

Application Number:	2021/0028	Application Type:	Householder
Proposal:	Single-storey rear extension and associated decking to rear garden	Location:	13 Fernhill Crescent, Bacup
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	12 th October 2021
Applicant:	Mr & Mrs Ashworth	Determination Expiry Date:	15 th March 2021
Agent:	SLW Designs		

Contact Officer:	Adrian Adams	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:	
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

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 ground floor.

2021/0123 - Planning permission was granted for Landscaping and Fencing and minor ground alterations to the rear garden which include extending the rear patio (Part Retrospective).



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.

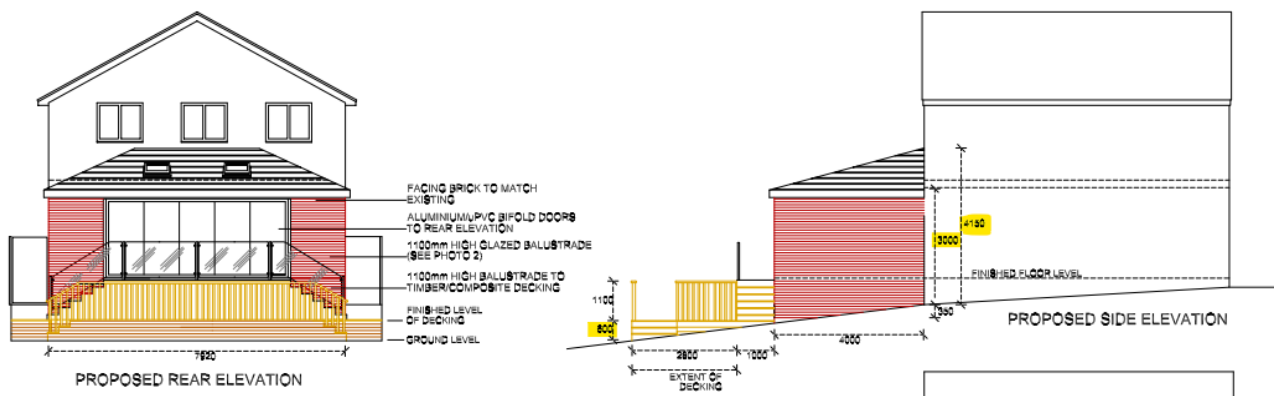
3. RELEVANT PLANNING HISTORY

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

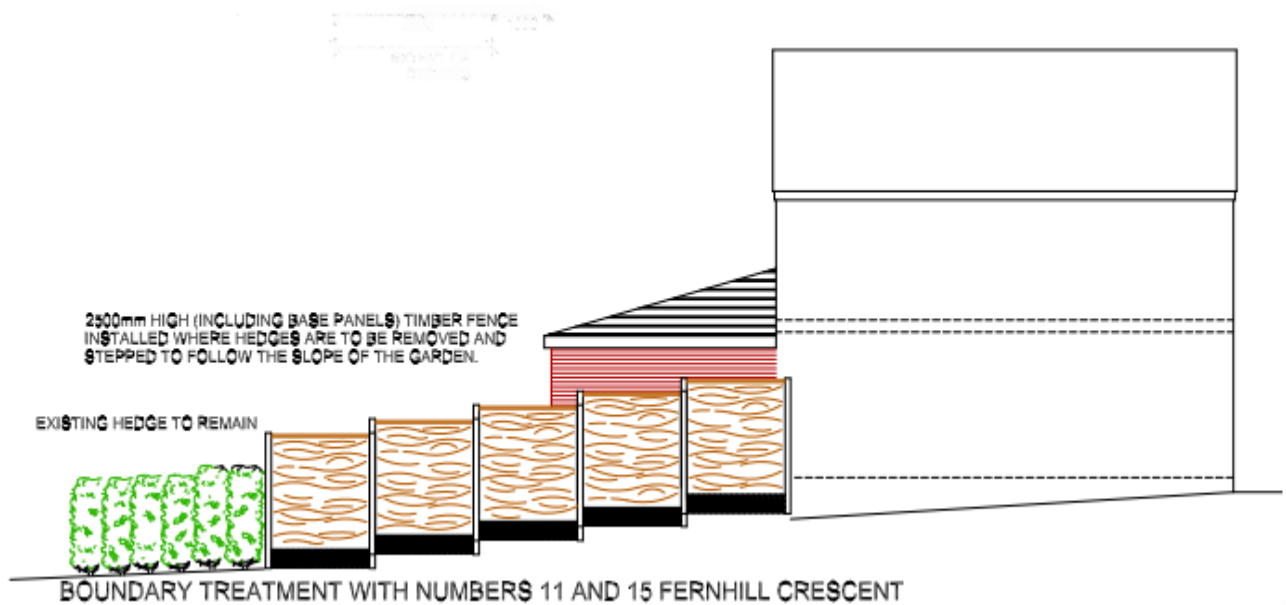
At the Planning Committee meeting held on the 7th September 2021, Committee Members were minded to defer making a decision on a proposal for a single storey rear extension due to concerns over the impact of the side access door within the eastern side elevation of the extension on the adjacent neighbour in terms of loss of privacy. Members were minded to request a version of the extension whereby there were no doors or windows within either side elevations of the extension, but would have bi-folding doors leading out onto a platform and steps down to a lower decking area within the rear garden.



The proposed extension would have a hipped-roof, with two roof lights in that roof-plane facing down the rear garden. 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 4.13 metres and 3.0 metres to the eaves.

A platform and steps of 1 metre in depth would lead down to a decking area, which would extend a further 2.8 metres back into the rear garden area, it would be 7.9 metres in width and 0.6 metres in height at the rear most southerly point of the decking area.

2.5m 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 the overall roof height of the extension as taken at the rear elevation of the host property is only 13cm above the level of development that 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)

Rossendale Local Emerging Plan 2019/2036

Spatial Strategy SS - Suitability of the site, its sustainability and the needs of the local area
SD1 - Presumption in Favour of Sustainable Development
HS8 – Private Outdoor Amenity Space

6. CONSULTATION RESPONSES

None.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order neighbours were notified by letter of the original proposal

As a result of re-notification of the immediate Neighbours on the revisions to the originally-submitted and the 1st of the amended schemes (which was considered at the September Committee meeting), 5 letters were received that directly object to the proposal. The basis on which these objections were made are as follows:

- 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 No.15's Conservatory, Dining Room and Kitchen.

Further neighbor notification took place in respect of the amended plans which were received following the September Committee meeting and 1 letter of objection has been received raising the following issues:

- Development too high
- Inadequate access
- Inadequate parking provision
- Increase in traffic
- Information missing from plans
- Loss of privacy
- Not enough info given on application
- Out of keeping with character of area
- Over development
- There are several inaccuracies with these drawings:
 - Lack of dimensions relating to the height of the brick build and upper raised decking.
 - No roof dimensions.
 - Both side views show glass balustrades whereas the front view shows no balustrades on the sides as there are steps. Which is correct?
 - Deceptive image of fences showing that proposed decking/balustrades will not be seen from our property.
 - Raised Decking: As previously stated this will cause us a major loss of privacy. The ground floor level of No.13 appears to be 300-400mm above our patio level at present, therefore any measurements on the drawings need to be increased by this amount from our side to understand the full extent of the proposal's height. The addition of 2m high fences gives a deceiving visual on the drawings as the upper decking/balustrade will be clearly seen above these and individuals stood on the upper decking will still have clear line of sight into our kitchen and rear living space. This creates an obvious extreme raised viewing platform.

--Overall, we feel that the revised plans still do not respect the existing surrounding properties in terms of scale, size and design. All properties on this side of the Crescent were built with a step back of 2-3m from the neighbouring property. This proposal would create a boxing in effect to our property and go against the original layout of the crescent. Given all the above, we respectfully ask again that the application be refused.

- Finally, we would like to point out that we do not consent to the removal of the existing boundary fence or boundary gate post. We do not want our gate compromised as due to local low depth drainage our gate post has to be secured to said boundary post and we do not wish for No.13's proposed fences to encroach onto our land.

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 (although it should be noted that the existing garage has been converted) 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 13cms above that of what could be constructed under the provisions of the General 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 eastern side entrance door, it is considered that this 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 existing side extension, and the 2.5m 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 neighbours own garden and to the other side. The extension as proposed does not fall with the 45 degree test in accordance with the Council's Alterations & Extensions to Residential Properties SPD.

In terms of the potential for the loss of daylight, the rear elevations of all the properties within the row of houses face almost directly due south. Given the modest scale of the proposed extension, this would not result in any harmful loss of direct daylight, the with a minimal impact upon the direct sun received to the western side elevation of the conservatory to the rear of No.15.

A condition is recommended in order to safeguard the amenity of the neighbours, this 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 2.5m high fence intended on the party-boundary between No's 13 and 15 will suitably screen view from the lower-deck.

The bi-folding doors 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 over looked 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 0.6m.

A Condition is recommended to ensure that the 2.5m high fences intended on the party-boundaries are constructed prior to the occupation of the extension and must be retained thereafter, for the lifetime of the development.

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	20/09/2021

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 2.5m high fences shown on Drwg No SLW/SA/02/PA/Rev2 received on the 20/09/2021 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 will be constructed within either side elevations of the extension hereby approved.

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

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>