



**PLANNING COMMITTEE: Thursday,
5 September 2024**

Report of: Assistant Director Planning & Regulatory Services

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SUBJECT: PLANNING APPLICATION REF: 2024/0278/FUL

PROPOSAL: To retain summer house.

APPLICANT: Mr D Whittaker

ADDRESS: Otterbrook, Moss Lane

REASON FOR CALL IN:

Cllr de Freitas has called in the application on the grounds that (i) it would result in a loss of amenity for neighbours and (ii) its impact on the Green Belt.

UPDATE

The application was deferred following the Committee Meeting of 25 July 2024 to allow for a site visit. The report presented below otherwise remains unchanged.

Wards affected: North Meols;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks planning permission for the retention of a summer house in the rear garden of the property.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be granted.

3.0 THE SITE

3.1 The application site relates to a detached dwelling located to the south side of Moss Lane Churchtown, Banks. The plot is located on a corner plot with Moss Lane and Wyke Lane. The site benefits from planning permission under application 2022/0908/FUL for a replacement two-storey dwelling which has recently been constructed. The property is located within the Green Belt and there are several

large mature trees that bound the site which are subject to a Tree Preservation Order (TPO) to the front side and rear.

4.0 THE PROPOSAL

- 4.1 The application seeks planning permission for the retention of a single storey summer house, with attached pergola and patio area, which is located in the rear garden area of the property, adjoining the party boundary with Mousehole.
- 4.2 The summer house measures 12m in length, 5m in width and has an overall height of 2.6 metres. It has a flat roof and is clad in timber composite.

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2023/0270/FUL - Proposed replacement garage, alternative to 2022/0698/FUL. REFUSED January 2024. Granted on appeal in July 2024.
- 5.2 2022/0980/FUL – Retrospective application for the retention of driveway, garden/ boundary wall with posts and gates; retrospective app for – additional plant room, brick wall to west elevation, green metal boundary fence, skylight to front elevation. GRANTED March 2024.
- 5.3 2022/0546/FUL – Proposed replacement garage. GRANTED July 2022.
- 5.4 2021/1382/FUL | Replacement garage. REFUSED March 2022.
- 5.5 2020/1035/FUL - Replacement two storey detached house. GRANTED February 2021.

6.0 OBSERVATION OF CONSULTEES

- 6.1 N/A.

7.0 OTHER REPRESENTATIONS

- 7.1 One objection has been received from a neighbouring property who has raised concerns in relation to (i) the structure could be used by large groups of people or as an annex accommodation/entertainment/playroom building and (ii) there are other more suitable locations within the large garden area where this structure could have been built and not so close to the neighbouring property.

8.0 SUPPORTING INFORMATION

- 8.1 Green Belt Volume Calculations
- 8.2 Appeal Decision Otterbrook Moss Lane, dated 01 July 2024. Appl No: 2022/0698/FUL

9.0 RELEVANT PLANNING POLICIES

- 9.1 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. The site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027.

National Planning Policy Framework (NPPF)

Chapter 12 – Achieving well designed places.

Chapter 13 – Protecting Green Belt land

Chapter 15 – Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2027

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

Supplementary Planning Document, Design Guide (Jan 2008)

Supplementary Planning Document, Development in the Green Belt (October 2015)

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

10.1 The main considerations for this application are:

- Principle of development/Impact on the Green Belt
- Design/Layout
- Impact on neighbours
- Ecology/Trees/Landscape
- Very Special Circumstances

Principle of development/Impact on the Green Belt

10.2 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. National policy for the control of development in the Green Belt is set out in paragraphs 142-156 of the NPPF. This lists the types of development which are considered to be appropriate within the Green Belt.

10.3 Paragraph 154 in the NPPF states that "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt." There are 6 exceptions to this rule including "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." The Council's SPD also states proposals for extensions (including domestic outbuildings) to existing buildings in the Green Belt should satisfy the specified criteria which include: the total volume of the proposal together with any previous extensions should not exceed 40% of the volume of the original building, and the design of the extension is in keeping with the original form and appearance of the building and does not materially harm the openness of the Green Belt. However, this SPD predates the NPPF of which paragraph 154c), does

not require an assessment regarding openness nor appearance, relative to inappropriateness.

- 10.4 Policy GN1 of the West Lancashire Local Plan (WLLP) sets out that proposals in the Green Belt will be assessed against national policy and other relevant Local Plan policies.
- 10.5 The garage extension, originally refused by virtue of Appl No: 2023/0270/FUL, in January 2024, was granted on appeal on 1 July 2024. In his findings, the Planning Inspector concluded that because the garage extension, fell with the 40% guidelines of the Green Belt SPD, as he considered the recently constructed dwelling to be the original building, and the fact that the extension read subordinate in scale to the main dwelling it would not amount to a disproportionate addition. A copy of the Inspectors findings is attached as Appendix 1 to this report.
- 10.6 The replacement dwelling as originally constructed (2020/1035/FUL) had a volume of 1,695m³. Subsequently there have been two additional extensions to the property of a pump room (29m³) and the garage extension (370m³). These extensions together with that of the summer house(156³) would mean that the expanded volume of the new dwelling would now be 2,250m³ or a 32.75% increase from that of the original building. Due to the scale and massing of the summer house it clearly reads as a subordinate extension in the context of the main dwelling.
- 10.7 Therefore, it is considered that the proposal would not be considered as inappropriate development in the Green Belt as it would accord with Policy GN1 of the WLLP, along with the guidance in paragraph 154 (c) of the Framework and policy GB4 of the SPD. It follows that the development would not be harmful to the openness of the Green Belt.

Design/Layout

- 10.8 The detached summer house is sited to the eastern elevation of the main dwelling and measures 5 metres in width, with a depth of 12 metres, with an overall height of 2.5 metres. It has a flat roof and is clad in timber composite and there is an attached pergola, together with a patio area. Whilst the proposed development is relatively large, I am of the opinion that the structure assimilates well with the design of the replacement dwelling. In addition, owing to the set-back location into the site, and the fact that it is screened behind a 2 metre high brick wall, the structure does not appear as an incongruous feature within the street scene.
- 10.9 Given the above, on balance I consider that the proposed design would be acceptable at this location on this occasion and the proposal is therefore considered to comply with Policy GN3 of the Local Plan.

Impact on Neighbours

- 10.10 An objection has been received from the neighbouring property at Mousehole which is detailed in para 7.1 of this report. The structure adjoins the party boundary with this site, which is separated by a 2 metre high wooden fence, so 0.6 metres of the structure would appear visible over the boundary enclosure. The

neighbouring property has a dormer extension in the gable elevation of the property, with two window openings, which overlook the application site.

- 10.11 Whilst there are other locations within the grounds of the property, and further away than on the boundary with the neighbour, where this structure could be located, the local planning authority can only assess the application as submitted. Due to the fact that the structure is only partially visible above the boundary fence it is not considered that the summer house is visually intrusive and would not result in any significant loss of residential amenity in terms of overlooking, overbearing or dominance. Concerns have been raised in relation to the structure being used for private entertainment purposes, such matters are not relevant material considerations but the Council would review any complaints over unauthorised use. It should be noted however, that the use of such buildings within residential curtilages would be incidental to the enjoyment of the main dwelling and associated as such. Accordingly, the proposal would comply with Policy GN3 of the Local Plan.

Ecology/Trees/Landscape

- 10.12 The application site is subject to a Tree Preservation Order No. 78 (2004). I am of the opinion the development does not conflict with the existing tree cover and as such the proposal would therefore comply with Policy EN2 of the WLLP in this respect.

12.0 CONCLUSION

- 12.1 Given the above, I consider that the summer house extension would not be inappropriate development in the Green Belt and it would accord with Policy GN1 of the LP, along with the guidance in paragraph 154 (c) of the Framework and policy GB4 of the SPD. As such it follows that it would not be harmful to the openness of the Green Belt. The location of the structure does not impact upon the residential amenity of the adjoining occupiers and the design/layout is considered appropriate in the context of the main dwelling.

13.0 RECOMMENDATION

- 13.1 That planning permission be granted by the Assistant Director of Planning and Regulatory Services subject to the stated condition:

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:

Location Plan Rev A

Site Plan Drawing No: 2322-01HH Rev B

Tree Schedule Drawing No: 2322-02HH

Plan and Elevations Drawing No: 2322-03HH Rev A

All received by the Local Planning Authority on 3 May and 10 July 2024.

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.

14.0 SUSTAINABILITY IMPLICATIONS

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

15.0 FINANCIAL AND RESOURCE IMPLICATIONS

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

16.0 RISK ASSESSMENT

16.1 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.

17.0 HEALTH AND WELLBEING IMPLICATIONS

17.1 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.