

**TITLE:** ERECTION OF ANCILLARY BUILDING TO INCORPORATE GARDEN STORE AND PLAYROOM AT 23 CURVEN EDGE, HELMSHORE, ROSSENDALE

**APPLICATION NO:** 2006/128

**TO/ON:** DEVELOPMENT CONTROL COMMITTEE

**BY:** TEAM MANAGER – DEVELOPMENT CONTROL

**STATUS:** FOR PUBLICATION

**PORTFOLIO HOLDER:** CABINET MEMBER FOR REGENERATION

**APPLICANT: MR A LORD**

**DETERMINATION EXPIRY DATE: 9 MAY 2006**

### **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.

### **Site and Proposal**

This proposal seeks consent for the construction of a detached pitched roof building within the garden area of the above address. The structure would be 6.5m in length and 6.5m in width with a height of 5.6m to the ridge with windows and door facing the applicant's property and a blank gable facing St Thomas's Road. Rooflights are also proposed. The structure would be finished in brickwork under a concrete tile roof.

### **Relevant Planning History**

2002/438 – Construction of first floor extension to dwellinghouse with pitched tiled roof over remaining flat roof. Conversion of double garage into single garage and additional room with bay window – Approved 20/09/2002

### **Notification Responses**

Neighbours were notified by letter. Three letters of representation have been received which make the following summarised points:

- Intended use of building
- Size & siting of proposed building
- Potential for noise
- Loss of daylight/sunlight
- Loss of privacy
- Loss of view
- Devaluation of property

### **Consultation Responses**

None necessary

### **Development Plan Policies**

#### **Rossendale District Local Plan**

Policy DS1 (Urban boundary)  
Policy DC1 (Development Criteria)  
Policy DC 4 (Materials)

### **Other Material Planning Considerations**

PPS1: General Policy and Principles

### **Planning Issues**

The first issue to consider is land use. The proposed development is located within the urban boundary and as such is considered acceptable in terms of land use.

The building proposed would be 6.5m in length and 6.5m in width with a height of 5.6m to the ridge. It is proposed to be constructed in brick under a concrete tile roof. The location of the building is in excess of 20 metres from the applicant's property and in terms of its position relative to the adjoining highway would otherwise be and as such, could be considered as permitted development under Class E of Part 1 of Schedule 2 to Article 3 of the Town and Country Planning General (Permitted Development) Order 1995. However, the maximum permitted height of 4m for the building type proposed, is exceeded by 1.6m. Discussion has taken place with regard to reducing the height of the building but the applicant has been unwilling to do so.

The proposed use of the building has been confirmed by the applicant in a letter to the Authority which states that *"Our family is growing and we are short of storage and play space. An ancillary purpose built building would enable our family to stay at this property. We do not intend to use the property for any use which would not be ordinarily incidental to use of the main property as a dwelling house. I invite the*

*LPA to consider a planning condition if necessary”* Accordingly, a condition can be imposed to control this. Furthermore, the applicant has given an undertaking that he is willing to remove existing outbuildings within the garden area. He is also prepared to accept a condition that removes his permitted development rights under Class E of Part 1 of Schedule 2 to Article 3 of the Town and Country Planning General (Permitted Development) Order 1995 which would prevent further buildings being erected without the consideration of a planning application.

With regard to the size and siting of the building, a site inspection revealed that the applicant’s garden area slopes away from the house in the direction of St Thomas’s Close and is bounded by mature trees along the perimeter of the garden area adjoining properties on Knowl Meadow. It is considered that the building would be adequately screened and a request for further planting has been acceded to by the applicant. The building would occupy a part of the garden area which is currently occupied by a dilapidated shed and children’s play swing which is at the lowest point of the garden.

With regard to the issue of noise, it is considered that the intended use would not create excessive noise which would adversely affect neighbouring residents anymore than children enjoying their own private play space.

With regard to the issue of loss of daylight/sunlight, it is noted that the building would be located in the south west of the application site and it is unlikely, due to the tree cover that there would be any additional loss of daylight or sunlight to neighbouring property to the rear.

- Loss of privacy

It is alleged that there would be views over neighbouring gardens to the east from the rooflights. This issue can be the subject of a condition to protect neighbouring privacy.

- Loss of view

Loss of view is not a material planning consideration and cannot therefore be taken into account.

- Devaluation of property

Similarly, this issue is not a material planning consideration and cannot therefore be taken into account.

Accordingly, given the siting of the building and its surroundings, the applicant’s undertaking to accept a condition which would prevent further buildings being erected within his garden area, and suitable conditions relating to the use of the building and landscaping, it is considered that approval can be recommended for approval.

### **Summary of reasons for conditions to appear on the decision notice**

The proposed building would be sited to minimise its impact upon neighbouring property and subject to suitable conditions requiring landscaping details, removal of permitted development rights and obscure glazing can be considered to be

acceptable and therefore in accordance with Policy DC1 of the Rossendale District Local Plan.

### **Recommendation**

That planning permission should be granted.

### **Conditions and Reasons**

01 The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

02 Notwithstanding any indication on the approved plans or application forms, all external elevations of the proposed building shall be as described on the application form and plans and shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The development shall thereafter not be carried out otherwise than in complete accordance with the approved details.

Reason: In order to safeguard the appearance of the building and the surrounding area, in accordance with policy DC.1 of the Rossendale District Local Plan.

03. The building hereby permitted shall not be used for any trade or business purpose. Reason: For the avoidance of doubt and to accord with Policy DC1 of the Rossendale District Local Plan.

04. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) no development shall be carried out on the site within the terms of Class E of Part 1 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority. Reason: To enable the Local Planning Authority to control any future development, having regard to local and neighbouring amenities and Policy DC1 of the Rossendale District Local Plan.

05. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Reason: In the interests of residential amenity and to accord with Policy DC1 of the Rossendale District Local Plan.

06. The windows in the roof of the building shall be glazed with obscure glass. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. Reason: In the interests of visual amenity and to accord with Policy DC1 of the Rossendale District Local Plan.

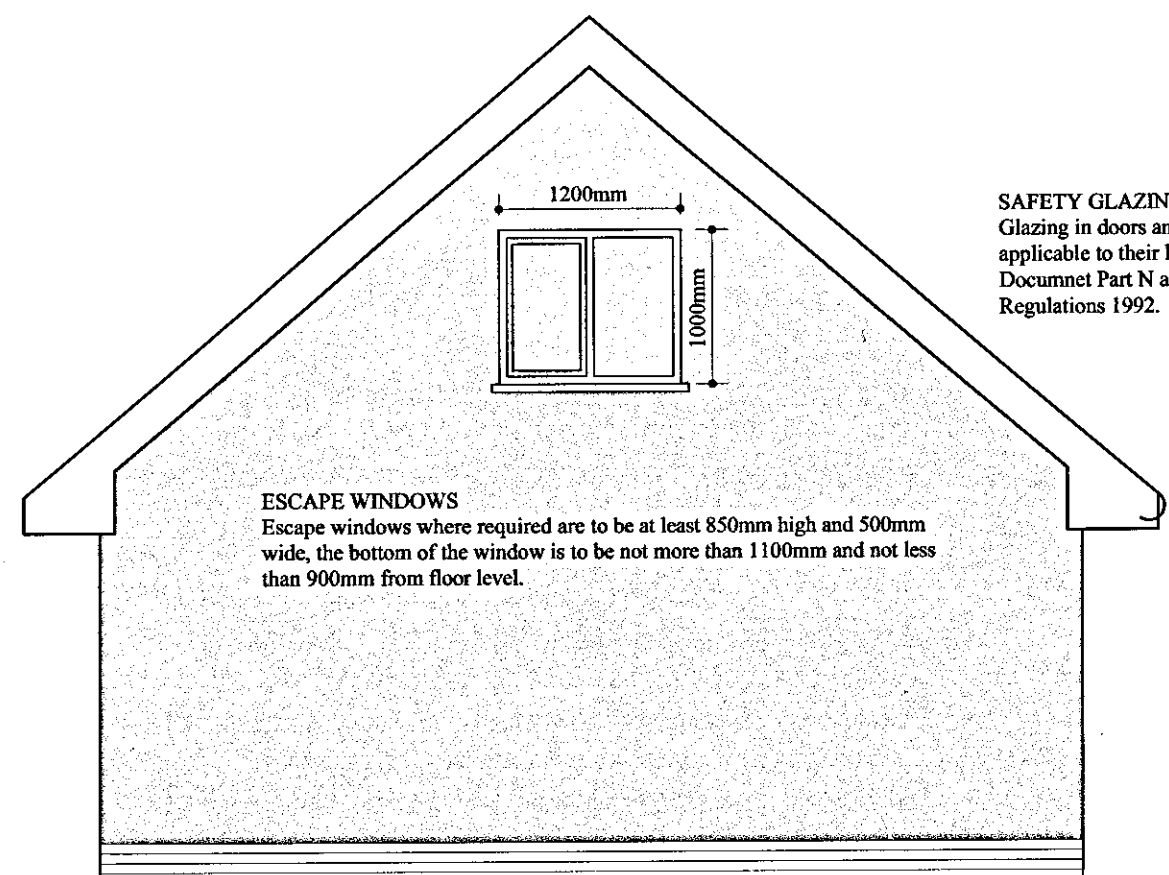
07. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. Reason: To safeguard the

amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.

**Development Plan Policies**

DS1 – Urban Boundary

DC1 – Development Criteria

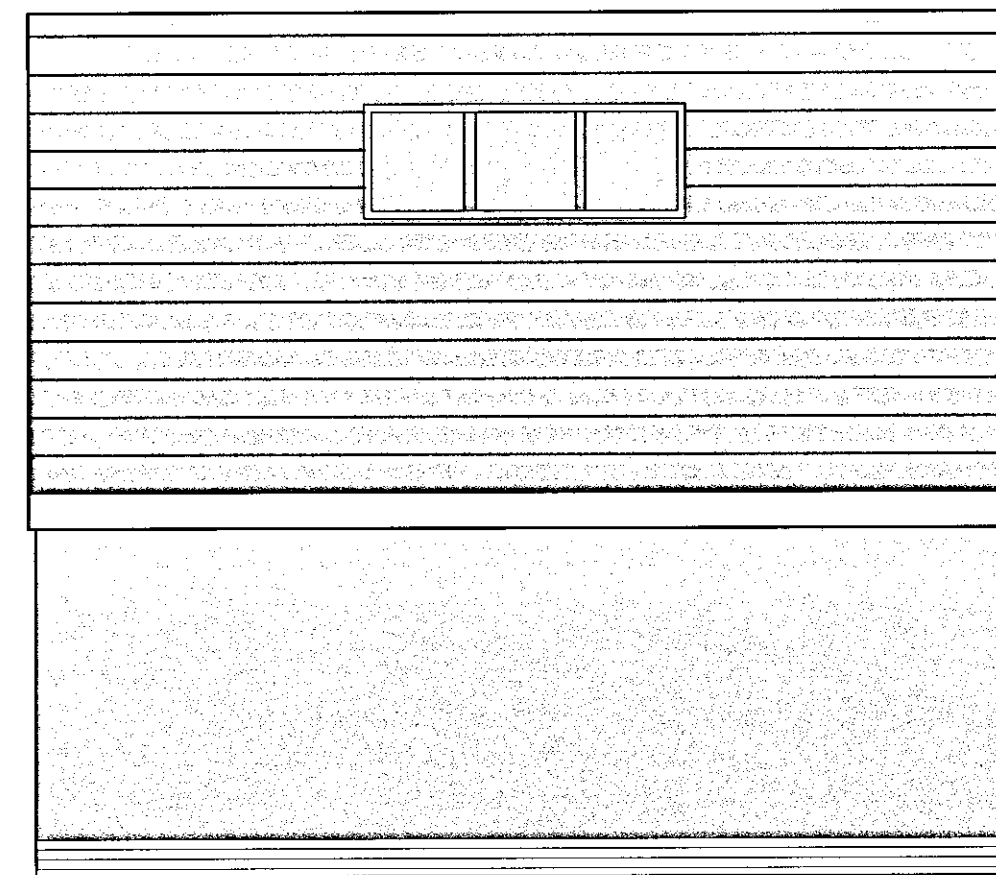


Side Elevation

**SAFETY GLAZING**  
Glazing in doors and windows must comply with safety regulations applicable to their locations. Information is contained in the Approved Document Part N and the Workplace (Health, Safety and Welfare) Regulations 1992.

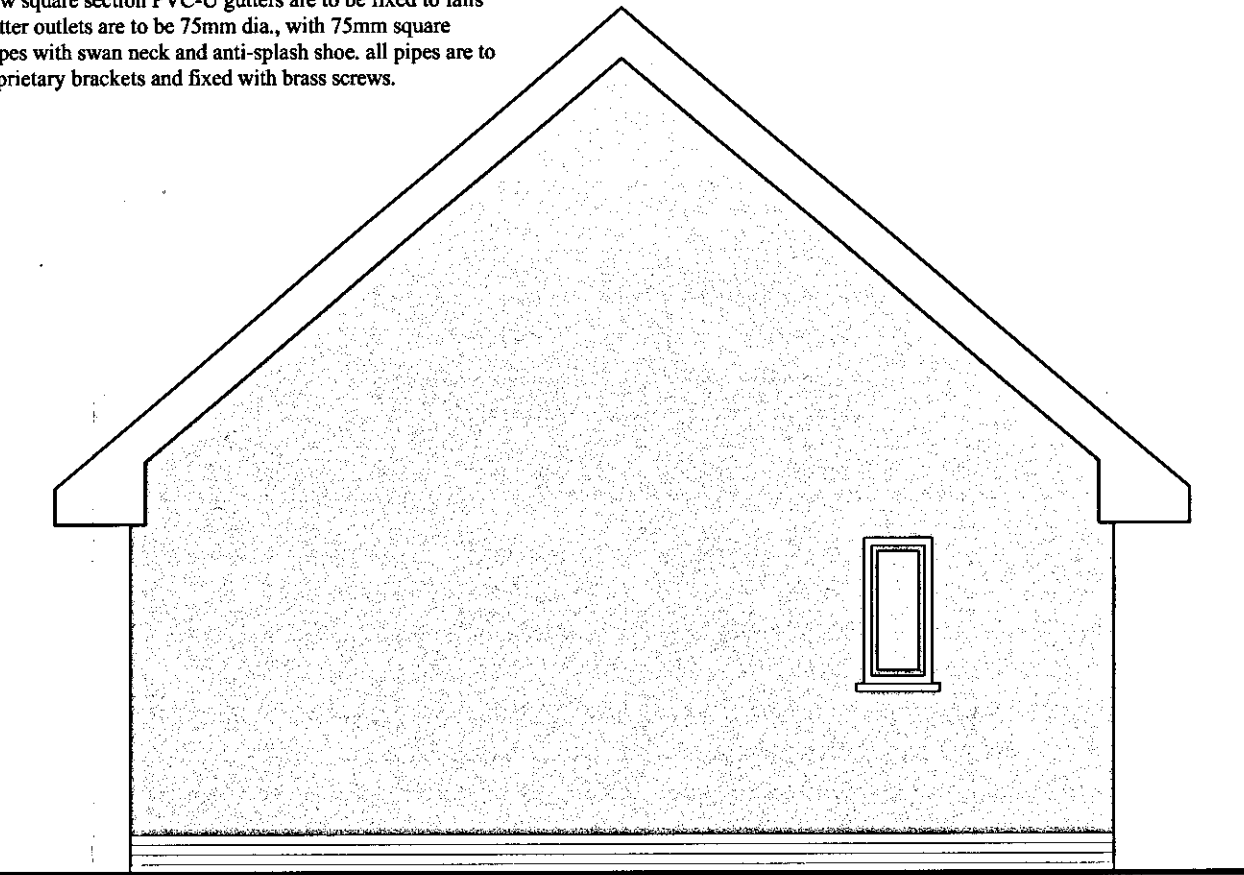


Front Elevation



Rear Elevation

**RAIN WATER GOODS**  
100mm dia. deep flow square section PVC-U gutters are to be fixed to falls on fascia boards, spitter outlets are to be 75mm dia., with 75mm square section rain water pipes with swan neck and anti-splash shoe. All pipes are to be secured with proprietary brackets and fixed with brass screws.

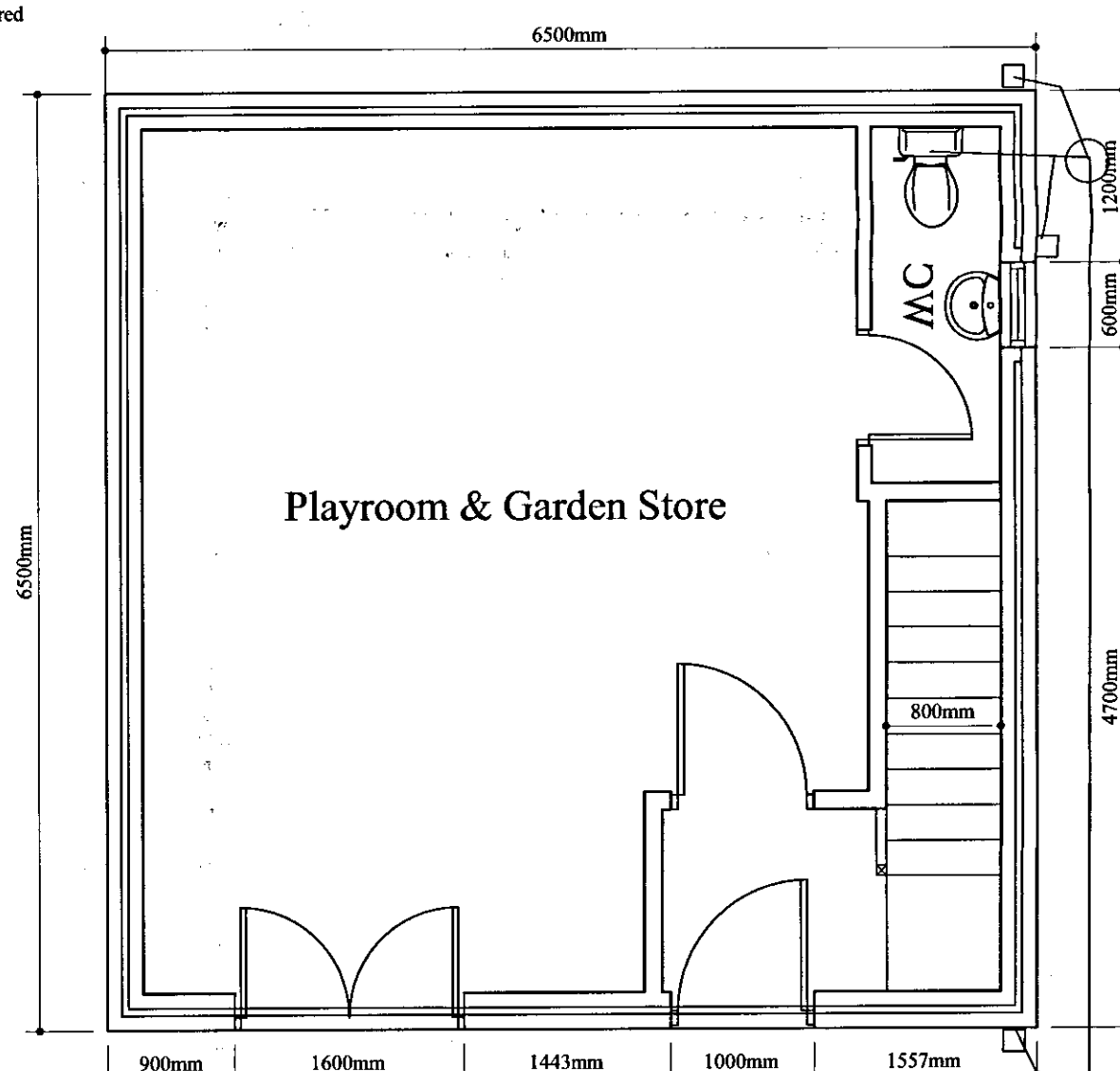
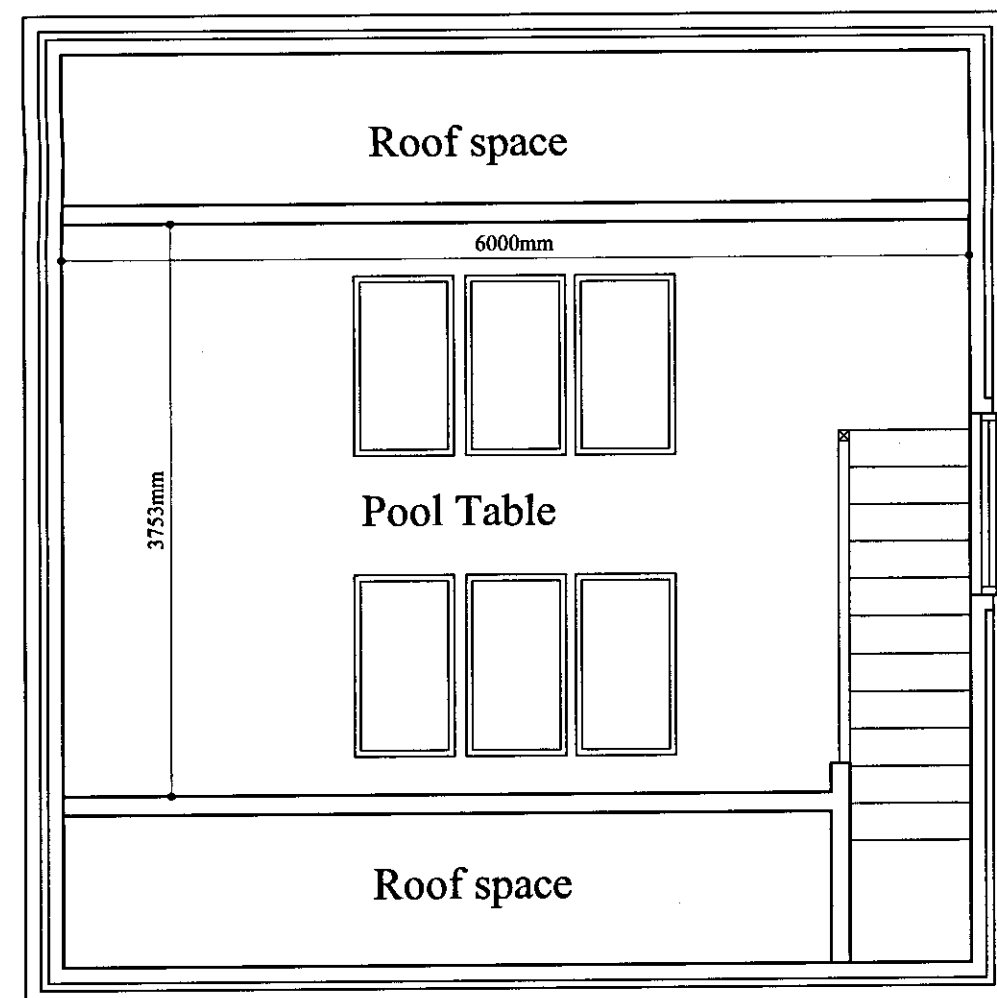


Side Elevation

**EXTERNAL WALL CONSTRUCTION**  
New external cavity wall to be constructed of 102mm solid concrete blockwork with brickwork band course, 50mm cavity insulation bats within 75mm cavity (Drytherm), 125mm Thermal insulation block with lightweight plaster finish and skim. Catic B22 stainless steel cavity wall ties to be spaced 900mm horizontally and 450mm vertically to comply with BS 1243 (1978). Cavity to be closed along eaves and around all openings with Catic CC50 insulated cavity closers positioned horizontally and vertically to all openings. All openings are to be provided with Catic lintels with a minimum end bearing of 150mm at both ends. Brickwork used below DPC to be constructed in Class B engineering or trench block may be used, the cavity is to be filled within 200mm of the DPC with weak mix concrete. All new cavity walls are to be cut through to existing cavities and be continuous. U value 0.35

**DRAINAGE**  
All existing drains under the proposed building are to be protected with 150mm of weak mix concrete, flexible jointed drains are to be surrounded with 150mm of pipe bedding with a concrete cover using 150mm thick concrete.

**INTERNAL PARTITIONING**  
All non-load bearing partitions are to be constructed of 100 x 50mm s/w studding at 450mm centres on 100 x 75mm sole plate fixed to the floor. Partitions to be insulated with Rockwool bats for sound insulation and covered with 12.5mm thick plasterboard and skim to both sides.



**STAIRCASE**  
The new staircase shall comply with Part K of the Approved Document. The maximum rise and going for a private stair shall be any rise between 155mm and 220mm used with any going between 245mm and 260mm or any rise between 165mm and 200mm used with any going between 223mm and 300mm. The pitch of the staircase shall be no greater than 42 degrees, with a minimum headroom of 2m. The handrail is to be a minimum of 900mm high. Balustrades are to be 1m high and capable of resisting a horizontal force of at least 0.36kN/m for each meter length. Maximum openings in the balustrades shall be no greater than 100mm and rails are to be vertical so as not to allow children to readily climb the guarding. Guarding to external balconies and roof edges to be a minimum of 1100mm high and resist a horizontal force of 0.74kN/m.

**INSPECTION CHAMBERS**  
New inspection chamber to be pre-cast or polypropylene inspection chamber if maximum depth does not exceed 1200mm. Chamber to contain a sewer pump to discharge into the existing house drainage connections or for 100mm dia. Chamber to be encased with well compacted select back fill, or weak mix concrete, chamber to be fitted with medium duty cover and frame. Inspection chambers are to be provided at every change of direction on foul drains, maximum distance between inspection chambers to be 45m to comply with the Approved Document Part H, any branch drain must not exceed 22m in length.

**WINDOWS**  
PVC-U or hardwood window frame to be 1/10th of the floor area and have 1/20th opening lights and trickle vents to achieve 8000m<sup>3</sup> free air flow, windows are to be fitted with double glazed units having a minimum 16mm air gap with K-glass in one skin and a soft low-E coating. All frames are to have vertical and horizontal DPC's to all openings. Seal-a-mastic seals are to be provided around all window and door frames to provide a water tight seal. All glazing must be carried out in accordance with BS 6262. See notes on glazing in critical locations i.e. safety glazing.

**Part P**  
All electrical work required to meet the requirements of Part P (electrical safety) will be designed, installed, inspected and tested by a person competent to do so. Prior to completion the L.A. must be satisfied that either-

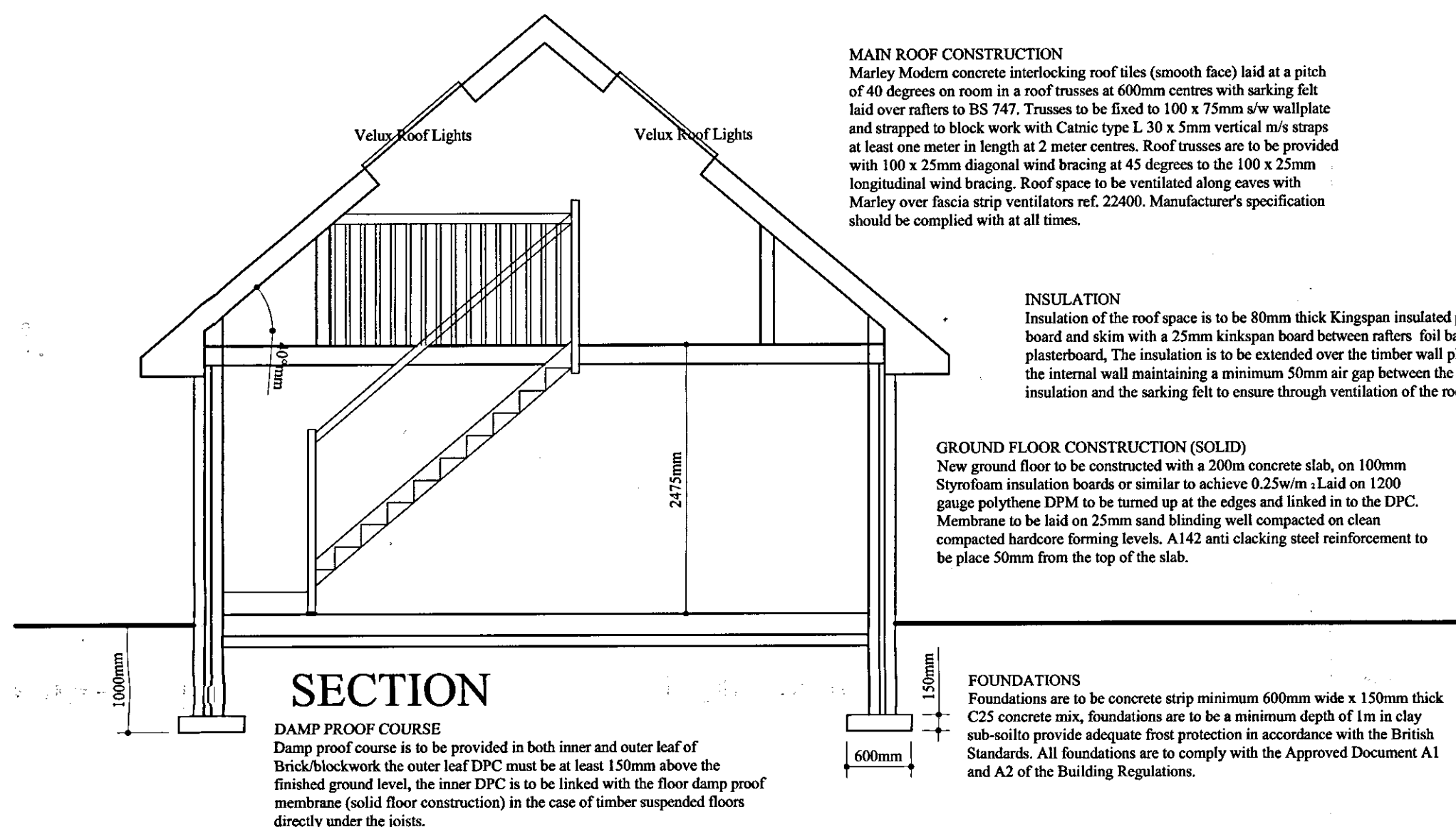
An electrical installation certificate issued under a Competent Person Scheme has been issued; or

Appropriate certificate and forms defined in BS 7671 (as amended) have been submitted that confirms that the work has been inspected and tested by a competent person. A competent person will have a sound knowledge and experience relevant to the nature of the work undertaken and to the technical standards set down in BS 7671, be fully versed in the inspection and testing procedures contained in the regulations and employ adequate testing equipment.

**WASTE PIPES**  
All waste pipes are to be a minimum of 38mm dia. to wash hand basins and sinks, pipes are to be fitted with 75mm deep seal traps or anti-vac traps if connected directly to a soil and vent pipe. 40mm waste pipes are to be provided to bath and showers. Soil and vent pipes are to be 100mm dia and terminated 1m above any opening windows adjacent to the stack, a suitable bird cage is to be fitted to the top of the stack. Alternatively an air admittance valve may be used above the last stack connection. All installations are to comply with the Approved Document Part H and BS 5572 (1978).

**VENTILATION**  
Mechanical ventilation fans are required to be fixed to all kitchen areas, utility areas and sanitary accommodation. The kitchen fans are to extract 60 litres per second or if incorporated within a cooker hood 30 litres per second will be required.

**SANITARY ACCOMMODATION**  
Mechanical ventilation is required to provide three air changes per hour with a 15 minute over run discharging to external air and controlled by the light switch or detecting sensor. An air inlet to the room should be provided i.e. a 10mm gap under the door.



SECTION

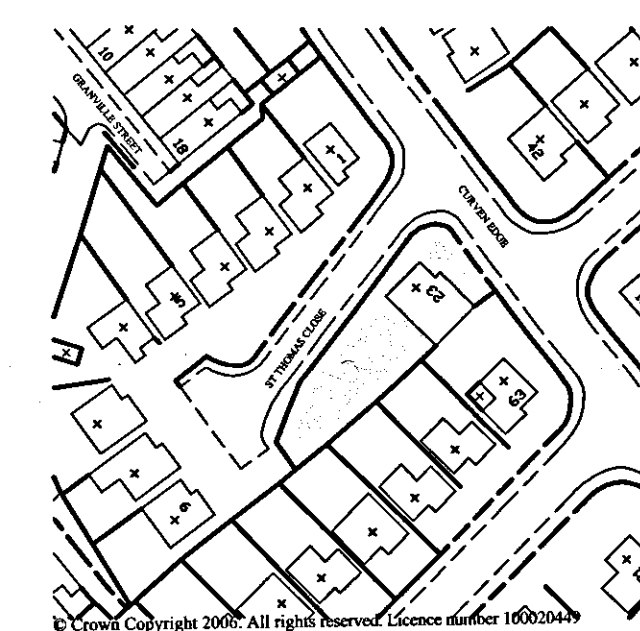
**DAMP PROOF COURSE**  
Damp proof course is to be provided in both inner and outer leaf of Brick/blockwork the outer leaf DPC must be at least 150mm above the finished ground level, the inner DPC is to be linked with the floor damp proof membrane (solid floor construction) in the case of timber suspended floors directly under the joists.

**MAIN ROOF CONSTRUCTION**  
Marley Modern concrete interlocking roof tiles (smooth face) laid at a pitch of 40 degrees on room in a roof trusses at 600mm centres with sarking felt laid over rafters to BS 747. Trusses to be fixed to 100 x 75mm s/w wallplate and strapped to block work with Catic type L 30 x 5mm vertical m/s straps at least one meter in length at 2 meter centres. Roof trusses are to be provided with 100 x 25mm diagonal wind bracing at 45 degrees to the 100 x 25mm longitudinal wind bracing. Roof space to be ventilated along eaves with Marley over fascia strip ventilators ref. 22400. Manufacturer's specification should be complied with at all times.

**INSULATION**  
Insulation of the roof space is to be 80mm thick Kingspan insulated plaster board and skim with a 25mm kinkspan board between rafters. Full backed plasterboard, the insulation is to be extended over the timber wall plates off the internal wall maintaining a minimum 50mm air gap between the insulation and the sarking felt to ensure through ventilation of the roof space.

**GROUND FLOOR CONSTRUCTION (SOLID)**  
New ground floor to be constructed with a 200mm concrete slab, on 100mm Styrofoam insulation boards or similar to achieve 0.25w/m<sup>2</sup> laid on 1200 gauge polythene DPM to be turned up at the edges and linked in to the DPC. Membrane to be laid on 25mm sand blinding well compacted on clean compacted hardcore forming levels. A142 anti clacking steel reinforcement to be placed 50mm from the top of the slab.

**FOUNDATIONS**  
Foundations are to be concrete strip minimum 600mm wide x 150mm thick C25 concrete mix, foundations are to be a minimum depth of 1m in clay sub-soils provide adequate frost protection in accordance with the British Standards. All foundations are to comply with the Approved Document A1 and A2 of the Building Regulations.



SITE PLAN 1:200 scale

R 4 MAR 2008  
2006/128

Client <b>Mr Andrew Lord</b>	
Location 23 Curvan Edge, Helmsore.	
Project Playroom/Garden Store	
Drawing Planning Application	
Agent <b>APB</b> Consultant Building Surveyors 1 Maple Grove Ramsbottom BL0 0AN Telephone 01706 826300 Mobile 07976404449	
Scale 1:50	Date 13th March 2006
Drawing No. 2006/03/0194 DWG/01	Revision

This drawing is provided for planning & Building Regulations consent only. The contractor must check all dimensions on site before works are commenced. The contractor must comply with all requirements of the Health & Safety Regulations.  
DO NOT SCALE THIS DRAWING