

REPORT TO 30 MARCH 2022 PLANNING COMMITTEE – ITEM 3

Application No:	21/1054	Case Officer:	Alan Pinder Area Team 2
Applicant:	Ms Blaj	Agent:	Mr Jones
Location:	24 SUMMERVILLE AVENUE, STAINING, BLACKPOOL, FY3 0BP		
Proposal:	SINGLE STOREY SIDE AND REAR EXTENSION TO DWELLINGHOUSE INCORPORATING FOOTPRINT AND RAISING ROOF HEIGHT OF FORMER DETACHED GARAGE - PART RETROSPECTIVE APPLICATION		
Ward:	Staining and Weeton	Parish:	Staining
Statutory Expiry:	8 April 2022	Earliest Decision:	28 January 2022
Reason for any delay:	Awaiting amended or additional details from applicant/agent		To view application file on FBC website click here

OFFICERS REPORT – HOUSEHOLDER APPLICATION

Summary of Officer Recommendation

This application relates to a semi-detached dwelling located within a residential area of Staining. The property is in a row of similar properties and has been previously extended with a rear extension and a detached garage. The application seeks retrospective planning permission for extensions to the detached garage which include its repurposing as habitable accommodation, an increase in its roof height, and a link to the main dwelling from a replacement of the rear extension. A raised deck area to the rear is also replaced.

The property is in the settlement area where appropriately designed and scaled extensions are acceptable in principle subject to having an acceptable relationship to their neighbours and satisfying other planning consideration. Having viewed the proposal and assessed the issues raised, it is considered that the development is appropriate in its scale for the property, has an acceptable design, and does not cause undue harm to neighbouring properties. Accordingly it satisfies the relevant policies of the Fylde Local Plan to 2032 (incorporating Partial Review) and the NPPF and is recommended for approval.

Reason for Decision Level

The officer recommendation for approval is in conflict with the views of the Parish Council and so it is necessary to present the application to the Planning Committee for a decision.

Site Description and Location

This application relates to a semi-detached two storey dwelling that has an existing single storey rear extension (approved under ref. 76/0337) with a rearward projection of 5.4 metres along the shared boundary with No.22 Summerville Avenue. The property is located within a wholly residential area of

Staining settlement and is neighboured on all sides by other dwellings.

Details of Proposal

Planning permission is sought for the following:

- Front and side extensions to the detached garage to link it into the existing single storey rear extension, and conversion of the garage to use as habitable space.
- Increase in the roof height of the converted garage so that it matches the height of the existing extension's roof.
- Replacement of the external decked area to the rear of the existing extension.

The application is retrospective in nature as the development is now virtually complete.

Relevant Planning/Appeal History

Appn	Description	Decision	Date	Appeal
76/0337	EXTENSION AT REAR - DINING ROOM	Granted	02 June 1976	

Parish/Town Council Observations

Parish/Town Council	Observations
Staining Parish Council	<p><u>Comments dated 25 Jan 2022</u></p> <p><i>The parish council strongly object to the application on the following on grounds:</i></p> <ul style="list-style-type: none">• <i>The plans do not match what has been built</i>• <i>Overshadowing and overbearing impact of extension on neighbouring property</i>• <i>Excessive increase in footprint of the property</i>• <i>May impact on surface water drainage</i>• <i>Possible Party Wall issues</i>• <i>Did not consult with neighbouring property</i>• <i>Loss of garage</i>• <i>Poor build quality.</i>

Statutory Consultees and Observations of Other Interested Parties

N/A

Neighbour Observations

Neighbours notified: 14 December 2021
Amended plans notified: N/A
Site Notice Date: N/A
Press Notice Date: N/A

Number of Responses	Total number of comments	0
	Total Number Objecting	0
	Total Number supporting	0
Summary of Comments	<p>The representations received all raise objection to the development with the points raised summarised as follows:</p> <ul style="list-style-type: none"> • The increased footprint of the property could cause surface water flooding for neighbouring properties • The extension has further eroded the privacy of No.33 Meadow Park's rear garden • Building work started before planning permission was applied for. If approved this will send a signal to others that the planning process is meaningless • Neighbours weren't informed of the build by the applicant and possible breach of the Party Wall Act • The extension is built onto the side of No.26's garage and there are doubts about its structural integrity and insulation against fire and sound • Damage caused to the side boundary wall • It harms the amenity of the occupiers of No.22 • The extension and the conversion of the garage to habitable accommodation are harmful to the character of the area • The driveways serving the application property and No.22 are not physically divided and so there could be parking and safety issues 	

Relevant Planning Policy & Government Guidance

Paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that development proposals are determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is reinforced in paragraph 2 of the National Planning Policy Framework.

The Fylde Local Plan to 2032 (the 'FLP') was formally adopted by the Council at its meeting on Monday 22 October 2018 as the statutory, adopted development plan for the Borough. The Council submitted a Partial Review of the FLP to the Secretary of State for Examination on 21 October 2020. The Partial Review does not delete or add new policies to the FLP and is, instead, concerned principally with matters relating to re-calculating housing need and amending the wording of policies within the FLP to bring these in alignment with the 2021 version of the National Planning Policy Framework.

The Inspector's report on the examination of the Partial Review of the FLP was received on 21 October 2021 and confirms that plan is sound. Following the conclusion of the Partial Review, the Council formally adopted the Fylde Local Plan to 2032 (incorporating Partial Review) – referred to hereafter as the 'FLPPR' – at its meeting on Monday 6 December 2021 as the statutory development plan for the Borough in accordance with s23 of the Planning and Compulsory Purchase Act 2004. Therefore, the FLPPR should guide decision taking for the purposes of paragraph 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2 of the National Planning Policy Framework.

Fylde Local Plan to 2032 (incorporating Partial Review) and other relevant Guidance:

- GD1 - Settlement Boundaries
- GD7 - Achieving Good Design in Development
- SPD1 - Extending Your Home - November 2007
- National Planning Policy Framework (July 2021)

Comment and Analysis

Principle

The application site is located within one of the settlement boundaries identified on the FLPPR Policies Map. As set out in policy GD1 of the Local Plan, the principle of residential extensions within the identified settlements is acceptable subject to the development's compliance with other relevant policies of the Plan. In this case the criteria contained in policy GD7 of the FLPPR are of greatest relevance, having particular regard firstly to the development's effects on the character and appearance of the area arising from its design and, secondly, to its impact on the amenity of surrounding occupiers. Each of these issues is examined further below with reference to the relevant criteria in policy GD7.

Design and Appearance in Streetscene

FLPPR policy GD7 requires that development proposals demonstrate a high standard of design, taking account of the character and appearance of the local area, in accordance with 16 guiding principles (a - p). In particular, criteria d), h) and i) of the policy identify the following requirements:

- Ensuring the siting, layout, massing, scale, design, materials, architectural character, proportion, building to plot ratio and landscaping of the proposed development, relate well to the surrounding context.
- Being sympathetic to surrounding land uses and occupiers, and avoiding demonstrable harm to the visual amenities of the local area.
- Taking the opportunity to make a positive contribution to the character and local distinctiveness of the area through high quality new design that responds to its context and using sustainable natural resources where appropriate.

Paragraph 130 of the NPPF sets out six general principles of good design (a) – f)) that developments should follow and paragraph 134 indicates that “development that is not well designed should be refused, especially where it fails to reflect local design policies”.

The only elements of the development visible from the public domain are the front extension and roof lift to the existing garage.

The front extension extends the garage *circa* 1 metre forward so that it is level with the rear elevation of the property and so has a negligible impact on the streetscene.

The roof lift has increased the height of the garage by *circa* 0.6 metres and retains the original flat roof profile of the garage. As the roof does not project forward of the dwelling's rear elevation it has little impact on the appearance and character of either the streetscene or the host dwelling.

The remainder of the development is wholly to the rear of the property where the resulting appearance is similar in design and form to how the dwelling appeared prior to the development being carried out and so raises no concern.

Overall the appearance, design and scale of the development is considered to accord with the requirements of criteria d), h) and i) of Policy GD7.

Relationship to Neighbours

FLPPR policy GD7 c) requires that development proposals facilitate good design by “ensuring that amenity will not be adversely affected by neighbouring uses, both existing and proposed”. In addition, criterion h) states that developments should be “sympathetic to surrounding land uses and occupiers”.

Paragraph 130 f) of the NPPF indicates that planning decisions should ensure developments “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.”

Neighbouring dwellings most potentially affected by the application are those to either side of the application site, No’s 22 & 26 Summerville Avenue. The occupier of No.33 Meadow Park has also raised an objection on the grounds of overlooking and loss of privacy. Looking at the key impacts in detail:

No.22 Summerville Avenue – This property is attached to the application property and has a conservatory to the rear. The replacement rear decking enables views over, and so a reduction of privacy, to the rear garden area of No.22. As this decking is in a similar location to that which previously existed these views are no more harmful than that which existed from the previous decking. However, given that the previous decking did not benefit from formal planning permission it is necessary to take this impact into consideration. Accordingly the original proposed scheme has been amended to include a 1.8 metre high privacy screen (fence panel) to be erected along the shared boundary edge of the decking to mitigate overlooking of No.22’s garden to an acceptable degree by limiting views to those parts of the garden which are more distant from the property and so less critical to the occupier’s amenity.

No.26 Summerville Avenue – This is the neighbour to the other side which is separated from the dwelling by the driveway width of both properties. This neighbour has a garage to the side of the property which extends beyond the rear elevation of the dwelling with a patio to the rear that is therefore alongside the garage to the application property. Whilst the development has increased the height of the original solid shared boundary between the two properties by *circa* 0.6 metres it is not considered that this additional height is so great as to have resulted in undue harm to the amenity of No.26 by way of overdominance or overshadowing of the patio area or the remainder of No.26’s rear garden. The rear of No.26 does feature patio doors in close proximity to the shared boundary, which may experience some additional loss of natural light, however these doors serve a utility room that has been formed by converting part of the rear of the attached garage. As such a reduction in light to this room is not a concern as this is not a habitable room.

No.33 Meadow Park – This property is directly to the rear of the application property and its occupier has objected on the grounds of loss of privacy to their rear garden. The rear garden of the application property slopes away from the rear of the house and as a consequence the rear decking is higher relative to the rear boundary with No.33. This notwithstanding the decking is no higher than that which it has replaced and its rear edge is *circa* 11 metres from the rear boundary. Furthermore No.33 Meadow Park has a large tree and a large shed building along, and taller than, the shared boundary fence which prevent any potential views into their rear garden.

Whilst it has to be noted that all three adjacent properties have raised objection to the development, the considered officer view as set out here is that the works have an acceptable relationship to its neighbours in all regards. On this basis it complies with criteria c) and h) of Policy GD7.

Parking and Access Arrangements

The development has resulted in the loss of the detached garage, however the use of this garage for the parking of vehicles was unrealistic due to the very narrow (*circa* 1.9 metres) width of the driveway that runs from the highway to the garage. Accordingly it is considered that the existing access and parking arrangements have not been compromised by the development and so it complies with criteria j) and q) of Policy GD7.

Other Matters

Objections have also been raised relating to the following:

Accuracy of Drawings

It is suggested that the drawings are inaccurate as the extended garage is higher and longer than shown on the submitted drawing.

The officer has measured these elements at site visit and found some minor inaccuracies. To address those a revised drawing has been presented which is under consideration in the determination of this application. It should also be noted that the application is retrospective as the development is now virtually complete. Accordingly the development has been assessed against what is now physically present on the site.

Drainage Concerns

These relate to the potential impact on, and the adequacy of, surface water drainage of the building.

With regard to surface water drainage, this application relates to additional development of an existing dwelling located within a residential area. Accordingly any issues regarding surface water drainage would be dealt with under the Building Regulations regime. However this notwithstanding there is no reason to believe that the marginal increase in roof area resulting from the development would increase the level of surface water within the site.

Encroachment

The neighbour asserts that the extended garage encroaches onto No.26's garage thus restricting access for maintenance and potentially causing load damage to their garage wall. Further, they believe that the development has been constructed without the necessary compliance with the requirements of the Party Wall Act 1996.

The application is supported with Certificate A which means that the applicant believes that the whole of the site required for the development is within the applicant's control. If the development involved land in other ownership then they would serve Certificate B to highlight that. When officers became aware of these encroachment concerns they raised them with the applicant's agent. He has since confirmed in an email dated 11 March 2022 that all elements of the development lie on land that is within the applicant's control without any encroachment. The council does not have a role in assessing the accuracy of these competing claims, with this being a civil matter between them. The requirements for the determination of the planning application is that it is supported by an ownership certificate, and as this application is supported with Certificate A, then that legal requirement is satisfied.

Quality of workmanship

It is stated that the quality of the workmanship on the development is not of a good standard.

This is a further matter that is not a planning consideration. The compliance with the building regulations is a matter that the council is assessing in this case, and the concerns have been passed to officers from that team for their awareness during the various inspections that are made as part of the normal building control process.

Conclusions

This application relates to a semi-detached dwelling located within a residential area of Staining. The property is in a row of similar properties and has been previously extended with a rear extension and a detached garage. The application seeks retrospective planning permission for extensions to the detached garage which include its repurposing as habitable accommodation, an increase in its roof height, and a link to the main dwelling from a replacement of the rear extension. A raised deck area to the rear is also replaced.

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Recommendation

That Planning Permission be GRANTED subject to the following conditions:

1. This permission relates to the following plans:

- Location Plan - Drawing no. AJ/KT/09/12/A Rev C
- Proposed Plans - Drawing no. AJ/KT/09/12/A Rev C
- Proposed Elevations - Drawing no. AJ/KT/09/12/A Rev C

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans in the interests of proper planning in accordance with the policies contained within the Fylde Local Plan to 2032 and National Planning Policy Framework.

2. Unless alternative details have first been submitted to and approved in writing by the Local Planning Authority, the external surfaces of the development shall be constructed in accordance with the materials detailed on the approved plans listed in condition 1 of this permission or in section 5 of the submitted application form

Reason: To ensure the use of appropriate materials which are sympathetic to the character of the host building and surrounding area in the interests of visual amenity in accordance with the requirements of Fylde Local Plan to 2032 policy GD7 and the National Planning Policy Framework.

3. Within two months of the date of this permission the 1.8 metre high screen along the western edge of the raised decking area (as shown on the approved drawing no. AJ/KT/09/12/A Rev C) shall be installed. The screen shall thereafter be retained, or if replaced the replacement shall be of the same 1.8 metre height and opaque.

Reason: To safeguard the privacy of occupiers of No.22 Summerville Avenue in accordance with the requirements of policy GD7 of the Fylde Local Plan to 2032 (incorporating Partial Review) and the National Planning Policy Framework.

Statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015:

The Local Planning Authority worked positively and proactively with the applicant to identify solutions during the application process in order to ensure that the proposal comprises sustainable development and improves the economic, social and environmental conditions of the area in accordance with the development plan. These amendments have been incorporated into the scheme and/or secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Location Plan for 21/1054

