

<b>TITLE:</b>	<b>REMOVAL OF EXISTING CONSERVATORY AND ERECTION OF TWO STOREY AND SINGLE STOREY EXTENSION TO REAR INCLUDING ELEVATIONAL ALTERATIONS AT 118 HASLINGDEN OLD ROAD, RAWTENSTALL, ROSSENDALE</b>
<b>APPLICATION NO:</b>	<b>2006/147</b>
<b>TO/ON:</b>	<b>DEVELOPMENT CONTROL COMMITTEE</b>
<b>BY:</b>	<b>TEAM MANAGER – DEVELOPMENT CONTROL</b>
<b>STATUS:</b>	<b>FOR PUBLICATION</b>

**APPLICANT: MR & MRS G LAMLEY**

**DETERMINATION EXPIRY DATE: 24 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 to demolish an existing single storey conservatory extension and to erect a two storey and single storey extension to the rear including elevational alterations.

### **Relevant Planning History**

2005-713 – Two storey extension – refused 7 February 2006.

### **Notification Responses**

Three letters of representation have been received which make the following summarised points:

- Design/Appearance

- Privacy
- Daylight/Sunlight
- Materials

### **Consultation Responses**

None necessary

### **Development Plan Policies**

Policy DS1 (Urban Boundary)

Policy DC1 (Development Criteria)

Policy 1 (Development Framework) of the Joint Lancashire Structure Plan

### **Other Material Planning Considerations**

Planning Policy Statement 1

### **Planning Issues**

The location for the proposed development is within the urban boundary and therefore the proposal complies with Policy DS1 of the Rossendale District Local Plan and Policy 1 of the Joint Lancashire Structure Plan.

The proposal involves the demolition of a single storey part glazed, part brick extension to the rear and the erection of a two storey rear extension and a single storey rear extension. The two storey portion would project 4.3m in depth and be 3.2m in width. The single storey element would project 2.4m and would be 2.9m in width.

A site visit revealed that the west elevation does not benefit from a great deal of sunlight between the application site and 120 Haslingden Old Road. The rear elevation of the neighbour at 120 has a porch and lounge bay window at ground floor level. It is considered that the existing structure already impacts on the ground floor. However, the upper storey, of the revised proposal which has been set back further than that of the original submission would not unduly impact on the amenities in this aspect. A balcony was proposed at first floor on the original submission and this has now been deleted to address privacy issues previously raised. Additionally, in a bid to increase privacy to 120 Haslingden Old Road, windows in the west elevation are to be obscure glazed and can be the subject of a condition to reinforce this. The extension has also been brought in on the west elevation to avoid creating a large expanse of stone work, devoid of any design detail. In terms of materials, the extension would be constructed in stone under a slate roof, which would also be the subject of a condition. A note under the Party Wall Etc Act 1996 is also recommended due to the proximity of the boundary between the application site and the neighbour at 120 Haslingden Old Road.

With regard to issues relating to daylight and sunlight, the applicant's agent provided the following information "*The legal right to the windows in 120 and 116 Haslingden Old Road will be respected. Both adjacent properties have a right to maintain air and light to existing windows. The 1832 Prescription Act, from which the right to*

*light derives, does not give the right to maintain the exact same amount of light, it is there to ensure that a reasonable proportion is maintained.*

*The 45 degree line drawn from the centre of each adjacent window is the general “setting out” line used by many local authorities in their planning guidance documents, and defines the acceptable building line. It restricts the extent of any proposed extensions, yet allows householders to extend to a reasonable size. The 45 degree rule does not apply to windows within a passageway, but the right to light does. As above, I do not consider that the construction of the proposed extension will significantly affect the proportion of light to any passageway windows. The 45 degree reference in the vertical, with regard to the right of light (proposals at 90 degrees to adjacent windows) is purely “rule of thumb” and should be considered in tandem with the horizontal setting out. As the proposed extension has been set back entirely behind the revised horizontal 45 degree line, I do not consider any adjacent window will suffer a significant loss of light.”*

He further makes the point that “120 Haslingden Old Road is 3.475m away from 118 [the application site] and the proposed extension restores this original spacing. The existing conservatory is constructed on the boundary at a distance of 2.365 m so the proposed extension, albeit higher, is further away from the neighbouring property.”

To summarise, the proposed development is considered to be acceptable and is similar in scale and size to other recent approved two storey extensions along this stretch of Haslingden Old Road.

### **Recommendation**

That planning permission is granted subject to the following conditions:

### **Conditions**

1. The development permitted shall be begun before the expiration of three years from the date of this permission. Reason: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Notwithstanding any indication on the approved plans or application forms, no development shall be commenced until full details of the external materials to be used on the roof and the walls of the development have been submitted to and first approved in writing by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in complete accordance with the approved details. Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan.
3. The windows in the west elevation facing 120 Haslingden Old Road shall be glazed with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. Reason: To protect the privacy of adjoining occupiers and to accord with Policy DC1 of the Rossendale District Local Plan.
3. 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.

Oakenhead  
Resource Centre

HASLINGDEN OLD ROAD

+198.0m

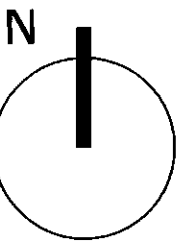
122

118

114

APPLICATION  
SITE

2006/147  
29 MAR 2006



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118 Haslingden Old Road      scale 1:500  
Rossendale                      September 2005  
BB4 8SA

GL-00                              Location Plan

PPY design Ltd