

## SCHEDULE A: Applications with Recommendation

14/0342

Item No: 08

Date of Committee: 25/07/2014

**Appn Ref No:**  
14/0342

**Applicant:**  
Mr Mckenzie

**Parish:**  
St Cuthberts Without

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Dalston

**Location:** Land adjacent Woodcote, Durdar Road, Carlisle, CA2 4TL

**Proposal:** Erection Of 1no. Dwelling (Outline)

**Date of Receipt:**  
23/04/2014

**Statutory Expiry Date**  
18/06/2014

**26 Week Determination**

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### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether The Principle of Development Is Acceptable
- 2.2 Whether The Scale And Design Of The Dwelling Is Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Impact Of The Proposal On Biodiversity
- 2.6 Method of Disposal of Foul And Surface Water
- 2.7 The Impact On Human Rights
- 2.8 Potential For Contaminated Land

#### 3. Application Details

##### The Site

- 3.1 The application site is located approximately 92 metres east of Durdar Road, along a private shared driveway. Immediately adjacent to the west of the site

is single storey bungalow. Further to the east is a property currently being constructed and beyond that, is a group of 4 dwellings in a courtyard arrangement. Historically, the latter has been developed from a farmhouse and the conversion of outbuildings to 3 residential properties.

- 3.2 The application site, equating to approximately 390 square metres, is enclosed by a palisade fencing and is used for the storage of vehicles. A mature hedge also bounds the western flank of the site and the remaining land being in agricultural use.

## **The Proposal**

- 3.3 The application seeks Outline Planning Permission for the erection of 1 dwelling with all matters reserved. The submitted drawings are indicative and illustrate a single storey 2 bedroom property with incurtilage parking for 2-3 vehicles. The building measures 16.2 metres in length and the width would vary between 5.2 metres and 8.5 metres.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 2 of the neighbouring properties. In response, 2 letters of objection and 1 comment have been received and the main issues raised are summarised as follows:
1. the principle of further housing in the area is not acceptable;
  2. the owner of the access road are concerned about disruption during ongoing building works;
  3. there has been construction in the lane during building works. Further planning permission will cause more disruption.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objection subject to the imposition of conditions;

St Cuthberts Without Parish Council: - the application is supported;

Local Environment - Environmental Protection: - no objection;

United Utilities: - in accordance with the NPPF, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

## **6. Officer's Report**

- 6.1 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF) together with Policies DP1, CP1, CP2, CP3, CP5, CP12, H1, T1 and LE29 of the Carlisle District Local Plan 2001-2016. The Supplementary Planning Document

(SPD) "Achieving Well Designed Housing" is also of relevance. The proposal raises the following planning issues.

## **1. Whether The Principle of Development Is Acceptable**

- 6.2 The main issue to establish in the consideration of this application is the principle of development. Since the adoption of the Local Plan, the NPPF has been published by the Government and is a material consideration in the determination of this application.
- 6.3 Paragraph 215 of the NPPF highlights that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given). Accordingly, in respect of this application whilst the development should be considered against Local Plan policies, in respect of the issue of housing, the Local Plan cannot be considered up to date under the NPPF.
- 6.4 When assessing the application site against the foregoing policies, it is acknowledged that this is a small group of dwellings, close to what was a former farm steading; however, in the context of the NPPF the site cannot be considered either a village or a settlement.
- 6.5 An application for 1 dwelling in 2013 (application reference 13/0651) to the east of the site was considered to be in an isolated rural location and therefore a new home in the countryside. Paragraph 55 of the NPPF outlines that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.
- 6.6 In the report to Members of the Development Control Committee, it was concluded that the application failed the policy tests that underpinned the assessment of that application insofar as no essential need was claimed; the proposal did not involve the development of a heritage asset or redundant or disused building, and the design of the building was not of exceptional quality.
- 6.7 On considering the wider area, Members considered that the application, including the principle of development in this location, was acceptable and planning consent was issued for that development. In the consideration of this application, the approval of planning permission on the neighbouring site is a material factor. Although this does not grant wholesale approval of the principle of development on this or neighbouring land, given that this site is better related to the neighbouring building and that the Council has granted consent in this location, the principle of further residential development is acceptable in this instance.

## **2. Whether The Scale And Design Of The Dwelling Is Acceptable**

- 6.8 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy CP5 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing.
- 6.9 The application has been submitted in outline only with all details reserved; however, an indicative layout has been included with the details. The site is constrained in area measuring 33 metres in length by 17.4 at its widest point narrowing to 3.4 metres at the narrowest point to the north.
- 6.10 The site is relatively small and is an irregular shape and not considered large enough to accommodate a dwelling. Once space is provided within the site for a dwelling, together with a driveway and parking and turning areas for vehicles, there would be little outdoor amenity space left and the site would appear cramped and overdeveloped. In addition, development on this site would bear little resemblance to the scale and character of the neighbouring properties in the locality.
- 6.11 The NPPF encourages good design and specifically paragraph 58 requires that planning decisions should aim to ensure that developments function well, add to the quality of the area and respond to local character. Although the plans submitted with the application are indicative only and any design issues could be resolved within the reserved matters application but notwithstanding this, the size of the site would not change and for these reasons, the proposal would conflict with planning policies.

## **3. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.12 Planning policies also require that consideration is given to the living conditions of the occupiers of neighbouring properties. The proposed site boundary is 6 metres at the closest point from the neighbouring bungalow to the west which has a window in the gable. The window is a secondary window and a mature high hedge and palisade fence demark the boundary. Although there are no details as to whether the existing boundary treatment would remain, appropriate boundary details could be controlled through the imposition of conditions.
- 6.13 As such, the principle of residential development on the site would not compromise the living conditions of the occupiers of that property through loss of light, loss of privacy or over dominance subject to the imposition of conditions.
- 6.14 Given the relationship of the site to the nearest residential dwellings, any

dwelling on this site would achieve the Council's minimum distances between dwellings as stated in the Council's Supplementary Planning Document 'Achieving Well Designed Housing'.

#### **4. Impact Of The Proposal On Highway Safety**

- 6.15 The application site is accessed via a private access. Cumbria County Council, as Highways Authority, has been consulted and raises no objections subject to the imposition of conditions. Accordingly, the proposal would not have any significant highways or traffic implications.

#### **5. Impact Of The Proposal On Biodiversity**

- 6.16 The Council's GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development is within agricultural land, using the guidance issued by Natural England, the development would not harm a protected species or their habitat; however, an Informative could be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

#### **6. Method of Disposal of Foul And Surface Water**

- 6.17 The application forms do not identify any means of foul drainage but show that the surface water would be dealt with by means of a soakaway. Whilst the principle is acceptable further details would be required to assess the suitability of the proposals.

#### **7. Human Rights**

- 6.18 The appellant's human rights have been properly considered and taken into account as part of the determination of the application. Article 8 of the Human Rights Act 1998 provides that:
1. Everyone has the right to respect for his private and family life, his home and his correspondence.
  2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society.

#### **8. Potential For Contaminated Land**

- 6.19 Due to the fact that the site is currently used to store vehicles, there is the potential for contaminants to be present in the ground; however, this could be mitigated through the imposition of a condition.

#### **Conclusion**

- 6.20 No justification has been submitted with the application to weigh against the general interest in conforming to planning policy. For the reasons outlined above it is considered that the size of the site is insufficient and would result

in a cramped form of development that would be detrimental to the character of the area contrary to local and national policies designed to protect the countryside.

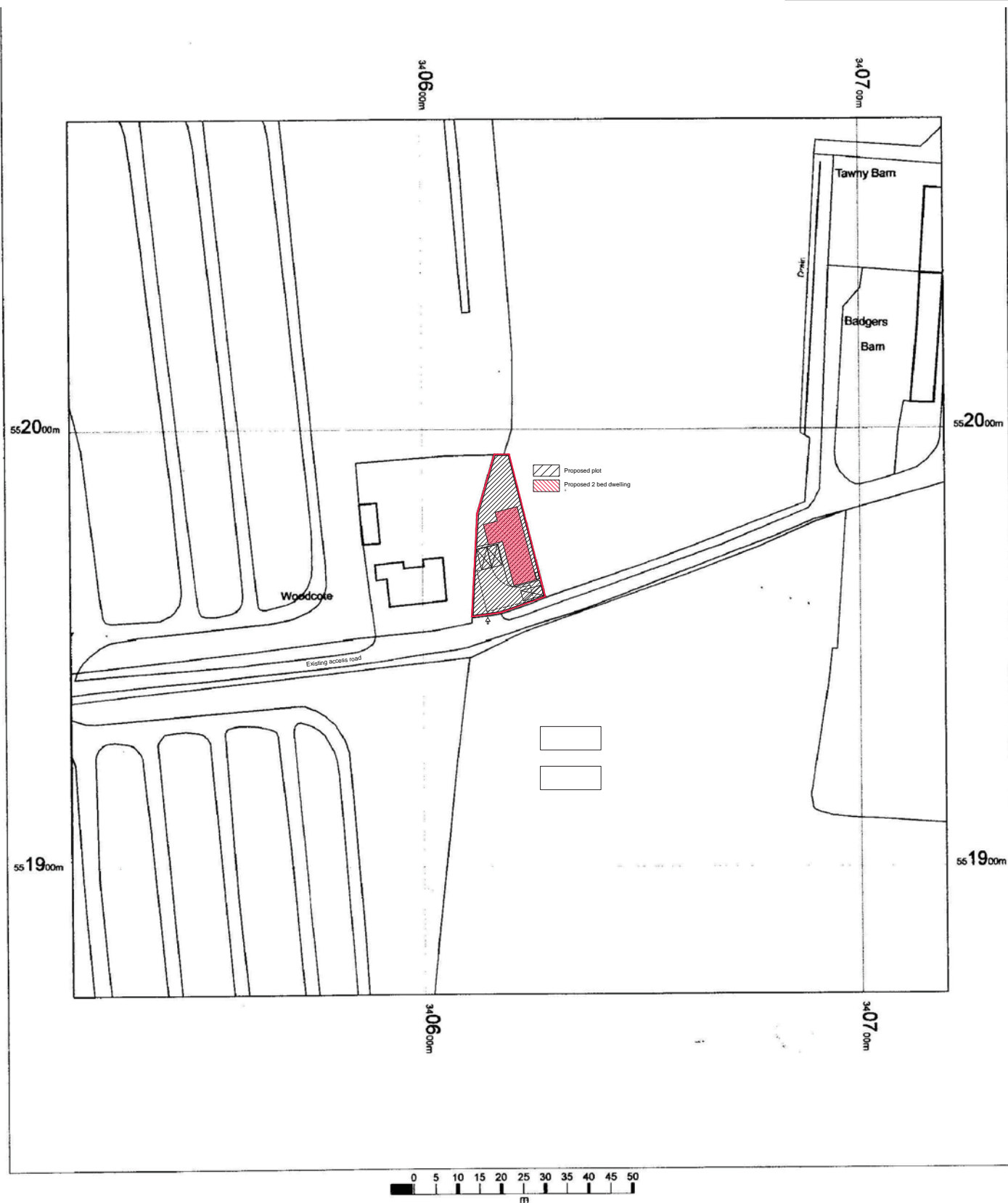
- 6.21 In overall terms, the proposed site is located in a rural location and given the relationship with nearby properties and planning consent recently granted by Members of the Development Control Committee, these are material considerations that have to be taken into account in the determination of this application. The principle of residential development on the site cannot be disputed and is therefore acceptable.
- 6.22 Due to the significantly constrained form and size of the site, development to provide a dwelling would appear cramped and overdeveloped and would result in an obtrusive feature that would appear alien within the context of the character and appearance of the area. For this reason, the proposal is contrary to planning policies and is recommended for refusal.

## **7. Planning History**

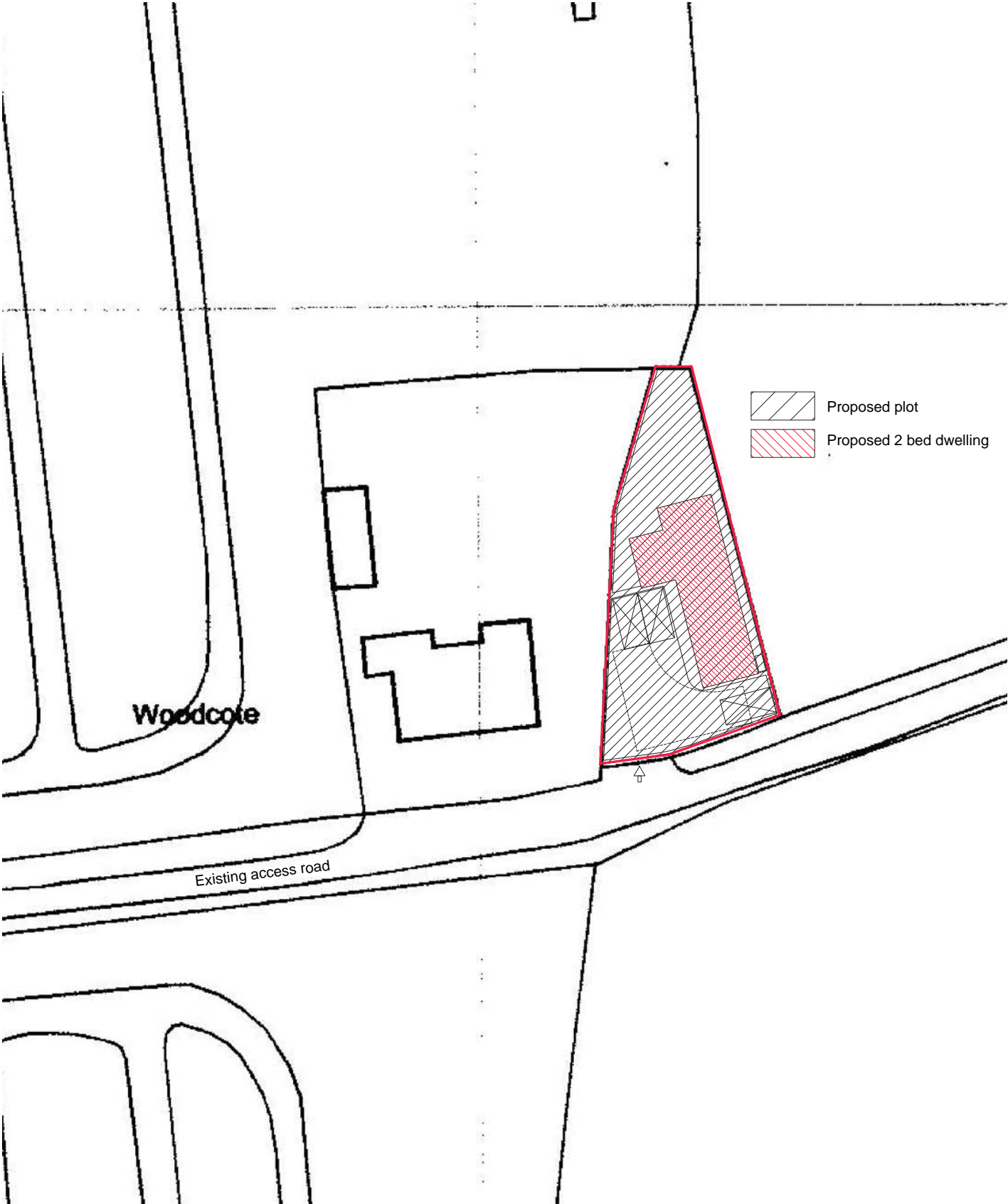
- 7.1 Planning permission was refused in 1992 for the erection of a dormer bungalow based on the principle of the development.

## **8. Recommendation: Refuse Permission**

1. **Reason:** The site is physically constrained by its size and form. The site is of an insufficient size to accommodate a dwelling and the proposal in its current form would constitute overdevelopment of the site. Subsequently, it is considered that the development would appear cramped and the design of the proposal would be harmful to the character of the surrounding properties and the wider character of the area. The proposed development is therefore contrary to paragraph 58 of the National Planning Policy Framework and criterion 1 and 4 of Policy CP5 (Design) and criterion 2 and 3 of Policy H1 (Location of New Housing Development) the Carlisle District Local Plan 2001-2016.
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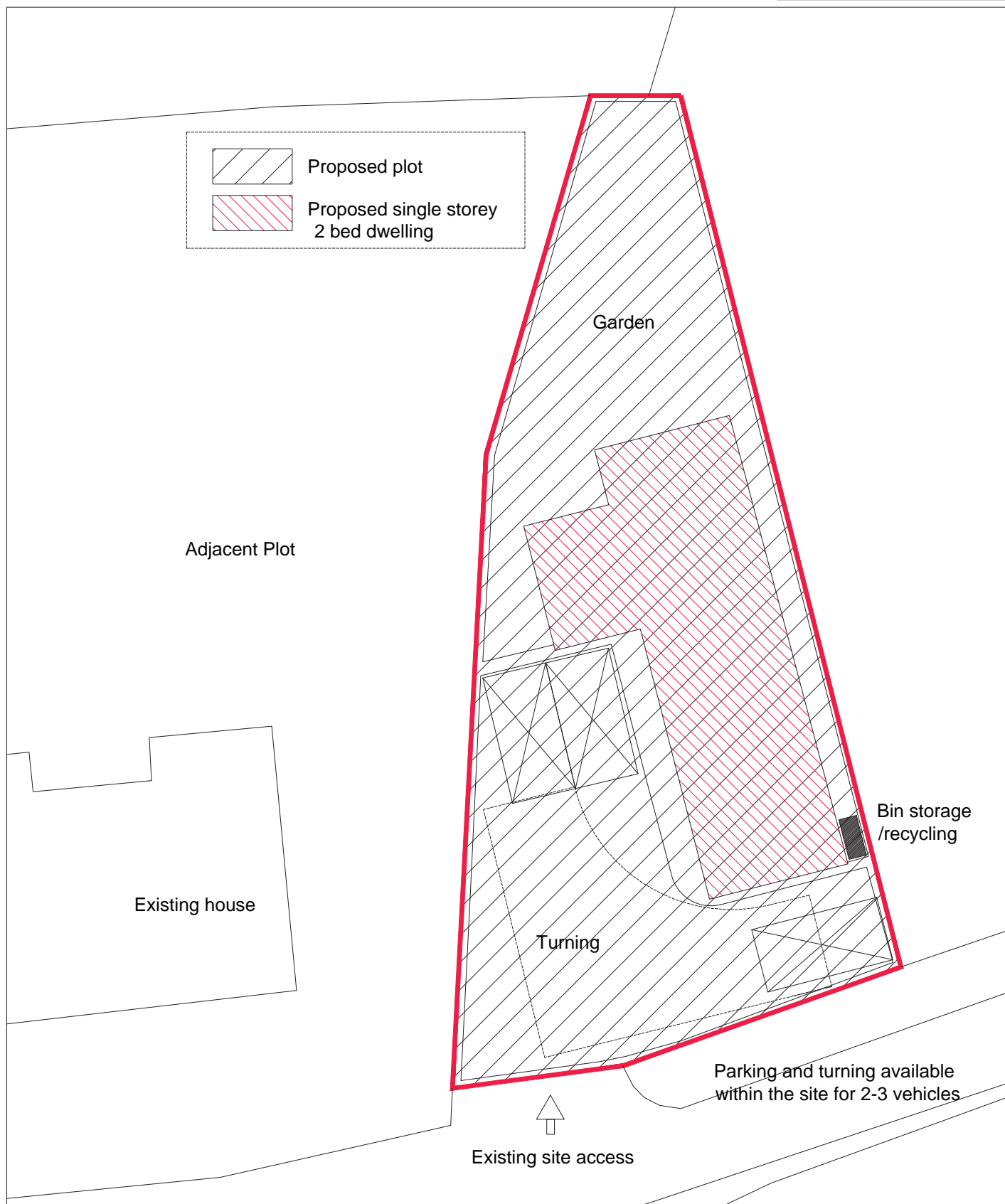



Project	Plot near Carlisle Racecourse			Black Box Architects Limited. Rickerby Buildings Currock Road Carlisle, Cumbria. CA2 4AU Tel: 01228 402 200	
Drawing	Outline Planning	Revision		Scale	1:1250
Detail	Site Location	Job.no.	14-120-01	Date	Apr-14



Project	Plot near Carlisle Racecourse				<div>Black Box Architects Limited.</div> <div>Rickerby Buildings</div> <div>Currock Road</div> <div>Carlisle, Cumbria. CA2 4AU</div> <div>Tel: 01228 402 200</div> <div> <div></div> <div>BLACK BOX architects</div> </div>	
Drawing	Outline Planning	Revision		Scale		
Detail	Block Plan	Job.no.	14-120-02	Date		
					1:500	Apr-14





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Drawing	Outline Planning		Revision		Scale	1:200	
Detail	Site Layout		Job.no.	14-120-02	Date	Apr-14	