

<b>Application Number:</b>	2019/0408	<b>Application Type:</b>	Full
<b>Proposal:</b>	Change of use for the land at the side and rear from public open space to garden, including garden shed and boundary fencing	<b>Location:</b>	6 New Line Bacup OL13 0BY
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	25 February 2020
<b>Applicant:</b>	Mr J Corrigan	<b>Determination Expiry Date:</b>	10 March 2020
<b>Agent:</b>	None		

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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:	No
<b>3 or more objections received</b>	No
<b>Other (please state):</b>	Yes - the land is owned by the Council

## 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 Planning Permission be granted subject to the conditions set out in Section 9.

## 2. **SITE**

The applicant resides in a house on the end of a short terrace fronting New Line. It has very little garden as Pippin Street runs immediately to its rear and its west side.

The application relates to two areas of Council owned land:

- a) An area behind the applicant's house already having the appearance of garden, which measures 4.5m x 7m, and rises from the level of Pippin Street to the stone wall bounding Newchurch Road; &
- b) An area of greater size to the west side of Pippin Street, which has an 18m frontage to New Line & a 26m frontage to Newchurch Road, and varies in width between 6m & 14.5m - it excludes the area at the junction of these two highways occupied by a column carrying a cctv camera. From a 1m-1.5m high stone retaining-wall on the New Line frontage, topped by shrubbery the land slopes up gently and then more steeply to a gappy hedge set slightly back from Newchurch Road.

The public have the right to use Pippin Street and a flight of steps separating the two areas that ascends from Pippin Street to Newchurch Road. However, there is limited public view into the latter area due to trees/shrubs towards the north-east corner and as neither the frontage to Newchurch Road or to New Line is bounded by a footway.

## 3. **PROPOSAL**

Permission is sought to:

- Take both of these areas into the garden of 6 New Line;
- Erect a 1.2m high timber fence behind the rather gappy hedge on the Newchurch Road frontage; &
- Construct a garden shed within the larger of the two areas, to measure 3m x 3.65m x 2.75m in height, with a mono-pitch roof covered with corrugated sheeting and timber-boarded walls.

## 4. **PLANNING HISTORY**

None.

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework**

Section 11 Making Effective Use of Land

Section 12 Achieving Well Designed Places

Section 15 Conserving and Enhancing the Natural Environment

### **Development Plan Policies**

#### **RBC Core Strategy (2011)**

AVP2 Area Vision for Bacup, Stacksteads, Britannia & Weir

Policy 1 General Development Locations and Principles

Policy 23 Promoting High Quality Design and Spaces

Policy 24 Planning Application Requirements

### **Other**

National Planning Practice Guidance

RBC Alterations & Extensions to Residential Properties SPD (2008)

## 6. **CONSULTATION RESPONSES**

### LCC Highways

No objection.

## 7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order, neighbours were notified by letter and a site notice posted.

The following comments have been received:

### 8 New Line

The proposed timber fence would not be in-keeping and should be replaced by a stone wall or hedge. Not sure that the roof of the shed would be out of public view.

The proposal must not result in obstruction of their right of way and that of 8a New Line.

## 8. **ASSESSMENT**

The main considerations of this application are:

- 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Highway Safety

### Principle

The land the applicant wishes to take within their garden is located within the Urban Boundary of Bacup. Consequently, the proposal is considered to be acceptable in principle.

### Visual Amenity

The use of this land as garden, and erection upon it of the proposed shed, will not result in unacceptable detriment to the street-scene.

To enhance privacy/security within the extended-garden the applicant wishes to erect a 1.2m high timber fence behind the rather gappy hedge on the Newchurch Road frontage and to each end of it. This is considered appropriate subject to shrub planting taking place between the highway and fence where the existing planting will not screen it from public view.

### Neighbour Amenity

The proposal will not result in obstruction of any right of way or result in an unacceptable loss of light, outlook or privacy for any neighbour.

### Highway Safety

LCC Highways has no objection to the proposal, satisfied that it will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

## 9. **SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate in principle and, subject to the conditions, will not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies AVP2 / 1 / 23 of the Council's adopted Core Strategy DPD (2011).

## 9. **RECOMMENDATION**

That planning permission be granted.

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan/Site Plan	29087/01/A	14 / 01 / 20
Shed Detail	-	14 / 01 / 20
Fence Detail	-	14 / 01 / 20

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. The timber fence hereby permitted shall not exceed 1.2m in height and shall be setback from the northern boundary of the site by not less than 1m (except for the return to meet the frontage wall at its eastern end). In the first available planting season following erection of the fence the lengths of it not screened from Newchurch Road by the existing hedge/shrub planting shall be in-filled by planting of berberis bushes not more than 0.6m apart and any that are removed, die or become seriously damaged or diseased within 2 years of planting shall be replaced by others of the same species in the next available planting season.

Reason: To ensure screening of the fence with planting matching that of the existing hedge, in the interests of visual amenity.