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| **Report to be read in conjunction with the Decision Notice.** |
| Signed: | LH | Date: | 21/3/23 | Manager: | **NH** | Date: | **22/03/23** |
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| **Application Ref:** | 3/2022/0467 |  |
| **Date Inspected:** | 17/6/22 and 17/1/23 |
| **Officer:** | AD/LH |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL** |
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| **Development Description:** | Demolition of existing house and erection of a replacement dwelling with associated external works. Re-submission of 3/2021/1122 |
| **Site Address/Location:** | **36 Painter Wood Whalley Old Road Billington BB7 9JD** |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| No response received |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:**No objection subject to conditions (implementation of access arrangements; visibility splay free of obstruction; implementation and retention of parking and turning facilities).**United Utilities:**Request additional information (levels and indicative foul and surface water drainage strategy). Drainage conditions (surface water; foul water) suggested otherwise. Notes re: water and wastewater services and UU property/assets/infrastructure.  |
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| **CONSULTATIONS:**  | **Additional Representations.** |
| Four letters of objection received from two neighbouring properties. A summary of the concerns raised is as follows:-Scale – proposal is large and extends beyond the established rear building line.Overbearing – Harm to openness of Green Belt and loss of amenity. Would dwarf neighbouring propertiesLoss of privacy and lightBoundary is incorrectLarge increase in footprint and volume. Would exceed the 25-30% increase widely accepted in Green Belt locations. Out of context for area |
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1 – Development Strategy Key Statement EN1 – Green BeltPolicy DMG1– General ConsiderationsPolicy DMG2 – Strategic ConsiderationsPolicy DME2 - Landscape and Townscape ProtectionPolicy DMI2: Transport ConsiderationsPolicy DMG3: Transport and Mobility NPPFNPPG |
| **Relevant Planning History:**6/9/785 – Proposed detached bungalow. PP granted 10/12/1956.6/9/904 – Proposed stable, hen cabin and greenhouse. PP granted 6/1/1958.6/9/2216 – Proposed single storey extension. PP granted 1/3/1966.3/2021/1122 - Demolition of existing house and erection of a replacement dwelling with associated external works. Refused |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**36 Painter Wood is a prominent hillside location within the Green Belt and to the south of the Billington settlement boundary (formed by the Whalley Old Road).The existing dwelling is modernist in design (sited for commanding views over the Calder valley).It forms part of a row of similar residential properties (some now replaced but adhering to similar design principles).These properties appear to follow a historic ‘building line’ to the front and rear.There is a store/shed within the rear garden. There is a large conifer tree prominent from the roadside at the boundary with 34 Painter Wood. |
| **Proposed Development for which consent is sought:**Planning permission is sought for a replacement dwelling with associated ground work to facilitate its construction. The existing single storey flat roof dwelling sits centrally within the plot and measures approx. 5.2m in height to its highest point when measured from ground floor. The main part of the dwelling measures approx. 17.5m in width and 11.5m in depth. The dwelling is elevated from the road with a fairly steep driveway. The rear garden is on a further incline. The previous refused scheme (3/2021/1122) sought a dwelling on three levels measuring 22.4m in width at ground and first floor. Above the ground floor was a first floor terrace at the front and first floor accommodation behind. This stepped arrangement meant a total depth of approx. 22.96m when measured from ground floor front wall to first floor rear wall. In addition the first floor level was ‘L-shaped’ with a leisure wing along the southern boundary projecting beyond the main rear elevation.This re-submission application initially proposed the same footprint minus the leisure wing. The agent cited that the re-submission proposed a volume increase of 35% above ground level.Revised plans have been received reducing the width of the ground and first floor elements to 18m. There is now a greater overlap between the ground and first floor and a slight reduction to the first floor depth. This has resulted in a total depth of approx. 16.8m when measured from ground floor front wall to first floor rear wall. Whilst the basement width is relatively unchanged the depth is reduced from 13.8m along the northern boundary to 8.8m. The dwelling would be approx. 6.6m in height (minus the chimney feature) when measured from the same point as the existing dwelling height measurement reported. The modernist design theme is retained (including flat roofs and large expanses of glazing). Materials are render, stone and timber panel (walls), paving to terrace and green roof (roof), aluminium with timber louvres (windows) and timber (doors). The garage accommodation contained within the basement will have a level access to the highway, with ground works proposed to facilitate this. The sloping levels to the remainder of the site frontage will be relatively unchanged. |
| **Principle of Development:**Key Statement EN1 relates solely to development within the defined Green Belt. It states ‘*The overall extent of the green belt will be maintained to safeguard the surrounding countryside from inappropriate encroachment. The development of new buildings will be limited to the purposes of agriculture, forestry, essential outdoor sport and recreation, cemeteries and for other uses of land which preserve the openness of the green belt and which do not conflict with the purposes of the designation’.* The National Planning Policy Framework (NPPF) Section 13 sets out the fundamental aim of Green Belt policy including the five purposes it serves and how Green Belt should be protected against inappropriate development. This includes assessing proposals which affect the Green Belt and its openness. NPPG identifies that “openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume”.New development is usually considered inappropriate in Green Belt except in certain limited circumstances which are listed at para 149 of the NPPF. One of these exceptions is “the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.” Whether or not a building is materially larger is a planning judgement and the Council does not have any Local Plan policy or guidance on this, including a % figure.The site is located at a sensitive elevated hillside location immediately adjacent the Green Belt boundary and the Billington settlement boundary and within ‘ribbon development’ along Whalley Old Road. It is acknowledged that the previous application was refused because the replacement building was considered “significantly larger (footprint and height) and more prominent in the landscape (including views from Whalley Old Road) which does not safeguard the openness”.The revised scheme has significantly reduced the volume of the proposed dwelling meaning that it is not considered to be materially larger. It now sits more contained in the plot leaving gaps of between 3-5m from the side boundary. Whilst it is acknowledged the reduced footprint still extends beyond the existing rear building line, this projection is not considered to undermine the openness of the Green Belt or the open aspect character at the rear and a significant gap is still maintained between the rear elevation and rear boundary. Streetscene elevations demonstrate that although taller than the existing dwelling, the height of the replacement dwelling is no higher than adjacent dwellings, save for a chimney parapet wall feature front and centre of the building. The principle of development is therefore considered acceptable. |
| **Design and Visual Impact:**Policy DMG1: General Considerations: Design requires all development to be sympathetic to existing and proposed land uses in terms of its size, intensity, nature, scale and massing and for consideration to the relationship between buildings, which is of major importance, with particular emphasis to the effects of development on existing amenities.Although a modernist design concept, Whalley Old Road comprises an array of house types and designs, including modernist dwellings immediately adjacent. The design is considered to be high quality and appropriate for its surrounds. The stepped footprint and basement feature is considered to be a sensitive design response to the elevation and the existing stone wall, grass verge and sloping front garden which contribute to the pleasant streetscene aspect will be mostly retained. The reduced volume and footprint means that the dwelling is considered to be well contained in the plot and not overly dominant in the streetscene. The removal of a conifer tree along the northern boundary is likely, however this is of minimal amenity value and can be mitigated by a replacement landscape scheme.As such the design and visual impact is considered acceptable subject to conditions. |
| **Impact Upon Residential Amenity:**It is acknowledged that the previous application was also refused on amenity because “overbearing and overshadowing (the proposal is to the south-east of 34 Painter Wood) impacts will be significant and harmful to residential amenity”.Since the previous application, the off-set distance from the boundary with No. 34 has been increased by 2.2m and the rearward projection along this boundary has reduced by approx. 6m. Plans demonstrate that the proposal would not project beyond a 45 degree line taken from the nearest window of No.34. Indeed the revised scheme will fall several metres short of this line.Site inspection confirmed the terrace area immediately to the rear of No. 34 sits at a lower level than the application site and despite the reduced footprint the replacement dwelling will still project beyond the rear facing windows and rear terrace area of this property. A side window does face directly onto the replacement dwelling although this is believed to serve the same room as a larger rear window as such outlook and daylight will still be maintained to that room. Furthermore there will be a significant distance between the two dwellings (approx 9m). On balance there will still be an impact on the amenity of the occupiers of No. 34 and some overbearing and loss of light impacts given its orientation to the south-west. However, for the reasons stated this impact is not considered to be unacceptably harmful to residential amenity.Both side elevations are blank save for a bedroom window at the front which extends into the front section of the north facing side wall. However being at ground level, at the front of the site and a significant distance from No.34 no unacceptable overlooking impacts are identified.No concerns were raised in the previous application to impacts upon No.38. The impacts would be further reduced by virtue of the revisions to the dwelling footprint. There will be a significant distance between the two dwellings (approx 8m).As such the revised scheme is considered acceptable to residential amenity. |
| **Ecology:**The submitted bat statement identifies that the building is considered to be of negligible potential for roosting bats. Bat boxes are recommended to enhance roosting opportunities on site. |
| **Highways:**LCC Highways comments suggest an acceptable development subject to conditions. |
| **Other Matters:**The boundary issue was raised with the agent. The LPA has no reason to disagree with what is submitted however should the plans not show this correctly then it is for the applicant to resolve this and submit a further application if need be.  |
| **Observations/Consideration of Matters Raised/Conclusion:**In consideration to Core Strategy Key Statement EN1 and relevant policies, including the NPPF, the proposal is deemed to be appropriate development in the Green Belt and there is no other harm identified which cannot be mitigated for by condition. |
| **RECOMMENDATION**: | To approve planning permission. |