

Application Number:	2020/0302	Application Type:	Householder
Proposal:	Extension to existing garage to accommodate a ground floor yoga studio and a mezzanine level therapy space.	Location:	39 Tonacliffe Road Whitworth
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	6 October 2020
Applicant:	Ms J MCarthy	Determination Expiry Date:	9 October 2020
Agent:			

Contact Officer:	Neil Birtles	Telephone:	01706-238645
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Cllr A Neal I have no objection in principle, however LCC Highways Officers need to do an on-site inspection: the footpath in this location is only 1m wide, with no footpath on the other side of the road. Potential clients may park on a bad blind junction next to Oakenshaw Avenue; we have seen a number of near-miss accidents in this location in recent times.
3 or more objections received	Yes
Other (please state):	

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 Permission be granted subject to the conditions set out in Section 10 of the Report.

2. The Site

The applicant resides in a detached house to the east side of Tonacliffe Road, near to its junction with Oakenshaw Avenue.

The house is of 2-storeys in height and of 'traditional' design and stone/slate construction. To its south side is a yard, of 9.2m x 9.6m, which gives access to an outbuilding setback from the highway by 9.2m. It has stone walls and a mono-pitch slated roof. Although it is fronted by a garage-door, with an internal width of 4.8m and a depth of only 3.4m, it is not able to accommodate a car.

The outbuilding is largely hidden from public view by the high gates and wall on the highway frontage, except for its slated roof. The rear garden extending behind the applicant's house and the outbuilding is elevated, resulting in its rear wall presently having a height of 2.4m, although the height here when measured internally is 4.75m.

This outbuilding is sited 4.6m from the party-boundary with 41 Tonacliffe Road, the blank gable of the neighbouring dormer-bungalow 8m from it. Beyond the paved area immediately behind the dormer-bungalow the neighbours rear-garden steps up in level by 1m, thereby matching the level of the applicant's rear garden.

That part of Tonacliffe Road running to the front of the applicant's property has a width of 5.5m, but the footway narrows from 3m fronting the northern corner of the house to 0.6m fronting the southern corner of the yard, and to the other side of the carriageway there is no footway. The house to the opposite side of Tonacliffe Road does not have windows looking directly towards the applicant's yard/outbuilding.

The applicant's dwelling and those neighbouring it are within the Urban Boundary, whilst the open land to the rear of the applicant's property is Countryside/Green Belt.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

The submitted Householder Application Form described the proposed development as follows:

'Extend existing garage to provide accommodation for a ground floor studio unit (yoga studio) and a mezzanine level therapy space.'

In answer to Question 8 on the Form, which asks whether the proposed works would affect existing car parking arrangements, it is stated: *'There will be a periodic increase in traffic during session times'*. This prompted questions from the Highway Authority and Neighbours about whether the proposal would result in operation of a business from the property, with greater implications for traffic generation/parking. In response the Agent has advised as follows:

'Apologies...The Application is for the Householder to utilise the space only. It will not be for business purposes.'

As first submitted the drawings accompanying the application proposed extension of the outbuilding forward by 2.6m and upward by 1.2m, entailing new external walls clad with polycarbonate or glass and replacement of the existing mono-pitch slated roof with a pitched roof (entailing re-use of the existing slates to the front, but also with a clear-glazed rooflight to the front & rear roof-plane entirely of polycarbonate or glass).

Having expressed a concern that use of polycarbonate or glass to clad the new external wall facing 41 Tonacliffe Road may enable people on the proposed mezzanine-floor to view into the rear garden of the neighbour an amended drawing has been submitted. It proposes stonework be carried up this elevation to a height of 1.8m above the level of the mezzanine-floor.

They have also submitted an amended Site Plan showing the existing vehicular access widened from 3.5m to 5.8m and un-gated.

In response to Neighbour objections the Applicant has advised:

- In 2018 I did rent one bedroom at weekends, resulting in ONE car being parked outside of my house very occasionally. I no longer have a profile on Airbnb.
- The cars seen outside of my house mainly belong to people visiting Oakenshaw Court, a cul-de-sac next door to my house, which has electric gates blocking entry to their houses.
- The room described by the architect as a 'therapy room' is to be used as a home office. I work full-time as a senior lecturer at the University of Manchester and due to COVID-19 restrictions, the University is shut for the foreseeable future and staff are working from home with online lectures, meetings and research.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well-Designed Places
Section 13	Protecting Green Belt Land

Development Plan Policies

RBC Core Strategy (2011)

AVP1	Area Vision for Whitworth, Facit & Shawforth
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 23	Promoting High Quality Design and Spaces

6. **CONSULTATION RESPONSES**

LCC Highways

The initial issue regarding the use of the studio on a commercial basis has been resolved - I would assume that the use of the studio could be controlled by a suitably worded planning condition.

In the absence of any further information regarding the number of bedrooms at the property I have looked online and the property is described as having 4 bedrooms, which would equate to an on-site provision requirement of 3 spaces. Currently only 2 spaces are accommodated on site and of these one has the issue of obstructing the closing of the gates. This being the case the applicant may choose to resort to on-street parking to retain the option of closing the gates.

On the basis of existing concerns re parking in this area, due to the prevailing road layout, and in the absence of sufficient on-site parking being retained for the dwelling, I would have to recommend that the application be refused.

7. **NOTIFICATION RESPONSES**

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

Seven representations expressing objections have been received and six expressions of support.

The following Objections have been received:

43 Tonacliffe Road

On behalf of ourselves, and our neighbours at 41 Tonacliffe Road, we would like to express the following concerns:

- We feel a further increase of vehicle parking along Tonacliffe Road will adversely affect local residents and have a major impact on Highway Safety.
- Applicant currently runs an AIRB&B business from the premises, therefore already additional vehicles park at the property and further along Tonacliffe Road.
- Applicant has limited parking which is close to a blind bend and there has been a number of near misses in this location.
- Vehicles from the applicant's property often park outside 41 & 43 Tonacliffe Road, obscuring view of oncoming traffic when entering and leaving the drive.

47 Tonacliffe Road

51 Tonacliffe Road

53 Tonacliffe Road

1 Oakenshaw View

2 Oakenshaw Court

- Out of keeping with character of area
- Close to adjoining properties
- Loss of privacy/Noise nuisance/ Increase of pollution
- Increase in traffic
- Inadequate access
- Inadequate parking provision/Loss of parking

Cllr Lynda Barnes, Mayor of Whitworth

This application is unacceptable as the residents of this area are already effected by parking in dangerous places, obstructing the highway and speeding vehicles. There have been a number of accidents this year already. As Mayor I make these remarks supporting the residents and ward Cllr's.

The following expressions of Support have been received:

9 Moorland Avenue

8 Sandbank Gardens

536 Market Street

134 Market Street

Norbury, Market Street

13 Fairway

- Local businesses should be encouraged
- A yoga studio would be an asset to the local area.
- The majority of yoga attendees are working people, making classes most likely in the evening
- Attendees will walk/cycle to the property or want parking in Tonacliffe Road when it is available (the same cannot be said of the nearby Primary School, when there is a mass influx of cars at the start and finish of the school day).

8. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle; 2) Neighbour Amenity; 3) Visual Amenity; & 4) Access/Parking

Principle

Notwithstanding initial concerns about whether the proposed development was appropriately on a Householder Application Form, or for business, the Agent has advised that: The Application is for the Householder to utilise the space only. It will not be for business purposes.'

On this basis there is no objection in principle to the proposal which will entail extension/alteration of an existing outbuilding within the existing side-garden of a residential property within the Urban Boundary. The scale of the extension is not such that it will unduly impact on the openness of the Countryside/Green Belt to the rear.

The Agent having confirmed that the resulting outbuilding is to be used only by the householder it is appropriate to condition that it not be used for business purposes.

Neighbour Amenity

The proposal will not cause any neighbour an unacceptable loss of light/outlook/privacy.

Most particularly, as amended, the resulting outbuilding will be 1.2m higher than at present but will be sited 8m from the blank gable of the dormer-bungalow at 41 Tonacliffe Road and will not allow view across its rear garden.

Visual Amenity

The existing outbuilding is largely hidden from public view by the high gates and wall on the highway frontage.

Although its forward extension will result in the existing garage door being replaced by a glazed front elevation, the front roof-plane is again to be covered with natural slates (but for a rooflight).

Setback from the Tonacliffe Road frontage and rear boundary of the applicant's property by 6.25m, the resulting outbuilding will not form an unduly prominent or intrusive feature in the street-scene or area, irrespective of whether the gates are retained.

Access/Parking

Objectors have raised traffic/parking concerns un-related to the Applicant's property and the application proposal.

Assessment of the application must be based on whether the proposal will adversely affect the existing highway situation by way of the additional traffic generated or additional need for parking.

LCC Highways initially raised objection to the proposal when it appeared that the outbuilding was to be occupied by a business. The Agent has clarified that it is to be used by the householder for incidental residential purposes, and it being possible to Condition that it will not be used for business purposes, LCC Highways is satisfied that this concern has been resolved.

However, it goes on to state that in the absence of information to the contrary it considers the property to require on-site parking provision for 3 cars to accord with its Parking Standards and those of the Council's adopted Core Strategy as there are 4 bedrooms. There currently being only 2 spaces on site, and use of one of these would obstruct the closing of the gates, the applicant may resort to on-street parking to retain the option of closing the gates. Accordingly :

"On the basis of existing concerns re parking in this area, due to the prevailing road layout, and in the absence of sufficient on-site parking being retained for the dwelling, I would have to recommend that the application be refused."

Whilst it would be preferable for this dwelling to have a yard of sufficient size to accommodate 3 cars this is not presently the case. However, the proposal is not adding to the number of off-street parking spaces required at the property and LCC Highways is satisfied that the proposal is not reducing the number of off-street parking spaces at the property from 2 and the latest drawings show the yard entrance widened and un-gated, thereby allowing the 2 spaces to be accessed independently. This being the case, and subject to a Condition to preclude business use of the resulting outbuilding, it is not considered that refusal of the application on highway safety grounds could be substantiated.

9. SUMMARY REASON FOR APPROVAL

The proposal is acceptable in principle and, subject to the conditions, will not unduly affect the openness of Green Belt, visual & neighbour amenity or highway safety. The development is therefore considered to accord with the National Planning Policy Framework and Policies AVP1 / 1 / 8 / 23 of the Council's adopted Core Strategy (2011).

10. RECOMMENDATION

Permission is granted

CONDITIONS

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

- 2) The development shall be carried out in accordance with the following unless otherwise required by the conditions below.

Title	Drwg No	Date Recd
Location Plan	2011 PL_01 A	16 / 07/ 20
Proposed Plans	2011 PL_04 B	15 / 01 / 20
Proposed Elevations	2011 PL_05 B	

Reason: To ensure the development complies with the approved plans and submitted details.

- 3) The resulting outbuilding shall be used for purposes incidental to the enjoyment of the dwellinghouse at 39 Tonacliffe Road as such and not for business purposes.

Reason: In the interests of neighbour amenity and highway safety.

- 4) Prior to first use of the resulting outbuilding the vehicular access shall be widened as indicated on Drwg No 2011 PL_04 B and the pavement-crossing similarly widened. The resulting vehicular access shall thereafter remain un-gated.

Reason: In the interests of highway safety.

INFORMATIVES

- 1) This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any works can start you must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings.