

Application Number:	2021/0481	Application Type:	Full
Proposal:	Erection of summerhouse in front garden of property. Summerhouse to be used as seating area and storage.	Location:	15 Water Street Whitworth Rochdale Lancashire OL12 8TX
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18/01/2022
Applicant:	Mrs Lois Lees	Determination Expiry Date:	31/01/2021
Agent:	N/A		

Contact Officer:	Chris Dobson	Telephone:	01706 238639
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
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

Approval with conditions

2. SITE

The application site sits forward of the front elevation of No.15 Water Street and is situated on the opposite side of the Street from the host dwelling. It is covered with grass and contains a low-level drystone wall and metal railings around the boundaries. Mature trees/vegetation sit to the south of the site providing a boundary to Cock Hall Lane. Access to the site is gained via either double metal railing gates or a wooden arch, both via Water Street. The land appears to fall within the residential

curtilage of No.15 Water Street with further sections of land adjacent divided for use by each of the four properties located on Water Street. The application site is the most westerly of these. It is noted that a number of these gardens contain wooden sheds with sections of the land closest to the properties on Water Street also converted to residential parking. No structures or parking spaces are present on the application site.

During the course of the application, it has come to light that a culvert runs underneath the application site although its precise location is not known.

The site is accessed from the A671 Market Street via Hall Street, Hall Fold and Cock Hall Lane and is located within the town of Whitworth. The application site is located within the urban boundary.

3. RELEVANT PLANNING HISTORY

No relevant planning history

4. PROPOSAL

The applicant's wish to construct an outbuilding on the land located on the opposite side of Water Street to their property. The outbuilding is proposed to measure 3 metres by 5 metres and contain a flat roof design with a maximum height of 2.5 metres. It is proposed to be constructed from timber. It is understood that the outbuilding is an off-the shelf product, to be purchased from a supplier and erected on site.

The outbuilding is proposed to be positioned along the boundary with the adjacent garden for No.17 Water Street with the 5-metre length running adjacent to the boundary. Although not shown on the submitted plans the outbuilding is proposed to sit on a concrete base.

5. POLICY CONTEXT

National

National Planning Policy Framework (2021)

Section 12 Achieving Well Designed Places

Development Plan

RBC Local Plan (2019-2036)

SD1 - Presumption in Favour of Sustainable Development

SD2 – Urban Boundary and Greenbelt

ENV1 – High Quality Development in the Borough

HS9 – House Extensions

6. CONSULTATION RESPONSES

Lead Local Flood Association – No comment

Environment Agency – No response received

7. REPRESENTATIONS

To accord with the General Development Procedure Order letters were sent to neighbours and a site notice posted. Whitworth Town Council were also notified of the proposals. In total five objections to the proposals were received including one from the Town Council. The objections related to the following:

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- Concerns regarding the culvert running underneath and potential flood risk
- Concerns that the summerhouse is too large and out of keeping for area
- Inadequate access arrangements
- Too close to adjoining properties
- False declarations made on the original application

One comment was also received in support of the proposals.

8. ASSESSMENT

The main considerations of the application are:

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

1) Principle

The site is located within the urban boundary; therefore, development work proposed for this location is acceptable in principle.

2) Visual Amenity

Policy ENV1 of the Councils adopted local plan relates to high quality development in the borough and states the following:

“All proposals for new development in the Borough will be expected to take account of the character and appearance of the local area, including, as appropriate, each of the following criteria:

a) Siting, layout, massing, scale, design, materials, lighting, building to plot ratio and landscaping;”

In this instance, it is considered that the proposals are acceptable in terms of point a) above. The size of the proposed extension is modest and would be likely to fall within the parameters set out for permitted development as set out under Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 with planning permission only being required in this instance due to its siting forward of the front elevation of No.15 Water Street. It is however, proposed to be sited in a residential garden with the design and materials considered to be acceptable in this residential location.

It is noted from a site inspection that the front gardens of the surrounding properties currently contain outbuildings which although are smaller in terms of their size are constructed from similar materials as the timber proposed with this application.

It is therefore considered that the proposals are acceptable in terms of visual amenity due to its siting in a residential garden location and also its scale and design, with the use of timber being considered an appropriate material for the surroundings.

3) Neighbour Amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Policy HS9 of the Local Plan and the SPD states that new development should

protect the amenity of residents ensuring that each resident has an acceptable level of privacy and satisfactory level of daylight. Important factors such as overlooking and overshadowing will be taken into consideration.

In relation to this application, the following factors have been considered in relation to neighbour amenity:

a) Light

It is considered that no part of the proposed development will affect the level of light currently received by the neighbouring properties to the extent that a refusal of this application could reasonably be justified on such grounds. The proposed outbuilding would sit on the opposite side of Water Street to the residential dwellings and is not proposed to sit on the boundary closest to these properties.

b) Overlooking

The proposals will not give rise to unacceptable overlooking of neighbouring properties. The outbuilding is proposed to face towards the west with the neighbouring properties being located to the north. The outlook of the outbuilding will therefore be across the applicants land towards an area of trees/vegetation that separates the land from Cock Hall Lane.

c) Overdevelopment

The proposals will not lead to more than 50% of the property curtilage being built upon. As such, it is considered that it will not lead to the overdevelopment of the plot.

In view of the above, it is considered that the proposals will reasonably safeguard the amenities currently enjoyed by the occupants of the surrounding properties. On this basis, it is considered that in neighbour amenity terms it will reasonably satisfy the requirements of Policy HS9 of the Council's Adopted Local Plan.

The proposals are acceptable in terms of neighbour amenity.

4) Access/Parking

No changes are proposed for the access/ parking arrangements at the site and the proposals are therefore considered acceptable in terms of these.

An objection received during the consultation phase stated that the development would impact upon the Council's refuse team to be able to collect household waste from the properties. The outbuilding is however proposed to be constructed on an area of grass away from the access roads with boundaries in place surrounding the site. It is not therefore considered that any impact upon this service would arise.

5) Other considerations

A number of the objection received as part of the consultation phase related to a culvert that is thought to run under all the front gardens along Water Street. Both the Environment Agency and the LLFA (Lead Local Flood Authority) have been consulted as part of this application with no objections being received. It is not considered that the proposals would result in a significant risk to the underground culvert; no significant excavation work is proposed to be carried out to the site. The maintenance of the culvert and any subsequent repairs should this be damaged during the development would be a private matter to be resolved by the owners of the land.

9. SUMMARY REASON FOR APPROVAL

The proposed scheme is appropriate in principle and subject to conditions, the scheme is considered acceptable in terms of visual and neighbour amenity, highway safety and all other relevant material planning considerations. The development therefore accords with the National Planning Policy Framework and policies SD1, SD2, ENV1 & HS9 of the Adopted Local Plan.

10. CONDITIONS

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

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2) The development shall be carried out in accordance with the planning application form received 12/08/2021 and the following drawings unless otherwise required by the conditions below:

Title	Drawing No.	Received Date
Location Plan	Ref 3	12/08/2021
Proposed Site Layout	Ref 2	12/08/2021
Floor Plan	Ref 4	12/08/2021
Elevation Drawing	Ref 5	11/10/2021
Illustrative Image of Outbuilding	-	11/10/2021

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