission. The proposed dwelling would be sited to the north of the rear gardens in Beechwood Drive and due to the sun's path would not result in significant overshadowing. The omission of the front dormer from the proposed design has reduced the bulk of the new dwelling when viewed from the neighbouring properties. In my view, the relatively modest height of the property and separation distances would ensure that the development would not be significantly overbearing to the adjoining properties on Beechwood Drive.
- 11.18 The adjacent neighbouring property at 9 Ash Close is a single storey bungalow which has a number of windows on the side facing elevation in front of which is an area of private garden amenity space. Although two of these windows appear secondary, one appears to serve a bedroom/living room. To prevent overlooking of this main habitable window, the proposed plans have been amended to remove a front facing dormer window. The revised

design ensures that there will be no first floor windows facing the side elevation of number 9. Whilst the proposed bungalow does have front facing ground floor windows, the submitted plans show 2 metre high fencing along the party boundary which would prevent overlooking between ground floor windows and maintain privacy. I am therefore satisfied that the development will not result in loss of privacy or be overbearing or overshadowing in relation to 9 Ash Close.

- 11.19 To conclude on the impact of the development on residential amenity, I consider the proposal would not result in significant harm to the amenity of surrounding occupants and would provide a satisfactory standard of accommodation for future residents in accordance with Policy GN3 of the Local Plan.

Highways/ Parking Provision

- 11.20 The proposed new dwelling house would have 3 bedrooms. Policy IF2 of the Local Plan states that residential properties of this size are required to provide 2 car parking spaces within the curtilage of the site. The reconfiguration of the driveway and access arrangements for both the existing and proposed dwelling has been revised during the course of the application to show that adequate car parking can be achieved for both the proposed dwelling and No 11 Ash Close.
- 11.21 Lancashire County Council as Highway Authority has been consulted on the proposals and has no objection to the application. The Highway Authority is of the view that the proposed development would have a negligible impact on highway safety and capacity within the immediate vicinity of the site.

Drainage

- 11.22 The Council's Drainage Engineer has considered the drainage information submitted with the application which includes a Drainage Strategy Report and associated drainage plan and construction details. Foul drainage would connect to the main foul sewer. Surface water would be disposed of via a SuDS scheme, as per the submitted Drainage Strategy Report (Rev A Dated 05.08.2020).The drainage proposals have been reviewed by the Council's Engineer and found to be acceptable and will be secured by condition.

Ecological Considerations

- 11.23 Policy EN2 in the Local Plan confirms that the need to take account of any potential impact on priority species or their habitat and to pay particular attention to the Habitat Regulations. This follows the advice provided at national level. It is a requirement of both local and national policy that appropriate surveys are submitted to address any impact or potential impact.
- 11.24 A Preliminary Roost Assessment (Bats) Report has been completed for the application site. This concludes there was no evidence of roosting bats and the existing garage (to be demolished) is considered to hold negligible potential to provide suitable bat roost habitat.
- 11.25 On the basis of the above, it is considered the development complies with Policy EN2 of the WLLP.

12.0 CONCLUSION

- 12.1 The proposal for the development of a single residential dwelling on this site is acceptable in principle. The proposal would not result in significant harm to residential amenity or the character of the area. The siting, design and appearance of the dwelling is considered

acceptable and would not be detrimental to highway safety, drainage or ecology. For these reasons the development is considered accordant with the NPPF and the relevant policies in the West Lancashire Local Plan 2012-2027 and is recommended for approval.

13.0 RECOMMENDATION

13.1 That planning permission be GRANTED subject to the following conditions

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:
Proposed Floor Plans and Elevations Dwg: PLA001 Rev D Received by the Local Planning Authority on 26th January 2021
Location and Site Plan Dwg: PLA002 Rev D Received by the Local Planning Authority on 26th January 2021
Proposed Block Plan Dwg: PLA004 Rev D Received by the Local Planning Authority on 26th January 2021
New Boundary Treatments Dwg: PLA006 Rev D Received by the Local Planning Authority on 26th January 2021
Proposed Block Plan Dwg: PLA007 Rev D Received by the Local Planning Authority on 26th January 2021
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.
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and / or full specification of materials to be used externally on the building(s) have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials and should be reflective of those within the surrounding area, unless otherwise agreed in writing by the Local Planning Authority.
The development shall be carried out only in accordance with the agreed schedule of materials and method of construction.
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.
4. Prior to construction of the proposed dwelling a scheme for the provision of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until an electric vehicle charging point has been installed in accordance with the agreed details.
Reason: In the interests of sustainability and air quality in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The development shall not be occupied until the surface water and sewage disposal works have been completed on site in accordance with the approved plans
Drainage Strategy Report Rev A. Received by the Local Planning Authority on 12th August 2020

Drainage Construction Details Sheet 1 of 2 Dwg: 1165-1006-CIV-50 Rev P1 Received by the Local Planning Authority on 12th August 2020

Drainage Construction Details Sheet 2 of 2 dWG: 1165-1006-CIV-51 Rev P1 Received by the Local Planning Authority on 12th August 2020

Drainage Layout Dwg: 1165-1006-CIV-10 Rev P1 Received by the Local Planning Authority on 12th August 2020

Before any dwelling is occupied / the building is first brought into use, a validation report (that demonstrates that the drainage scheme has been carried out in accordance with the approved plan) must be submitted to the Local Planning Authority.

The approved works shall be retained as such thereafter.

Reason: To ensure adequate drainage for the proposed development and to ensure that there is no flood risk on- or off-the site resulting from the proposed development and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

6. No part of the development hereby permitted shall be used or occupied until the proposed first floor window on the northern elevation and the proposed two first floor window serving w/c and bathroom on the southern elevation as indicated on drawing 'Proposed Floor Plans and Elevations Dwg: PLA001 Rev D Received by the Local Planning Authority on 26th January 2021' have been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The windows shall be top hung or fixed shut and shall be retained as such with level 4 obscure glazing at all times thereafter.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no window or openings shall be added to the property (on the north and south elevations) until details of the positioning, size and design have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the privacy and amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8. The parking provision shown within the curtilage of each dwelling on the approved plans Proposed Block Plan Dwg: PLA004 Rev D Received by the Local Planning Authority on 26th January 2021

New Boundary Treatments Dwg: PLA006 Rev D Received by the Local Planning Authority on 26th January 2021

Proposed Block Plan Dwg: PLA007 Rev D Received by the Local Planning Authority on 26th January 2021

shall be provided prior to first occupation of the proposed new dwelling and shall thereafter be kept clear for the parking of vehicles.

Reason: In the interests of highway and pedestrian safety and to ensure that the development complies with the provisions of Policy GN3 and IF2 in the 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:

RS1 - Residential Development

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choices

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.