

Committee Report**Date: 7 November 2018****Item Number 03****Application Number 18/00742/FUL****Proposal Erection of detached garage****Location 6 Ruskin Avenue Thornton Cleveleys Lancashire FY5 2RS****Applicant Mr Gary Linacre****Correspondence c/o Geoff Attwater Architectural Design Service
Address 40 Stanah Gardens Thornton-Cleveleys Lancs FY5 5JH****Recommendation Permit****REPORT OF THE HEAD OF PLANNING SERVICES****CASE OFFICER - Mrs Charlotte Parkinson****1.0 INTRODUCTION**

1.1 This application is before Members at the request of Councillor Walmsley. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is a detached bungalow located on the eastern side of Ruskin Avenue which is a cul de sac. The property has a pitched roof and is constructed from red brick and rosemary roof tiles. There is a large flat roof single storey extension across the rear elevation which has an external feature brick chimney and a detached flat roof garage in the rear garden. The property is set in a generous garden curtilage enclosed by a low 1m high timber picket style fence on the northern boundary, established conifer trees and 2m high concrete post and timber panel fencing to the eastern and southern boundary, and a low 1m high concrete post and timber panel to the western boundary. The surrounding area comprises residential bungalows of varying styles.

3.0 THE PROPOSAL

3.1 The proposal seeks planning permission for a detached pitched roof garage in the north east corner of the rear garden. The garage will have a dual pitched roof which will be 2.4 m to the eaves and 4.4m to the ridge. It would be set in from the boundary with no 5 Ruskin Avenue by 900 mm. The garage is an irregular shape and will be 13.7m long on the northern elevation and 8.6m on the southern elevation. The front elevation will be angled at 8.4m wide and will have a 4.5m wide roller shutter door. Two windows and a door are proposed in the south facing elevation. Materials to be used are multi rustic brick to match the existing house and red concrete roof tiles.

4.0 RELEVANT PLANNING HISTORY

4.1 NONE

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN 1999 (SAVED POLICIES)

5.1.1 The Wyre Borough Local Plan was adopted on the 5th July 1999. The saved Local Plan forms part of the development plan for the district. Due weight should be given to relevant policies according to their degree of consistency with the Emerging Local Plan and the National Planning Policy Framework (NPPF).

5.1.2 The following policies are considered to be of relevance to the determination of this application:

SP14 Standards of Design and Amenity
ENV13 Development and Flood Risk

5.2 EMERGING WYRE LOCAL PLAN

5.2.1 The Council is in the process of preparing a new Wyre Local Plan. Following public consultation on the 'Publication' draft Wyre Local Plan (2011 -2031), the Council submitted the draft Local Plan with minor amendments to the Government for examination on the 23rd January 2018. The Inspector appointed to carry out the examination held a series of hearing sessions in May into the Local Plan, which included consideration of proposed modifications submitted by the Council prior to and during the hearing sessions. The Inspector issued a Post Hearing Advice note to the Council in July which provides a clear direction on key issues arising from the examination and further main modifications that are required to make the Wyre Local Plan sound. The Council published its initial response to the Inspector's note on the 30th July 2018, which sets out how it will be making the necessary amendments required by the Inspector. The proposed Main Modifications (MM) to the 'Publication' draft Wyre Local Plan were considered by Full Council on 6th September and approved for public consultation for six weeks, commencing on the 12th September. Although the draft Local Plan as proposed to be modified does not have the full weight of an adopted Local Plan, it has reached an advanced post hearing stage in the local plan process and is supported by a comprehensive and robust evidence base. Development plan policies contained within the draft Local Plan as proposed to be amended in response to the Inspector's Post Hearing Advice will therefore be given increased weight in determining planning applications depending on the particular circumstances of the case and the extent of any unresolved issues.

5.2.2 Where policies in the new Wyre Local Plan are consistent with the 2012 NPPF, then the (revised) NPPF published in 2018 allows for increased weight to be given to them. Those development plan policies with no unresolved issues will be given significant weight. Alongside these, the policies in the 2018 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.3 The following policies contained within the draft Local Plan are of most relevance:

- CDMP1 Environmental Protection
- CDMP3 Design
- CDMP2 Flood Risk and Surface Water Management.

5.3 NATIONAL PLANNING POLICY FRAMEWORK

5.3.1 The National Planning Policy Framework (NPPF) was published by the Government on the 24th July 2018. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). For decision-taking, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless : i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposal; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.3.2 The following sections / policies set out within the NPPF are relevant to the determination of this application:

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change.

5.4 WYRE SUPPLEMENTARY PLANNING GUIDANCE

5.4.1 Supplementary Planning Document - Extending Your Home - Design Note 1
General Principles.

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL (HIGHWAYS)

6.1.1 No objections regarding the proposed erection of detached garage and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

6.2 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (ENVIRONMENTAL PROTECTION - LAND CONTAMINATION)

6.2.1 No objections however details of gas protection measures are required to be provided prior to the commencement of development by condition

7.0 REPRESENTATIONS

7.1 3 letters of support and 4 letters of objection have been received. The objections raised relate to the following matters:

- concern re possibility of garage being used for business purposes
- too large, not in keeping with the area
- flood risk
- increased traffic and parking issues
- excessive vehicle movements
- reduction in value of the properties
- noise
- not required, already a garage on site
- not in line with other garages on the street

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Extension of time agreed until 9th November 2018.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual Impact / Design / Impact on the street scene
- Impact on residential amenity
- Impact on Highway / Parking
- Flood Risk

Principle of development

9.2 The erection of domestic buildings within a residential curtilage are acceptable in principle.

Visual Impact / Design / Impact on the street scene

9.3 The application site is located in the south east corner of a cul de sac and the proposed garage would be located in the north east corner of the garden curtilage, in a position that would be off set from the main street view.

9.4 The proposed garage would be an irregular shape with a large floor area, however it is set in a large garden curtilage contained behind existing building lines and is not therefore considered to be an overly dominant feature in the street scene which comprises of properties of varying styles.

9.5 The pitched roof design and proposed materials of rustic multi brick and roof tiles to match the existing house would respect the character of the existing dwelling and that of the surrounding area.

Impact on residential amenity

9.6 The side elevation facing No.5 Ruskin Avenue is the longest side at 13.7m. The height to the eaves would be 2.4m and to the ridge 4.4m. It would be set in from the boundary with No.5 by 900mm. No.5 has a side entrance door with single obscure glazed window on the facing elevation and an intervening 2.8m wide driveway between the property and the boundary. Part of the proposed garage would be adjacent to an existing flat roof garage at No.5 which would partially screen it. The garage would be set back from No.5 and adjacent to a side elevation which has no clear glazed windows facing. It is therefore considered that the overall bulk and mass of the proposed garage will not have an overbearing or oppressive impact on the residential amenity of No.5 or reduce light to an unacceptable level.

9.7 The rear elevation of the proposed garage is close to the rear boundary of no 8 and 6 Mildred Close to the east, however this rear boundary is well screened with trees and 2m high timber fencing therefore there will not be a detrimental impact to the residential amenity of these two properties.

9.8 There are two windows on the south facing elevation of the proposed garage which would face into the garden area of the application site. The north and east elevations are blank. Therefore there are no overlooking issues to consider.

9.9 A supporting statement has been submitted confirming that the use of the garage is for domestic storage purposes. The owner has stated that he has several classic cars and the garage will be used to store these cars. Some of the concerns raised in the objection letters relate to the garage being used for commercial purposes including repair of cars. A condition will be required restricting the garage to uses incidental to the purposes of the dwellinghouse. It is noted that the design of the doors are to be metal roller shutter; whilst there would be some noise from their use, this is not considered to result in an unacceptable impact.

Impact on Highway / Parking

9.10 Lancashire County Highways have raised no objections to the proposal and have advised that the proposed garage does allow for 6m manoeuvring space to prevent collisions with property and vehicles which would ensure highway safety and maintenance is not significantly affected by the movements. It is noted that the angled front elevation of the garage and the narrow drive in front of the dwelling will make manoeuvring into / out of the garage difficult, however this would not impact on the safety of the highway and is rather a matter for the applicant to overcome. There is already a dropped kerb to the full property frontage. There would be no loss of existing parking space at the site which currently has provision for 2 off street parking spaces along the western boundary. The proposed garage would provide further off street parking provision and the existing access would be unaffected. Therefore would be no impact on highway safety and the proposal would not have a detrimental effect on parking at the site. A condition restricting the garage to incidental uses only will mean that vehicle movements are associated with the use of the dwelling only.

Flood Risk

9.11 The application site is located in Flood Zone 3. A Flood Risk Assessment has been provided which states that the proposed garage will be solid ground floor construction approximately 200mm above existing outside ground level at the same level as the existing garage. Low level pervious bricks will improve resistance to ingress of water. Surface water from the roof is said to connect to the existing surface water drain. This mitigation is considered acceptable and in line with the Environment Agency Standing Advice for householder developments. A condition can be added to require adherence to the flood risk mitigation. No increase in flood risk to neighbouring properties is anticipated.

10.0 CONCLUSION

10.1 Although the garage is large, its offset position in the street scene and behind existing building lines means it is not considered to be visually detrimental. The concerns raised by neighbouring residents have been considered and fully assessed, however, subject to a condition requiring the use of the garage to be restricted for those purposes incidental to the enjoyment of the dwelling the proposal is considered to comply with Saved Policy SP14 of the Adopted Wyre Local Plan and Policy CDMP 3 of the Emerging Local Plan. Other issues have been assessed and are considered acceptable subject to conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions.

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to 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 shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 31.8.18 including the following plans/documents:

- Proposed Elevations and Floor Plans Drawing Number A18.02/2 Rev A
- Proposed Site Plan
- Flood Risk Assessment

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. The development shall be carried out using those materials specified on the approved plan ref: Proposed Elevations and Floor Plans Drawing Number A18.02/2 Rev A.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999).

4. The development hereby permitted shall be used for purposes incidental or ancillary to the residential use of the dwelling and for no other purpose.

Reason: The use of the building as a separate use would require further consideration in accordance with Policy SP14 and of the Adopted Wyre Borough Local Plan (July 1999).

5. The development shall incorporate suitable gas protection measures, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The measures shall include as a minimum: ventilation of confined spaces within the building, a ground slab of suitable construction, a low permeability gas membrane, minimum (ideally none) penetration of the ground slab by services, and passive ventilation to the underside of the building. The development shall be carried out in accordance with the approved scheme and thereafter be maintained and retained. Alternatively, prior to the commencement of development, a gas monitoring programme and risk assessment of the results shall be undertaken to demonstrate that the above protection measures are not required. The results shall be submitted to and approved

in writing by the Local Planning Authority. Any gas monitoring programme must be carried out over a period of at least three months and include at least three readings where the atmospheric pressure is below 1000mb. Gas flow rates must also be provided.

Reason: The footprint of the proposed development is within the immediate vicinity of an area of infilled ground. The nature of the fill is unknown. Works are therefore required in the interests of public safety and in accordance with Policy SP14 of the Adopted Wyre Borough Local Plan (July 1999)

Notes: -

1. The site falls in Flood Zone 3. It is therefore recommended that flood proofing measures are considered by the applicant and incorporated into the development where appropriate.

Further details are available on the GOV.UK website:-

- Improving the flood performance of new buildings: flood resilient construction (<https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>)
- Prepare your property for flooding (<https://www.gov.uk/government/publications/prepare-your-property-for-flooding>)

Further Preparing for Floods guidance is also available on the Planning Portal website at: <http://www.planningportal.gov.uk/buildingregulations/goodpractice/preparingforfloods>