

<b>Application Number:</b>	2021/0028	<b>Application Type:</b>	Householder
<b>Proposal:</b>	Single-storey rear extension and associated decking to rear garden	<b>Location:</b>	13 Fernhill Crescent, Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	7 September 2021
<b>Applicant:</b>	Mr & Mrs Ashworth	<b>Determination Expiry Date:</b>	15 <sup>th</sup> March 2021
<b>Agent:</b>	SLW Designs		

<b>Contact Officer:</b>	Adrian Adams	<b>Telephone:</b>	01706-238645
<b>Email:</b>	planning@rossendalebc.gov.uk		

<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>	Yes
<b>Other (please state):</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 Permission be granted subject to the conditions set out in Section 10 of the Report.

## 2. The Site

This application site is located within a well-established residential area at Stacksteads and within the urban boundary of Bacup. The application site forms part of a row of staggered detached dwelling houses that were built in the early 1980's. Each property has been finished in a brick and tile construction, with their gables facing to the front and rear. The land slopes generally down from the highway to the north of the dwellings. Consequently, the rear gardens to the south of each property within the row are terraced/slope down.

The rear garden of the application site is approximately 15 metres in length and 9 metres in width and is currently enclosed by a closed board fence in places and an evergreen hedge.



Rear Garden views looking towards No.11

The house at No 11 to the west of the site, has its rear elevation set further back than that of the application property. No. 11 has recently had 2 planning applications approved for householder development, these are:

2021/0017 - Planning permission was granted for construction of a first-floor side extension over existing the converted garage.

2021/0123 - Planning permission was granted for Landscaping and Fencing, works having been begun on outward extension of the terrace projecting to its rear (requiring construction of a retaining-wall midway down the rear garden of approx. 1.2m in height



Rear garden views looking towards No.15

The property to the east of the site being No.15 is set forward of the application property. This property has been extended with a conservatory with clear-glazed windows in all three of its elevations.

### 3. RELEVANT PLANNING HISTORY

1979/232 - Planning permission was granted for the erection 20 detached dwellings.

\*Please note that the Permitted Development Rights of the dwellings approved were **not** removed\*

### 4. PROPOSAL

3 proposals have been submitted within this application process for both an extension to the rear elevation and a raised decking area.

#### ORIGINAL PROPOSAL



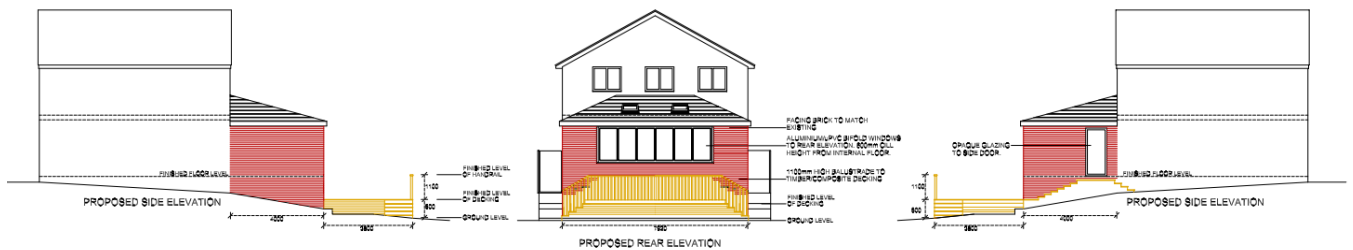
The first proposal sought permission for a single storey extension with a first floor balcony. This application also included bi-folding doors leading onto a decked area. Due to the concerns raised over loss of privacy, the applicant was asked to revise the scheme in order to address the loss of privacy and overlooking concerns.

## SECOND PROPOSAL



The second proposal submitted showed the proposed extension would now have a hipped-roof, with two roof lights in that roof-plane facing down the rear garden. However, there were still concerns over the Bi-folding doors leading out onto a raised decking area and the impact of this upon the privacy/amenity of each of the adjacent neighbours.

## THIRD PROPOSAL – RECOMMENDED SCHEME



Therefore, further amendments were made to the scheme, these removed the Bi-folding doors and replaced with bi-folding windows and an obscurely glassed door within the eastern side elevation of the extension that would lead down steps to a raised decking area.

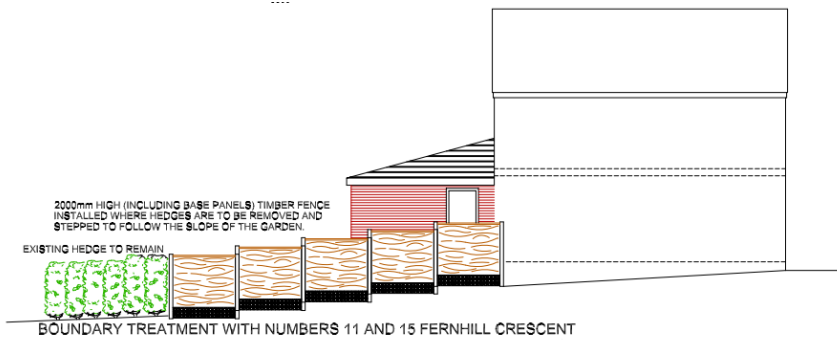
This final version of the extension would extend out 4 metres from the original rear elevation of the house and would extend across the full width of the rear elevation. The overall height of the extension would be approximately 4.5 metres in height 3.3 metres to the eaves.

The decking area would extend a further 3.8 metres back into the rear garden area, it would be 7.9 metres in width and 0.8 metres in height at the rear most southerly point of the decking area.

2m high fences will be erected to each side of the proposed extension/raised-passageway/lower-deck, as seen below.

### Permitted Development

It should be noted that if the overall height of the extension was reduced by approximately 50cms, e.g the overall roof height did not exceed 4 metres in height and the eaves 3 metres, the development would be authorised under the General Permitted Development Order 2015 (As amended) Schedule II, Part 1, Class A.



## 5. **POLICY CONTEXT**

### **National**

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

- Section 2 Achieving Sustainable Development
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well-Designed Places

### **Development Plan Policies**

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

- AVP2 Area Vision for Bacup, etc
- Policy 1 General Development Locations and Principles
- Policy 8 Transport (inc Appendix 1 Parking Standards)
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

### **Other Material Planning Policy Considerations**

RBC Alterations and Extensions to Residential Properties SPD (2008)

## 6. **CONSULTATION RESPONSES**

None.

## 7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order neighbours were notified by letter.

### **RE-NOTIFICATION**

As a result of re-notification of the immediate Neighbours on the revisions to the originally-submitted and amended schemes, 5 letters have been received that directly object to the proposal. The basis on which these objections were made are as follows:

#### **A Combined Summary of all Objections received Relating to the 2<sup>nd</sup> Amended Proposal:**

- Adverse effect upon the amenity of the existing neighbourhood in terms of loss of privacy, day light, noise nuisance and increased traffic
- Both the extension and the decking area are overbearing – No windows within the side elevations and decking area being 0.8 metres in height
- By reason of its design, excessive scale and inappropriate appearance the development would visually dominate the site and unduly detract from the character of

the street scene and surrounding built environment. This will be seen from a public footpath/right of way which was never indicated within the application

- The decking area covers a large proportion of the existing garden and could be detrimental to the environment and ecology
- The development is visually intrusive
- Potential problems with builders gaining access to the rear garden with both materials and plant equipment (if required)
- Loss of light and overshadowing of adjacent neighbours internal living space
- The development is contrary to the Rossendale local planning policies that protect neighbours from development that would result in an unacceptable level of harm to their amenity
- The 2 metre fence shown on the plans is a deliberate attempt to disguise the raised decking viewing platform and will not mitigate the loss of privacy due to the slope/gradient of the garden
- Objections to the removal of any existing boundary treatments that are not within the applicants ownership
- The potential for boundary disputes over the erection of new boundary fences between the application site and number 11 and 15
- Inadequate parking provision for builders and material deliveries during the construction process & inadequate parking provision for the occupiers
- The proposal represents over development of the site and boxes in adjacent neighbouring properties
- Raised decking area views across adjacent gardens resulting in major loss of privacy and amenity
- The finished proposed build will not reflect the drawings due to Building regulations. Therefore, we are concerned regarding amendments being made with no further consultation and could result in further loss of amenity
- Raised decking area also creates a clear line of sight into the living room and kitchen of number 11 resulting in a major loss of privacy
- The door within the side elevation will cause a loss of privacy upon the No.15 Conservatory

## 8. **ASSESSMENT**

The main considerations in this case are as follows:

- 1) Principle; 2) Visual Amenity; & 3) Neighbour Amenity

## Principle

The application proposes an extension and ground works within the curtilage of an existing house on an estate in the Urban Boundary of Bacup. Accordingly, the proposal is considered to be acceptable in principle.

Policies 1, 23 and 24 of the Council's adopted Core Strategy seek to maintain Rossendale's distinctive environment by, amongst other things, ensuring that all new developments are of the highest standard of design - that respect and respond to local context, distinctiveness and character - in terms of criteria including style, visual impact, scale, massing and height.

Section 2 of the Council's approved Alterations & Extensions to Residential Properties SPD provides general guidance about the form any extension/alteration should take, with the aim of ensuring it is of a high standard of design and does not detract from the character of the original and neighbouring properties, neighbour amenity or highway safety through siting, excessive bulk, inconsistent design or ill-matched facing materials.

The SPD gives specific advice in relation to Separation Distances :

The Council will seek to ensure that extensions :-

- Maintain a minimum distance of 20m between habitable room windows in properties that are directly facing each other; and
- 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; and
- Maintain a minimum distance of 6.5m between a principal window to a habitable room in one property and a single storey blank wall of a neighbouring property.

In respect of Single-Storey Rear Extensions the SPD states :

- Where the proposed extension would be on or within 1m of the party boundary of an adjacent property it should not normally project in excess of 3m beyond the rear wall of that property; and
- Proposals for larger extensions will not normally be permitted unless it can be demonstrated that the amount of daylight and sunlight enjoyed by neighbouring properties would not be significantly reduced as assessed against the 45° rule.

In respect of Garden Space the SPD states (amongst other things) :

- Proposals should seek to retain adequate private garden space - The Council is keen to ensure that enough private garden space is left after any extensions in order to avoid over-development and protect neighbouring amenity.

## Visual Amenity

The housing estate dates back to the early 1980's and from which time, many of the surrounding properties have been altered or extended both as a direct result of the granting of planning permission from the LPA or, from the levels of development permitted by the General Permitted Development Order. As such, some of the original character and design of the estate has been eroded over the years.

## Google Maps View of Fernhill Crescent



The host property has not yet however, been extended to date and the proposed extension, and associated decking, do not form an unduly prominent feature as viewed from any public vantage point. Nor are they of a scale or design to unduly detract from the character and appearance of the existing building.

The proposed extension would be set in at least 1 metre from each side boundary and the height of the extension, is only marginally above that (would be useful to state by how much) of what would be constructed under the provisions of the Permitted Development Order 2015, as the depth of 4 metres is within the limits of permitted development.

The application form states that the materials will match those of the host property and it is considered to be expedient to attached to any grant of planning permission to ensure that the roof tile and facing brick used to construct the extension match those of the existing house.

The development is considered acceptable in terms of visual amenity.

### Neighbour Amenity

As a result of deletion from the scheme of the roof-terrace, and the other changes from the original and bi-folding doors within the second proposal, it is considered that this current and final proposal will not unduly detract from the amenities any neighbours currently enjoy or could reasonably expect to enjoy. As amended, the scheme complies with the Council's Alterations & Extensions to Residential Properties SPD.

For occupiers of 11 Fernhill Crescent, the proposed extension will project only 1.5m further than the garage they have converted to living accommodation, and the 2m high fence intended on the party-boundary will suitably screen view from the lower-deck.

For occupiers of 15 Fernhill Crescent, the proposed extension will project approximately 2.25m further than their conservatory. The conservatory has clear-glazed windows in all three of its elevations. View across the terrace immediately behind the applicant's house



from side-facing windows of the conservatory are presently limited by the applicant's timber shed. The principal windows of the conservatory face down the neighbour's own garden and to the other side. Other than the obscurely glazed door, there are no windows proposed in either side elevations, this is in order to protect the privacy of each adjoining neighbor.

Two conditions are recommended in order to safeguard the amenity of the neighbours, the first is to remove the Permitted Development Rights to insert any further new windows or doors within any side elevation of the extension other than those shown on the approved plans. The second condition is to require the door shown within the eastern side elevation to be obscurely glazed to Pilkington Level 4 and to be retained thereafter for the lifetime of the development.

The 2m high fence intended on the party-boundary between No's 13 and 15 will suitably screen view from the lower-deck.

The bi-folding windows proposed within the rear elevation of the extension face directly down the applicant's garden area and would only have limited views across the gardens of the adjacent properties and would not introduce any form of harmful loss of amenity to the adjacent neighbours.

Whilst the proposed decking area would allow some views into the rear gardens of the adjacent neighbours, it is not considered that this would result in any harmful impact in terms of loss of privacy. The rear gardens are already overlooked by the existing windows within the rear elevations of each property, and several properties within the row have raised platform areas within their own gardens that afford view outside of their own garden space.

For occupiers of 3 Fernhill Grove - the bungalow immediately to the rear - the proposed extension will be 30m from it and 11m from the party-boundary. The lower-deck will be 7.5m from the 2.25m high evergreen hedge on the party-boundary and exceed natural ground-level by no more than 0.8m.

A Condition is recommended to ensure that the 2m high fences intended on the party-boundary are constructed prior to the occupation of the extension and must be retained thereafter, for the lifetime of the development.

### Other Matters

With respect to other matters raised by the Objectors :

- The proposed development will not result in loss of any existing off-street parking spaces or trigger the need to add to the off-street parking spaces at the property as no additional bedrooms are proposed.
- There is no reason to consider that construction of the proposed extension and associated decks will give rise to any inconvenience/disturbance for neighbours beyond that likely to arise if the proposed extension and associated decks were to be constructed at any other property.
- There is no reason to consider that construction of the proposed extension and associated decks will give rise to problems with surface-water drainage - this matter will be addressed under the Building Regulations.
- It is not considered that the proposed development would result in any harmful impact upon either the local ecology or environment.

## 9. SUMMARY REASON FOR APPROVAL

The proposed development is considered acceptable 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 (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	-	15/01/2021
Existing Plans & Elevations	SLW/SA/01/PA	15/01/2021
Proposed Plans & Elevations	SLW/SA/02/PA/Rev2	10/06/2021

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

- 3) The external walls and roof of the extension hereby permitted must be constructed with facing bricks and roof tiles matching those of the existing house.

Reason: In the interests of visual amenity.

- 4) Prior to occupation of the extension hereby permitted the 2m high fences shown on Drwg No SLW/SA/02/PA/Rev2 to each side of the extension and decking must be constructed in strict accordance with the approved plans and retained thereafter for the lifetime of the development.

Reason: In the interests of neighbour amenity.

- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed within either side elevations of the extension hereby approved.

Reason: In the interests of neighbour amenity.

- 6) The door shown within the eastern side elevation of the extension, shall be obscurely glazed to Pilkington Level 4 and must be retained thereafter for the lifetime of the development.

Reason: In the interests of neighbour amenity.

## INFORMATIVE:

- 1) The Local Planning Authority has a Core Strategy (adopted in 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. 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.

- 2) The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

1. Work on an existing wall shared with another property;
2. Building on the boundary with a neighbouring property;
3. Excavating near a neighbouring building, and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available free of charge from: <https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance>