

<b>Application Number:</b>	2019/0395	<b>Application Type:</b>	Full
<b>Proposal:</b>	Householder: Erection of two-storey side extension	<b>Location:</b>	1 Fern Street Waterfoot Rossendale Lancashire BB4 9BL
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Report Written:</b>	26 <sup>th</sup> November 2019
<b>Applicant:</b>	Mr Grant Kempson 37 Parkwood Drive Waterfoot Rossendale BB4 6RP	<b>Determination Expiry Date:</b>	13 <sup>th</sup> December 2019
<b>Agent:</b>	N/A		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	
<b>Other (please state):</b>	<b>Applicant is related to a Councillor</b>

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That the Committee refuse planning permission for the reasons set out in Section 9.

## 2. **SITE**

This application relates to a semi-detached two storey property located in a prominent position on the corner of Fern Street, Pleasant View and Park View, and as such it is on a 'corner plot'. The property is constructed from stone, brick and render, slates tiles and has uPVC windows and doors. The driveway is to the front of the property off Fern Street and there are gardens to the side and rear which are at a lower elevation than the property due to the changing land levels. The site slopes downwards from the east to the west towards Pleasant View.

Semi-detached properties associated with Fern Street are of similar age and design/facing materials. Traditional stone terraced properties are located along Pleasant View and to the rear along Park View.

The site is located in Waterfoot, within land designated as the Urban Boundary.

## 3. **RELEVANT PLANNING HISTORY**

2005/0381 – Two storey side extension (approved but not implemented, and therefore lapsed).

2019/0035 – Erection of two-storey side extension (refused). Officer's report appended as Appendix 1.

## 4. **PROPOSAL**

The applicant seeks permission for the erection of a two storey side extension.

The extension would project 3.4m in width, the ground floor element would extend 6.7m in length and the first floor element would extend 5.6m in length. The extension would be set back by 0.75m from the main front elevation and the ridge line of the extension would be set approximately 0.6m below the ridge line of the existing house. Materials including stone, brick and render, slate tiles and uPVC windows and doors would match existing. A mono pitch roof is proposed above the ground floor extension to the rear.

Windows are proposed to the front elevation, two velux rooflights are proposed in the rear roof slope of the extension above first floor level and three velux rooflights are proposed in the rear roof slope above ground floor level.

A 2.4m high wooden panelled fence has been erected around the side and front of the property without planning permission however this matter is being investigated separately by the Council's Planning Enforcement Team.

Whereas the extension for the previously refused application (2019/0035) extended to a width of 4m and had a length of 7m, this application has been reduced to a width of 3.4m, the length of the ground floor element has been reduced to 6.7m and the first floor element has been reduced to 5.5m. Whereas for the previous application windows were proposed in the rear elevation at ground and first floor levels, these have been removed for this application and velux rooflights are proposed in the rear roof slopes above ground and first floor levels.

## 5. POLICY CONTEXT

### National

National Planning Policy Framework (2019)

Section 4 Decision-making

Section 12 Achieving well-designed places

### Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 3 Strategy for Waterfoot, Cowpe, Lumb and Water

Policy 1 General Development Locations and Principles

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

### Other material considerations

Alterations and Extensions to Residential Properties SPD

National Design Guide

Planning Practice Guidance

## 6. CONSULTATION RESPONSES

### LCC Highways

No objection to the scheme subject to condition.

## 7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order 8 notification letters were sent to neighbouring properties on 07/10/2019. A site notice was also posted on 09/10/2019.

One letter of objection has been received raising the following points:

- That any new extraction units on the extension are placed away from the walls which are directly next to the neighbouring property 3 Fern Street;
- Request for a drop kerb to be put in place because of damage to the footpath and road surface; and
- The erection of an 8 foot high wood panelled fence to the side and front of the property.

## 8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Relevant Planning History; & 5) Access.

### Principle

The proposed development is within the designated Urban Boundary, and as such there is no objection to the development in principle.

## Visual Amenity

The National Planning Policy Framework highlights the importance of good design and states:

*“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve.”*

*(The National Planning Policy Framework, p38)*

Paragraph 51 of the National Design Guide reiterates the importance of local character in making places distinctive, the composition of street scenes, individual buildings and their elements and the importance of the patterns and proportions of windows and their details.

Policy 24 of the Core Strategy DPD requires new development to be compatible with its surroundings to ensure that the visual amenity of existing development is not impaired: new development should most importantly be of an appropriate scale, density and style.

The Alterations and Extensions to Residential Properties SPD states that a domestic extension should complement the original building through the use of matching materials and by reflecting the design, massing, bulk, detail, proportion, scale and style of the original building so as to not dominate it. The SPD (section 3.5) provides specific guidance on two storey side extensions, stating that applications for such extensions that produce a terracing effect will not be permitted. In this case a terracing effect will not occur as the host dwelling is located on a corner plot.

The SPD goes on to state that two storey extensions on corner plots *“...should be set back to respect the street scene and should have suitable boundary treatments. They will normally be required to occupy no more than half of the available width of the side area, or to leave a minimum of 2m from highway to the side wall of the proposed extension.”*

Members would recall that the previously refused application (Ref. 2019/0035) was considered unacceptable in terms of visual amenity because:

*“By reason of its scale and massing and height above ground level, Officers consider that it will have a detrimental impact on the visual amenities of the street scene, particularly when viewed from Pleasant View which is a narrow residential street.”*

*(Ref. 2019/0035, Officer’s report, pages 4-5)*

Changes have been made to this application to reduce the width of the extension from 4m to 3.4m and reduce the length from 7m to 6.7m at ground floor level and 5.5m at first floor level. The extension has been set back further from the front elevation (0.75m as opposed to 0.5m for the previous application). A wooden fence has been erected around the side and front of the property without planning permission however this matter is being investigated separately. There would be a gap of approximately 3.4m between the side wall of the proposed extension and the highway which exceeds the SPD requirement of a minimum 2m gap. In light of the above findings, officers conclude that the extension does comply with the requirements of Section 3.5 of the SPD.

However, the above changes are not considered sufficient to overcome the previous reasons for refusal in terms of visual amenity. The extension would continue to form a significant addition to the property which is exacerbated by the property’s location on a

prominent corner plot and at a raised level (approximately 1.3m) above the adjacent Pleasant View Road and properties on this road as shown in Photograph 1.



*Photograph 1: Elevated position of property and location of proposed extension*

When viewed from properties to the side on Pleasant View, the extension by reason of its size and height above ground level would reduce the sense of openness in the street scene, this impact would be exacerbated because of the narrow nature of Pleasant View (see photograph 2).



*Photograph 2: View of properties to the side along Pleasant View*

When viewed from properties to the rear on Park View, the extension would appear substantial in scale and incongruous in design. By not including any windows to the rear elevation, the proposal would not continue the rhythm of the fenestration of the original dwelling and as a result the development would appear visually jarring and out of keeping with the original property (see photograph 3).



Photograph 3: View of the rear of the property from Park View

The extension is proposed to be constructed using materials to match those on the existing dwelling (render and coursed stone with a slate roof) and as such the materials are considered appropriate.

However, having regard to all of the above, the scheme would fail to comply with Policies 23 and 24 of the Core Strategy, the SPD, the National Design Guide and The Framework.

### Residential Amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Policy 24 of the Core Strategy and the SPD states that new development should protect the amenity of residents ensuring that each resident has an acceptable level of privacy and satisfactory level of daylight. Important factors such as overlooking and overshadowing will be taken into consideration.

Section 2.1 of the SPD states *“separation distances between dwellings is an important consideration to maintain adequate privacy distances and at the same time avoid overbearing relationships and undue loss of light and outlook.”*

The SPD goes on to state that the Council will seek to ensure that extensions *“Maintain a minimum distance of 13m between a principal window to a habitable room in one property and a two storey blank wall of a neighbouring property”*. The SPD explains that standards need to take into account any significant change in levels or new accommodation to be provided at a higher storey and in this regard there should be an extra 3 metres of separation for each 2.5m or one storey of height difference.

Changes have been made to this application to increase the separation distance between the proposed extension and the front elevation of properties to the side on Pleasant View from approximately 12m for the previous application to 13.8m for this application. This separation distance exceeds the 13m standard in the Council’s SPD for minimum distances between a principal window to a habitable room in one property and a two storey blank wall of a neighbouring property. Allowing for a level difference of approximately 0.6m-1.5m level between the ground floor level of the application site and the ground level of Pleasant View which would require required the separation distance to increase by approximately 1.5m to approximately 14.5m, there is only a small shortfall (approximately 0.7m) in the proposed separation distance.

It is acknowledged that the dwellings on Pleasant View are 'back to back' with windows only on the front elevation, facing the application site and that the proposed extension is at a higher level. It is considered however, that the increased separation distance of 13.8m would reduce potential harm in terms of loss of light and outlook to these neighbouring properties on Pleasant View compared to the previous application.

In terms of the impact of the proposal on properties to the rear along Park View, the separation distance from the front elevation of properties on Park View to the extension is approximately 14m to ground floor level and 15.2m at first floor level. This distance exceeds the 13m standard in the Council's SPD for minimum distances between a principal window to a habitable room in one property and a two storey blank wall of a neighbouring property. No windows are proposed in the rear elevation at ground and first floor levels and as such, the proposal would not adversely affect levels of privacy for properties on Park View.

It is not considered that the lack of windows on the rear elevation of the proposed extension would be significantly detrimental to the amenity of its occupants. The room to the rear at first floor level would be an en-suite rather than a habitable room with velux rooflights in the rear roof slope at first floor level. The room to the rear at ground floor level would form part of a large kitchen diner with a window to the front elevation and velux rooflights in the rear roof slope at ground floor level.

Having regard to all of the above, the proposal is on balance considered acceptable in terms of residential amenity.

#### Relevant Planning History

It should be noted that planning permission was granted for a two storey side extension in 2005, however that permission was never implemented. The planning permission in 2005 pre-dated the Council's Adopted Supplementary Planning Document (SPD) which provides specific guidance on residential alterations and extensions within the Borough, pre-dated the Core Strategy DPD and pre-dated the National Planning Policy Framework. The current proposal has to be assessed against the provisions of current national and local planning policy.

#### Access / Highway Safety

The parking standards which are set out in Appendix One of the Core Strategy DPD, requires a property with 4+ bedrooms to make provision for 3 off-street parking spaces.

The provision of three spaces is considered acceptable in terms of highway safety, as confirmed by LCC Highways, subject to the construction of a dropped kerb.

## **9. REASONS FOR REFUSAL**

1. Owing to the site levels and its size and massing, the proposed development would appear unduly large, bulky and overly prominent in its exposed position in the street scene. With no windows to the rear elevation, the extension fails to respect the fenestration of the original dwelling and as a result the development would appear visually jarring and out of keeping with the original property. Accordingly the proposal to comply with the National Planning Policy Framework, Policies 1, 23 and 24 of the Council's Core Strategy

**10. RECOMMENDATION**

That the application be refused.

**11. INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

[http://www.rossendale.gov.uk/downloads/download/331/core\\_strategy\\_local\\_plan\\_part\\_1\\_adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context. In this case it has not been possible to resolve the issues as set out in this refusal notice. The applicant was informed of this during the course of the application.