



PLANNING COMMITTEE: 16TH FEBRUARY 2023

Report of: Corporate Director of Place & Community

Contact for further information:

Case Officer: Nicola Cook (Extn. 5140) (E-mail: nicola.cook@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2022/1174/FUL

PROPOSAL: Demolition of existing bungalow and erection of new 5 bedroom, 2 storey dwelling.

APPLICANT: Mr David Smith

ADDRESS: 33 Hall Road, Scarisbrick, L40 9QB

REASON FOR CALL IN:

Councillor Marshall: raises concerns that the proposal is not in keeping with the area resulting in impact on the Conservation Area and impact on neighbouring residents.

Wards affected: Scarisbrick

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks permission for the demolition of the existing dormer bungalow and replacement with a two-storey dwelling.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be granted subject to recommended conditions.

3.0 THE SITE

3.1 The application site relates to 33 Hall Road which currently sites a detached two storey dwelling house. The site is located to the north of Hall Road and occupies a large plot.

4.0 PROPOSAL

4.1 The application proposes the erection of a dwelling following the demolition of the existing dormer bungalow on site.

5.0 PREVIOUS RELEVANT DECISIONS

5.1 2021/1496/FUL - Proposed detached house following demolition of existing. Erection of 2m high automatic sliding hardwood gates and brick posts – Refused

5.2 2021/0787/FUL - Proposed detached house following demolition of existing. Erection of front wall, posts and hardwood gates. Refused.

5.3 1990/0689 – Car port to side. Granted.

6.0 OBSERVATION OF CONSULTEES

6.1 LCC Highways - No objection to the proposals and is of the opinion that the proposed development would have a negligible impact on highways safety or highway capacity. Recommends conditions

6.2 United Utilities – Advisory notes regarding drainage to be attached to any grant of permission.

7.0 OTHER REPRESENTATIONS

7.1 Scarisbrick Parish Council - objects to the proposed development as it is not in keeping with the conservation area.

7.2 2 no. letters of representation have been received which can be summarised as follows:

- Previous planning history should be considered in the determination of the application.
- The plans show a two-storey dwelling but there are dormers on the rear and side including roof light, suggest property is larger in scale than proposed.
- Proposal will result in loss of light by way of overshadowing due to scale.
- Impact on the conservation area.
- Footprint of dwelling is excessive and extends up to boundary line

- Increase in dominance within the street scene that is not in keeping
- Impact on trees
- Loss of privacy and overlooking gardens of neighbouring properties
- Impact during construction and vehicle parking
- Increased noise disturbance
- Will impact access to neighbouring properties

8.0 SUPPORTING INFORMATION

- 8.1 Arboricultural Impact Assessment and Tree Survey
Buildings Protected Species Survey Statement Report
Sun Path Study
Letter from agent dated 22/12/222

9.0 RELEVANT PLANNING POLICIES

- 9.1 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.

- 9.2 The site is located within the small rural village of Scarisbrick and also Scarisbrick Hall Park Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD.

- 9.3 **National Planning Policy Framework**
Promoting healthy and safe communities
Achieving well-designed places
Conserving and enhancing the historic environment
Conserving and enhancing the natural environment

- 9.4 **West Lancashire Local Plan Policies**
SP1 - A Sustainable Development Framework for West Lancashire
GN1 - Settlement Boundaries
GN3 - Criteria for Sustainable Development
RS1 - Residential Development
IF2 - Enhancing Sustainable Transport Choice
IF3 - Service Accessibility and Infrastructure for Growth
EN2 - Preserving and Enhancing West Lancashire's Natural Environment
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document - Design Guide (January 2008)

10.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY

10.1 The main considerations for this application are:

Principle of development - Residential development

10.2 Policy RS1 'Residential Development' of the WLLP confirms that residential development will be permitted within the Borough's 'Small Rural Villages' subject to other policies being satisfied. The proposal would not result in any additional residential units being the replacement of an existing dwelling.

Design and Appearance of the development/ Impact upon the Conservation Area

10.3 LPA's should, in coming to decisions, refer to the Principle Act (the Planning (Listed Buildings and Conservation Areas) Act 1990) which requires local authorities to pay "special attention to the desirability of preserving or enhancing the character or appearance of a conservation area" as in s.72(1).

10.4 Conservation Areas are defined under s.69 of the P(LBCA) Act 1990 as being areas of "special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance". There is a need to consider whether the proposal would meet the statutory duty to preserve or enhance the character or appearance of the Conservation Area. In assessing proposals, the P(LBCA) Act requires that decision makers (in this case the Council) consider character and appearance separately and that proposals need to satisfy the test above in both aspects.

10.5 Under the statutory duty considerable weight must be given to the presumption in favour of the desirability of the preservation of heritage assets (imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.6 Policy EN4 of the WLLP requires development to preserve or enhance the area's character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality. This view is supported by National Planning Policy Framework (NPPF) chapter 16 which relates to 'Conserving and enhancing the historic environment'.

10.7 The proposal site is located within the Scarisbrick Park Conservation Area and it is considered that the existing detached property has a neutral impact upon character and appearance and the streetscene. The existing property respects the rhythm and layout of the street, with a scale and palette of materials consistent with neighbouring properties.

- 10.8 Planning permission has previously been refused on this site under application reference 2021/0787/FUL and 2021/1496/FUL for 'Proposed detached house following demolition of existing, including erection of front wall, posts and hardwood gates'.
- 10.9 It is recognised that there is scope for enhancement to the existing property with a re-design or a replacement dwelling in keeping with the character of the Conservation Area, and a design which responds positively to the rural context along Hall Lane. It is noted that there are a mix of different house types along Hall Road, including bungalows and 2 storey houses of different ages, ranging from C19th properties to more modern late C20th houses.
- 10.10 The Council's Senior Conservation Officer has assessed the application and considers that the proposed development is an improvement on the previous schemes. The scale has been reduced and the glazing element, which was previously cause for concern, has been removed from the design. The style of proposed property is considered to sit well within the street scene and would be set back from the highway with a good size garden area to the front with spaces around both sides of the dwelling. Furthermore, the proposed dwelling does not compete with neighbouring dwellings and is of a design which has traditional detailing consistent with the mix of residential properties along Hall Road. Materials have been chosen to match/blend in with the local palette of materials, although there is an eclectic mix of dwelling types along Hall Road.
- 10.11 There were also notable issues with the proposed front boundary treatment on previous applications as they included the removal of the natural hedge; a consistent boundary treatment and feature along Hall Lane and introduced a solid and large vehicular gated entrance. The current proposal seeks to retain the hedge as part of the proposal, which is positive together with gates that have a more lightweight appearance consistent with other gates within the Conservation Area. I note that there is a similar arrangement with the vehicular entrance at no. 31 Hall Road and that this current proposal is consistent with the layout at that address. In terms of impact on the street scene, the proposed new vehicular access, which includes the retention of the front hedge is generally consistent with the character and rhythm of the street and respects the rural character of the area. These changes have responded more positively to context and the general character along Hall Road.
- 10.12 As I am required to do so, I have given the duty imposed by s.66(1) of the Planning (LBCA) Act 1990 considerable weight. It is considered the proposal would meet the statutory test 'to preserve' and thereby not cause harm to the significance of the Scarisbrick Park Conservation Area or its setting. As such, the proposal meets the objectives of Chapter 16 of the NPPF and complies with Policies GN3 and EN4 of the Local Plan and the Councils Design Guide.

Impact on residential amenity

- 10.13 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD 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.
- 10.14 The existing building is a dormer bungalow and windows in the first floor afford some views across neighbouring properties and gardens. In addition the surrounding properties are situated relatively close together with some existing overlooking between the sites, this is not an uncommon occurrence in built up residential areas. Properties to the south-west of the site are located on Hillock Lane. Rear facing windows on the proposed dwelling would not give rise to significant additional overlooking sufficient to warrant refusal of the application.
- 10.15 However I do note that there are windows in the north-west side elevation at first and second floor. At first floor these windows serve bathrooms and at second floor the window is a secondary window proposed to be obscurely glazed. I consider a condition requiring these windows to be retained as obscurely glazed is appropriate to avoid any perception of overlooking.
- 10.16 The proposed dwelling would be situated on a similar footprint to the existing dwelling therefore set at a slight angle to no 31 Hall Road and no closer than the existing building. The two-storey element would be positioned approximately in line with this neighbouring property. The site plan demonstrates that the side elevation of the proposed dwelling would be a minimum distance of 16.8 metres from the properties on Hillock Lane.
- 10.17 I am satisfied that due to the location of the proposed building in relation to neighbouring properties there would be no significant harm as a result of overshadowing and the new building would not have an overbearing impact. In addition a suitably sized garden has been provided for the proposed dwelling.
- 10.18 Subject to the recommended condition I am satisfied that the development would comply with the relevant requirements of local plan policy GN3.

Highways

- 10.19 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states that development should incorporate suitable and safe access and road layout design in line with latest standards. Parking should be provided in accordance with policy IF2.
- 10.20 The proposed dwelling would be accessed via the existing vehicular access onto Hall Road and external parking areas would be created at the front of the building. I have consulted the Highway Authority in respect of the proposal. They have indicated there is no objection in principle to the proposed development and

are of the opinion that the proposed development would not have a severe impact on highway capacity and highway safety. Subject to conditions I am satisfied the development would comply with the requirements of local plan policies GN3 and IF2.

Impact on trees

- 10.21 Policy EN2 of the Local Plan states that development involving the loss of, or damage to, woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, and where the benefits of the development clearly outweigh the loss or damage.
- 10.22 I have consulted the Council's Tree Officer who raises no objections to the proposals. It is noted that Application 2021/0787/FUL was refused due to the Pine tree shown as T10. This was resolved in application 2021/1496/FUL. T10 Should not be unduly impacted upon with this application providing the protection measures are adhered to. A suitable condition can be imposed to secure tree protection.

Ecological impacts

- 10.23 Policy EN2 (1) of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 10.24 The application has been accompanied by Protected Species Survey Report which concludes that the building has negligible potential to support roosting bats. On that basis I consider the demolition of the building would not adversely impact on protected species or their habitats and on that basis the proposal complies with the requirements of local plan policy EN2.

Drainage

- 10.25 The submission has been accompanied by drainage documentation which has been considered by the Council's drainage engineer. Whilst the principle of the scheme is acceptable a more detailed design is required in respect of surface and foul water. On that basis a pre-commencement condition is recommended requiring further details of the foul and surface water drainage to be submitted for agreement.

11.0 CONCLUSION

11.1 The principle of the proposed development is considered to be acceptable. The design and layout of the development would be in keeping character of the area and would not result in an adverse impact on the character and appearance of the Conservation Area. Subject to appropriate conditions, the proposal is not considered to have any significant adverse impacts on highway safety, neighbouring amenity, drainage or protected trees. I therefore consider that the proposal satisfactorily meets the requirements of Policies GN1, GN3, IF2, EN2 and EN4 of the West Lancashire Local Plan 2012-2027 DPD.

12.0 RECOMMENDATION

12.1 That planning permission be granted subject to the following 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 received by the Local Planning Authority on 1st November 2022:

Location and site plan ref: 543-01

Site plan ref: 543-02

Block Plan ref: 543-03

Existing elevations and site plan ref: 543-04

Proposed plans and elevations ref: 543-05

Proposed Street Scene ref: 543-06

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) No development shall take place until a strategy for the separate foul and surface water drainage of the development is, including any necessary infiltration measures, attenuation measures, maintenance management proposals, and phasing of delivery if applicable, has been approved in writing by the Local Planning Authority. The surface water drainage strategy must take account of the relevant provisions of the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement standards. The drainage scheme must be completed in accordance with the approved details and, if applicable, the approved phasing of the scheme. The MicroDrainage mxd file, if available, is required to aid the checking of design calculations.

Reason: To ensure that:

- any increase in flood risk on or off the site resulting from the proposed development including the construction period is kept to a minimum;
- water quality is not detrimentally impacted by the development proposal;
- 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; and
- appropriate and sufficient maintenance mechanisms are provided for the lifetime of the development to reduce the flood risk associated with inadequate maintenance.

4) No site clearance, preparatory work or development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.

Reason: To protect the existing trees on site and thereby retain the character of the site and the area and to ensure the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

5) Before the access is first used for vehicular purposes in association with the hereby permitted dwelling, any gateposts erected at the access shall be positioned 5m behind the nearside edge of the highway and visibility splay fences or walls shall be erected from the gateposts to the existing highway boundary, such splays shall be 45° to the centre line of the access. The gates shall open away from the highway. Should the access remain un-gated 45° splays shall be provided between the highway boundary and points on either side of the drive measured 5m back from the nearside edge of the highway.

Reason: To permit vehicles to pull clear of the carriageway when entering the site and to ensure adequate inter-visibility between highway users when exiting, in the interests of highway safety.

6) The hereby permitted dwelling shall not be occupied until the car/vehicle parking area (and any associated turning space) shown on the approved plans ref: 543-01 has been completed. The parking (and manoeuvring) area(s) shall thereafter remain available for parking of vehicles associated with the dwelling. Driveways/vehicle parking areas accessed from the adopted highway must be properly consolidated and surfaced in bound porous materials (not loose stone, gravel or grasscrete) and subsequently maintained in good working order at all times thereafter for the lifetime of the development.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety.

7) Prior to the commencement of any part of the development details of a scheme to prevent mud, stones and debris being carried onto the highway shall be submitted to and approved in writing by the Local Planning Authority. Provision to sweep the surrounding highway network by mechanical means shall be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety and to ensure compliance with the criteria of Policy GN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

8) Prior to the first occupation of the dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.

Reason: In the interests of sustainability and air quality in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

9) Prior to the first occupation of the dwelling details of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the dwelling.

Reason: To ensure the provision and availability of adequate cycle parking in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

10) 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 have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, size, colour and texture of the materials including the method of jointing of any stone or brick work and coursing of any roof work and should be reflective of those within the surrounding area/match those on the Listed Building, unless otherwise agreed in writing by the Local Planning Authority.

The development shall be carried out using only the agreed materials and method of construction and shall be retained at all times thereafter.

Reason: To preserve the character and appearance of the Scarisbrick Conservation Area and to comply with Policies GN3 and EN4 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11) No part of the development hereby permitted shall be used or occupied until the proposed first and second floor windows on the north-west elevation as indicated on drawing ref: 543-05 has been glazed with obscure glass to a degree sufficient to conceal or hide the features of all physical objects from view (level 4). The window shall be 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.

12) 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 side elevations of the property 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.

13.0 SUSTAINABILITY IMPLICATIONS

13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.