

Application Number 07/2023/00536/VAR

Address
Danesway
52 Hall Lane
Longton
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Lancashire
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Applicant Mr Howe

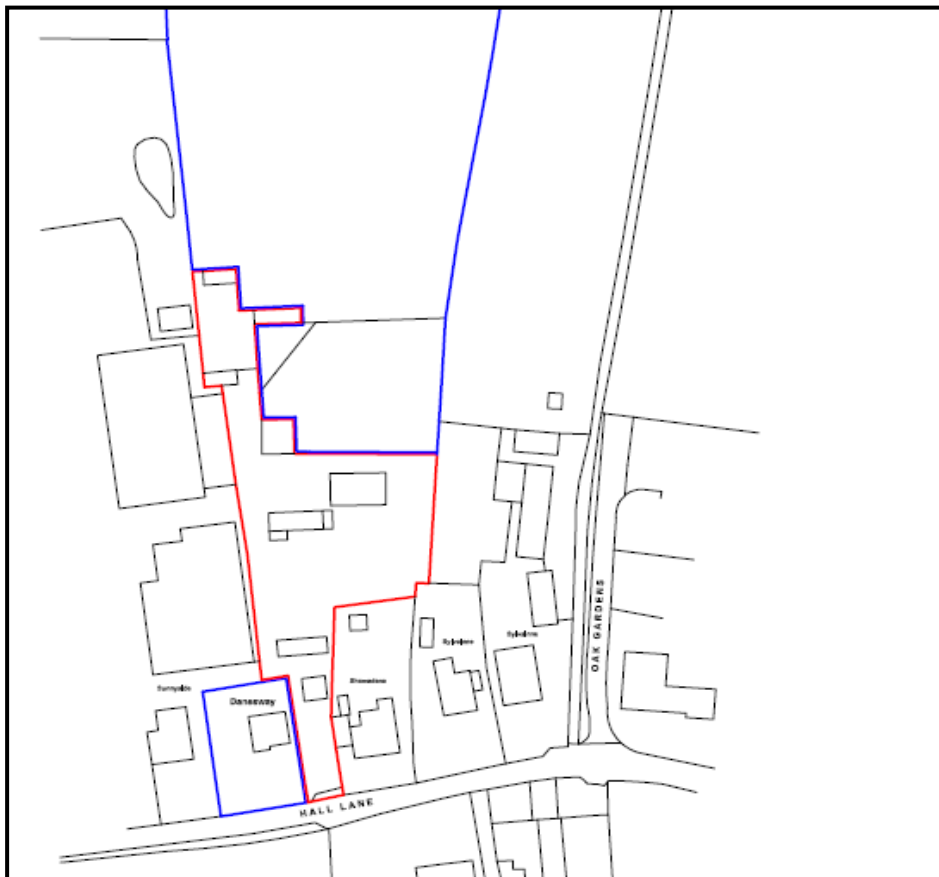
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Development Variation of condition 2 of planning approval
07/2022/00692/REM to amend external elevations to
relocate bedroom windows

Officer Recommendation **Approval with Conditions**

Date application valid 03.07.2023
Target Determination Date 28.08.2023
Extension of Time 19.09.2023

Location Plan



1. Summary

1.1 The application falls within the council's scheme of delegation but has been called to planning committee by a ward member.

2. Site and Surrounding Area

2.1 The application relates to land to the rear of the residential property 'Danesway' located on the northern side of Hall Lane in Longton. The site consists of a number of buildings comprising a garage, three workshops, three stable buildings and a games room, all of which are used as ancillary buildings to the residential dwelling.

2.2 The site is within the Green Belt with residential properties along Hall Lane. Immediately to the west is a nursery with a number of glasshouses adjacent the application site. There is a small residential development to the east known as Oak Gardens. Land to the north is open and rural in nature.

3. Planning History

- 07/2019/7582/OUT Outline application for the erection of 2no. dwellings with associated works following demolition of existing outbuildings (all matters reserved) Approved
- 07/2022/00692/REM Reserved Matters application for details of Access, Appearance, Landscaping, Layout and Scale for the erection of 2 dwellinghouses following outline approval 07/2019/7582/OUT. Approved 28/04/2023

4. Proposal

4.1 This application seeks the variation of condition 2 of planning approval 07/2022/00692/REM to amend the external elevations to relocate bedroom windows. Condition 2 required the development be carried out in accordance with the approved plans and listed those plans by reference number, as follows:

The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 591-01 Rev C Existing and Proposed Overall Site Plans; 591-02 Rev F Existing and Proposed Site Plans; 591-03 Rev C Proposed Plans; 591-04 Rev B Proposed Elevations and Street Scene; PR/220901/GA/01 Rev A Proposed Landscape Works; PR/220901/GA/02 Proposed Landscape Works General Arrangements Plan; D3044-H-01 Access Plan.

4.2 The floor plans are to be amended to reconfigure the bedroom layout and elevation plans are to be amended to include a window with Juliet balcony to each of the 2 bedrooms in the rear(south) elevation of both plots.

5. Summary of Publicity

5.1 Neighbouring properties were notified with 6 letters of representation being received, objecting to the proposal on the following grounds:

- The approval had conditions in place particularly in relation to south facing Juliet upper windows and roof terrace, with the applicant and agent agreeing to remove these at April's South Ribble Planning meeting due to the windows and roof terrace compromising and encroaching the privacy of dwellings and gardens of residential dwellings Shawedene and Sylvainne by overlooking and overshadowing. Question why six weeks later from April's planning meeting and permitted approval letter with conditions this has changed?
- Reiterate comments made in objection to development in October. The applicants then successfully addressed the privacy issue to the satisfaction of all neighbours with a

modified plan but have now reneged on that conciliation and found an alternative way of infringing their privacy. I would accordingly urge that this amendment is denied.

- do not understand why the developer is trying to change the design back when the design has already been changed to consider neighbour's privacy and their outlook onto the newly built properties.
- Developer has been granted permission for a design which is just about acceptable to all concerned, in particular with a view to overlooking adjoining properties, but now he seeks to change this back to the application he has made previously and was repeatedly turned down for.
- How much more of the planning departments time (and that of the objectors), is he going to waste?
- If he gets this passed, is he then going to request the reinstatement of the raised balcony? Where is this going to end?
- The planning department needs to take a firm line over this, if he doesn't like what he has been granted, then the planning department should retract the whole application.

6. Summary of Consultations

6.7 **Longton Parish Council** object to this variation stating that the original application showed similar windows as are now proposed to which this council objected as it caused overlooking and intrusiveness to existing properties and subsequently the developer amended their application and these were changed. The variation request would re-instate them.

7. Policy Background

7.1 The parent permission was considered in terms of its compliance with Policy G1: Green Belt; Policy G16: Biodiversity and Nature Conservation and Policy G17: Design Criteria for New Development. In the case of this variation of condition application, Core Strategy Policy 17 and Local Plan Policy G17 are relevant along with the Residential Extensions Supplementary Planning Document.

7.2 Core Strategy Policy 17: Design of New Buildings

The design of new buildings will be expected to take account of the character and appearance of the local area, including the following:

- (a) siting, layout, massing, scale, design, materials, building to plot ratio and landscaping.
- (b) safeguarding and enhancing the built and historic environment.
- (c) being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the amenities of the local area.
- (d) ensuring that the amenities of occupiers of the new development will not be adversely affected by neighbouring uses and vice versa.
- (e) linking in with surrounding movement patterns and not prejudicing the development of neighbouring land, including the creation of landlocked sites.
- (f) minimising opportunity for crime, and maximising natural surveillance.
- (g) providing landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, providing open space, and enhancing the public realm.
- (h) including public art in appropriate circumstances.
- (i) demonstrating, through the Design and Access Statement, the appropriateness of the proposal.
- (j) making provision for the needs of special groups in the community such as the elderly and those with disabilities.
- (k) promoting designs that will be adaptable to climate change, and adopting principles of sustainable construction including Sustainable Drainage Systems (SuDS); and
- (l) achieving Building for Life rating of 'Silver' or 'Gold' for new residential developments.

(m) ensuring that contaminated land, land stability and other risks associated with coal mining are considered and, where necessary, addressed through appropriate remediation and mitigation measures.

7.3 **Local Plan Policy G17: Design Criteria for New Development** permits new development, subject to various criteria, one of which seeks to ensure that development would not cause harm to neighbouring properties by leading to undue overlooking, overshadowing or having an overbearing effect.

7.4 **Residential Extension Supplementary Planning Document - Design Guidance** **Note: DG03**

C: Any first floor proposed windows shall have a distance of no less than 10 metres from any facing boundary/garden.

D: Blank walls on any proposed extension shall be located no less than 13 metres from any neighbouring/facing habitable room windows.

E: Any first floor proposed windows shall have a distance of at least 21 metres from any facing habitable room window.

8. **Material Considerations**

8.1 The parent permission 07/2022/00692/REM proposed 2 detached dwellings of a modern design with flat roofs and large windows. A number of objections were raised by neighbouring residents, including overlooking and loss of privacy. The application, as originally submitted was duly considered in terms of its impact on residential amenity and was found acceptable as it complied with the spatial separation distances normally required and therefore the case officer recommended approval.

8.2 The application was called to planning committee and considered at the 8th December 2022 committee meeting. Members voted to defer the decision to enable the applicant/agent to enter into discussions with neighbouring residents over the design of the proposed dwellings. This meeting took place on 17th January 2023 and the scheme was amended following the discussions.

8.3 One of the amendments was that the first floor windows in the rear elevation were removed, with the case officer's committee report commenting that "*the windows at the first floor rear elevation of both proposed properties were relocated to address the matter of perceived overlooking.*"

8.4 This current proposal now is to re-introduce the first-floor bedroom windows to the rear elevation. Local Plan Policy G17 requires that new development should not cause harm to neighbouring property by leading to undue overlooking, overshadowing or have an overbearing effect and therefore an assessment of the current proposal in terms of neighbouring residential properties has been carried out.

8.5 To the west of the application site is Sunnyside, a residential dwelling which lies to the front of the site with glasshouses to its rear. Plot 1 of the proposed development lies some 9m to the east of one of the large glasshouses. It has a car port to its western elevation and large windows at ground floor and 2 windows with Juliet balconies at first floor in the rear elevation. The dwelling is located some 34m from the rear of the dwelling at Sunnyside and therefore will have no undue impact on the residential amenity of the occupants of Sunnyside in terms of overlooking or loss of privacy.

8.6 To the east of the proposed dwellings is an industrial type building to the rear of the residential property Beverley House. Plot 2 will have a mainly blank elevation facing this site. Three windows in the facing elevation are to a bathroom, en-suite and WC and as such will be obscure glazed. Therefore, the proposal will have no undue impact on the adjacent site.

8.7 To the south is the residential property Shawedene, a detached bungalow. The rear elevations of both of the proposed dwellings will have 2 full height windows at ground floor and 2 windows with Juliet balconies at first floor. These will be 36m from the rear of Shawedene and between 10m and 13.8m to the rear boundary of Shawedene due to its irregular nature.

8.8 As there is a 36m spatial separation between the rear windows of Shawedene and the rear windows of the proposed dwelling, this is in excess of the normally required 21m spatial separation distance for first floor facing windows and it is considered there will be no undue overlooking or loss of privacy to the dwelling itself. In terms of overlooking of the rear garden of Shawedene, the proposal achieves the normally require 10m rear garden for both plots and this, together with the proposed landscaping, would mitigate any potential overlooking of the garden to Shawdene.

8.9 To the south-east is Sylvainne, a detached dormer bungalow. There is a 27m spatial separation distance between this property and the rear of plot 2 which is over the normally required 21m distance. Additionally, this property has a more angled relationship with plot 2 and as such it is considered there will be no impact in terms of overlooking/loss of privacy.

8.10 The Council's required spatial separation distance between first floor facing windows is 21m as set out in the Residential Design Guide SPD - Design Guidance Note: DG03 criteria C: Any first floor proposed windows shall have a distance of no less than 10 metres from any facing boundary/garden and criteria E: Any first floor proposed windows shall have a distance of at least 21 metres from any facing habitable room window.

8.11 The recommended spatial separation distances are achieved and the proposed development would not result in overlooking or loss of privacy to neighbouring properties sufficient to warrant a refusal of planning permission.

9. **Conclusion**

9.1 Given that the spatial separation distance is 27m to Sylvainne and 36m to Shawdene the proposal is considered to meet the design guide requirements set out in the Residential Extensions SPD and therefore is compliant with Policy G17 in the South Ribble Local Plan. The application is recommended for approval subject to the imposition of conditions originally imposed on the parent permission 07/20232/00692/REM with just condition 2 being amended.

10. **Recommendation**

10.1 Approval with Conditions.

11. **Recommended Conditions**

1. The development hereby approved shall be begun either before the expiration of 3 years from the date of the outline permission, or before the expiration of 2 years from the date of the Reserved Matters permission
REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990
2. The development, hereby permitted, shall be carried out in accordance with the submitted approved plans Dwg 591-01 Rev C Existing and Proposed Overall Site Plans; 591-02 Rev F Existing and Proposed Site Plans; 591-03 Rev D Proposed Plans; 591-04 Rev C Proposed Elevations and Street Scene; PR/220901/GA/01 Rev A Proposed Landscape Works; PR/220901/GA/02 Proposed Landscape Works General Arrangements Plan; D3044-H-01 Access Plan
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

3. The parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.
REASON: To ensure that adequate parking provision is retained on site, in accordance with Policy G17 in the South Ribble Local Plan
4. No dwelling hereby permitted shall commence until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times.
REASON: To allow for the effective use of the parking areas, in accordance with Policies F1 and G17 in the South Ribble Local Plan.
5. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
* the parking of vehicles of site operatives and visitors
* loading and unloading of plant and materials
* storage of plant and materials used in constructing the development
* the location of the site compound
* appropriate measures to control the emission of noise during construction
* details of all external lighting to be used during the construction
a scheme for recycling/disposing of waste resulting from demolition and construction works
REASON: To safeguard the amenities of neighbouring properties in accordance Policy 17 in the Central Lancashire Core Strategy and Policy G17 in the South Ribble Local Plan 2012-2026
6. Cycle storage suitable for 2 bicycles shall be provided within each dwelling.
Reason: To promote sustainable transport as a travel option, encourage healthy communities and reduce carbon emissions in accordance with Policy 3 in the Central Lancashire Core Strategy
7. The development hereby approved shall be carried out in accordance with the decision and conditions imposed on the outline planning approval 07/2019/7582/OUT
REASON: For the avoidance of doubt and to ensure a satisfactory standard of development

12. **Relevant Policy**

Core Strategy Policy 17: Design of New Buildings

Local Plan Policy G17: Design Criteria for New Development

Residential Extensions Supplementary Planning Document