|  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Report to be read in conjunction with the Decision Notice.** | | | | | | | | | | | | | | | |
| **Signed:** | | **Officer:** | **SK** | | | | **Date:** | | **15.5.23** | | **Manager:** | | **LH** | **Date:** | **16.5.23** |
|  | | | | | | | | | | | | | | | |
| **Application Ref:** | | | | | 2023/0180 | | | | | | |  | | | |
| **Date Inspected:** | | | | | 26/04/23 | | | **Site Notice:** | | N/A | |
| **Officer:** | | | | | SK | | | | | | |
| **DELEGATED ITEM FILE REPORT:** | | | | | | | | | | | | **REFUSAL** | | | |
|  | | | | | | | | | | | | | | | |
| **Development Description:** | | | | | | Erection of single storey dwelling with solar panels on the roof and air source heat system together with landscaped (patio) areas (amendments to planning permission 3/2021/0991). | | | | | | | | | |
| **Site Address/Location:** | | | | | | Ashgreen House 4B Wiswell Lane Whalley BB7 9AF | | | | | | | | | |
|  | | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | | **Parish/Town Council** | | | | | | | | | |
| No representations received in respect of the application. | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | | **Highways/Water Authority/Other Bodies** | | | | | | | | | |
| **LCC Highways:** | | | | | |  | | | | | | | | | |
| No objections subject to the imposition of conditions. | | | | | | | | | | | | | | | |
| **CONSULTATIONS:** | | | | | | **Additional Representations.** | | | | | | | | | |
| 8 Letters of objection have been received in respect of the proposal objecting on the following grounds:   * Deviation from approved details * Loss of privacy * Overbearing impact * Raising of land-levels * Increased flood risk * Impacts upon ecology   21 letters of support have been received in respect of the application. | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | |
| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** | | | | | | | | | | | | | | | |
| **Ribble Valley Core Strategy:**  Key Statement DS1 – Development Strategy  Key Statement DS2 – Sustainable Development  Key Statement DMI2 – Transport Considerations  Policy DMG1 – General Considerations  Policy DMG2 – Strategic Considerations  Policy DMG3 – Transport & Mobility  Policy DME1 – Protecting Trees & Woodland  Policy DME2 – Landscape & Townscape Protection  National Planning Policy Framework (NPPF) | | | | | | | | | | | | | | | |
| **Relevant Planning History:**  **2022/0992:**  Non-material Amendment of 3/2021/0991. Proposed increase in size of the study, still within the overall footprint of the site. Remove skylight in the lounge and replace with obscure window. (Refused)  **2022/0298:**  Amendment to planning permission 3/2021/0991 to move the garage 1.5m closer to the house and to reduce the width by 600mm. (Approved)  **2021/0991:**  Revisions to the proposed single storey dwelling of the previously approved application (3/2020/0006), amendments include roof overhang to south facing terrace/walkway and west facing patio. Internal reconfigurations, inclusion of study, amendment to entrance lobby, additional rooflight to living room, solar panels located on the roof and inclusion of air source heat recovery system. The application boundary has been revised to exclude the existing bungalow. The proposal also includes the construction of one double garage. (Approved)  **2020/0006:**  Proposed extension and erection of new single storey dwelling to replace existing residential caravan. (Approved) | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | |
| **ASSESSMENT OF PROPOSED DEVELOPMENT:** | | | | | | | | | | | | | | | |
| **Site Description and Surrounding Area:**  The application relates to an area of land directly to the north of Deer Park Crescent Whalley, with the area of land to which the application relates being accessed from Wiswell Lane to the west. The application site lies within the defined settlement limits of Whalley (Principal Settlement), with the surrounding area being characterised as being primarily residential.  At the time of the officer site visit the dwelling to which the application relates was at an advanced stage of construction with significant increases in land-levels having been undertaken also being evident. | | | | | | | | | | | | | | | |
| **Proposed Development for which consent is sought:**  The application seeks consent (part retrospective) for the erection of a detached single-storey dwelling, including the raising of land levels on an area of land to north of Deer Park Crescent Whalley, accessed via Wiswell Lane.  The application is part retrospective insofar that it seeks to regularise significant deviations that have been undertaken on-site that differ significantly from the details consented pursuant to planning consent 3/2021/0991. | | | | | | | | | | | | | | | |
| **Principle of Development:**  The principle of the development of the site to accommodate an additional independent residential planning unit was originally established as acceptable through the granting of planning consent 3/2020/0006. As such, notwithstanding other development management considerations, the principle of the development of the site for residential purposes is considered to be in broad compliance with the spatial and locational aspirations for new residential development within the Borough as embodied within Policy DMG2 of the Ribble Valley Core Strategy. | | | | | | | | | | | | | | | |
| **Visual Amenity/External Appearance:**  It is noted that the original and subsequent consent, 3/2020/0006 and 3/2021/0991 respectively, were both granted on the basis that the submitted information detailed that the proposed dwelling would not benefit from a significantly raised relationship in relation to neighbouring land and garden levels associated with the properties associated with deer park crescent.  In this respect the consented details associated with 3/2021/0991 indicate that the ground level(s) and associated finished floor level of the dwelling would be commensurate with the main garden level of the existing dwelling(s). The previously approved details allowed the proposal to be successfully assimilated into the area without undue visual impact by virtue of its largely low-lying nature and minimalist language.  However, the details associated with the current application propose that the dwelling will occupy a significantly elevated position when taking account of the pre-development and existing adjacent land-levels associated with existing neighbouring dwellings. In this respect it is considered that the proposed dwelling, by virtue of its elevated position, design, overall scale and associated proposed land-levels will result in the introduction of an incongruous, unsympathetic, and discordant form of development, that fails to respond positively to the inherent character, pattern or scale of development in the immediate area.  As such the proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework insofar that the proposed development would be of significant detriment to the character and visual amenities of the area. | | | | | | | | | | | | | | | |
| **Impact Upon Residential Amenity:**  The submitted details propose the significant raising of land levels, over and above that which has already been undertaken on-site without the benefit of planning consent. The submitted section drawings indicate that the southern aspect, finished floor levels and patio areas associated with the dwelling will benefit from a significantly elevated configuration when compared to that of the garden levels associated with the neighbouring dwellings to the south (Deer Park Crescent).  In this respect, when taking account of the significantly elevated nature of the dwelling and associated patio areas, it is considered that the use of the patio areas by occupiers of the proposed dwelling will afford unrestricted elevated views into adjacent garden areas of neighbouring residential properties (15-21 Deer Park Crescent). It is further considered, by virtue of the proximity of the dwelling to the shared boundary with these properties, the resultant relationship will also allow for the direct inter-visibility and overlooking into habitable rooms windows of these dwellings.  The cumulative impacts of this relationship, in concert with the oblique outlook from the ‘kitchen/dining’ room window on the west elevation and southern facing ‘walkway’ and ‘lounge’ windows will result in significantly diminished and undermined sense of privacy for the existing and future occupiers of (15-21 Deer Park Crescent).  Further to the above, the relationship of the proposed dwelling, particularly when taking account of its significantly elevated position and proximity to the shared boundary with numbers 15-21 Deer Park Crescent, is considered to also result in a significant overbearing impact upon the affected existing residential receptors, particularly when taking account of the height of the dwelling in relation to the existing dwellings and resultant interface distance(s).  As such and taking account of the above it is considered that the proposed dwelling, by virtue of its proximity, elevated position, overall scale, configuration and orientation of habitable room window(s) and external raised patio area(s) will result in a significant measurable detrimental impact upon the residential amenities of occupiers of neighbouring residential properties (15-21 Deer Park Crescent). Particularly insofar that the resultant relationship will result in direct and significant over-looking from an elevated position of both private garden areas and habitable rooms, also resulting in a significant overbearing impact upon nearby affected residential receptors.  As such the proposed development is considered to be in significant direct conflict with Policy DMG1 of the Ribble Valley Core Strategy which seeks to protect existing residential amenity from undue impacts resultant from development. | | | | | | | | | | | | | | | |
| **Highways and Parking:**  The Local Highways Authority have raised no objection to the proposal subject to the imposition of the following conditions:   1. *No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.* 2. *The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with GHA drawing number Why/750/2959/02. Thereafter the onsite parking provision shall be so maintained in perpetuity.* 3. *Prior to the first occupation the dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.* 4. *Garage wall hanging cycle storage suitable for 2 bicycles shall be provided within the garage.* | | | | | | | | | | | | | | | |
| **Landscape/Ecology:**  The application has been accompanied by an Arboricultural Constraints Appraisal. The report makes a number of recommendations including the coppicing of a grouping of Common Hawthorn and the cut, lay and infill of and existing grouping of Hawthorn, Ash, Elder, and Cherry laurel and a second group of Common Hawthorn. | | | | | | | | | | | | | | | |
| **Other Matters:**  In assessing the application the authority has noted that significant works have already been undertaken on-site that significantly deviate from that which was granted consent pursuant to planning permission 3/2021/0991.  From site visits and measurements undertaken on site it is apparent that finished floor levels (and subsequent eaves height of the dwelling) significantly exceeds that which benefits from consent with the configuration of the dwelling also differing from that of the approved details including a raised ‘patio deck’.  In relation to the submitted details in support of the current application, the authority is of the view that the proposed sections and spot-levels fails to accurately reflect the current site and dwelling configuration, particularly the correlation and relationship between the finished floor level (and associated ‘patio’) and that of the shared boundary fence and associated land-levels with the neighbouring dwellings to the south.  In this respect the authority is unsure as to whether the application seek retrospective consent for the retention of the undertaken unauthorised works, in which case the authority considers the submitted details to be inaccurate and do not reflect the ‘as built’ levels on site that are clearly evident. Or whether the applicant seeks to remedy/alter the works undertaken on site to match that of the details submitted as part of the current application (should consent be granted). Either scenario are considered to result in an unacceptable development.  However, as is required, the authority has assessed the application solely on the submitted details pursuant to the current application. And in this respect has determined that the proposal will result in a significant measurable detrimental impact upon the residential amenities of occupiers of neighbouring residential properties (15-21 Deer Park Crescent) and result in the introduction of an incongruous, unsympathetic, and discordant form of development, that fails to respond positively to the inherent character, pattern or scale of development in the immediate area. | | | | | | | | | | | | | | | |
| **Observations/Consideration of Matters Raised/Conclusion:**  As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for refusal. | | | | | | | | | | | | | | | |
| **RECOMMENDATION**: | | | |  | | | | | | | | | | | |
| That planning consent be refused for the following reason(s). | | | | | | | | | | | | | | | |
| **01:** | The proposed dwelling, by virtue of its proximity, elevated position, overall scale, configuration and orientation of habitable room window(s) and external raised patio area(s) will result in a significant measurable detrimental impact upon the residential amenities of occupiers of neighbouring residential properties (15-21 Deer Park Crescent). Particularly insofar that the resultant relationship will result in direct and significant over-looking from an elevated position of both private garden areas and habitable rooms, also resulting in a significant overbearing impact upon nearby affected residential receptors.  As such the proposed development is considered to be in significant direct conflict with Policy DMG1 of the Ribble Valley Core Strategy which seeks to protect existing residential amenity from undue impacts resultant from development. | | | | | | | | | | | | | | |
| **02:** | The proposed dwelling, by virtue of its elevated position, design, overall scale and associated proposed land-levels will result in the introduction of an incongruous, unsympathetic, and discordant form of development, that fails to respond positively to the inherent character, pattern or scale of development in the immediate area.  As such the proposal is considered to be in direct conflict with Policy DMG1 of the Ribble Valley Core Strategy and Paragraphs 130 and 134 of the National Planning Policy Framework insofar that the proposed development would be of significant detriment to the character and visual amenities of the area. | | | | | | | | | | | | | | |