

<b>Application Number:</b>	2022/0093	<b>Application Type:</b>	Householder
<b>Proposal:</b>	Householder: Detached Residential Annexe	<b>Location:</b>	4 Anderton Close Cowpe Rossendale Lancashire BB4 7DW
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	24.05.2022
<b>Applicant:</b>	Mr & Mrs S & G De'ath	<b>Determination Expiry Date:</b>	26.04.2022 – time extension requested to 27.05.2022 but not yet agreed
<b>Agent:</b>	Steven Hartley		

<b>Contact Officer:</b>	<b>Chris Dobson</b>	<b>Telephone:</b>	<b>01706 238639</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	Cllr Jenny Rigby A fair hearing in front of the planning committee and so members can assess the visual impact on the area.
<b>3 or more objections received</b>	
<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

Refusal

## 2. SITE

The application site contains a detached property constructed from facing brickwork with an interlocking concrete tiled pitched roof. The property lies at the end of a cul-de-sac and sits at a perpendicular angle to the Close. Due to the topography of the site, the property contains a single storey section to the front elevation leading to a two-storey section as the land slopes downwards away from Anderton Close. The rear elevation contains a balcony at first floor level overlooking an area within the greenbelt.

A gated driveway serving the property is located off Anderton Close and slopes downwards providing off-street car parking spaces to the side of the property. Pedestrian access to the front door via a footpath is available via a separate gate from Anderton Close.

Sloping grassed garden areas sit to the sides and rear of the property with hedging siting on the boundaries. An unclassified road sits to the rear of the property and leads to a number of public rights of way (Ref 14-1-FP 642 & 14-1-FP 640).

The property is accessed from A681 Bacup Road via Cowpe Road, Carr Land and Hardman Close and is located approximately half a mile to the south of Waterfoot.

The property is located in the urban boundary.

### 3. RELEVANT PLANNING HISTORY

2021/0228 - Householder: Detached Annexe for residential use – **Refused and dismissed on appeal**

### 4. PROPOSAL

The applicant seeks to construct a detached annexe located within the curtilage of No.4 Anderton Close. This is proposed to be located to the north east of the site and to be constructed from facing brickwork with an interlocking concrete tiled pitched roof containing a gable projecting from the rear roof slope. Due to the topography of the site, the development will appear as a single-storey building when viewed from the front elevation and two-storey building from the rear.

To the front elevation the proposals contain a pitched roof projecting porch constructed using supporting pillars and containing a glazed front door with additional glazing to the side and above with three small square windows proposed to sit just above ground level with a further small square window sitting above the window closest to the door. To the rear, the annexe includes plans for balconies at both lower and upper levels that are proposed to contain partially obscured toughened glass balustrades with access to the balconies provided from a bedroom at first floor level and a lounge at the lower level. These are proposed to project out by 2m from the rear elevation and span the full width of the property. Two windows are proposed to be located on the south west elevation facing the application property with a further window leading into a WC located on the north east elevation.

The annexe is proposed to be 7.36m in length with a depth of 6m. The front elevation is proposed to sit 4.5m above land level with the rear elevation, due to the topography of the land sitting 6.5m high. The submitted plans show the lower level of the annexe will contain a lounge, kitchen, WC and store with the upper level containing a bedroom, ensuite, robe and WC.

## 5. POLICY CONTEXT

### National

National Planning Policy Framework (2019)

Section 12 Achieving Well Designed Places

### Development Plan

Rossendale local Plan (2019-2036)

Policy SD1 – Presumption in favour of sustainable development

Policy TR4 – Parking

Policy ENV1 – Promoting High Quality Design Spaces

Policy ENV3 – Landscape Quality and Character

Policy HS9 – House Extensions

### Other Material Planning Considerations

RBC Alterations and Extensions to Residential Properties SPD

## 6. CONSULTATION RESPONSES

LCC Highways – No objections subject to the inclusion of conditions and informatives

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order letters were sent to neighbours and a site notice posted. One objection was received during the consultation phase with the comments relating to the following:

- Loss of Parking
- Loss of Privacy

## 8. ASSESSMENT

The main considerations of the application are:

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

### Principle

The site is located within the urban boundary. Policy SD2 of the Rossendale Local Plan (2019-2036) states, *“All new development in the Borough will take place within the Urban Boundaries, defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area.”* Most new development located within the urban boundary is therefore acceptable in principle; however, proposals to build supplementary residential annexes need to be considered against Section 3.10 of the Council’s Alterations and Extensions to Residential Properties SPD, in addition to the general guidance contained with the SPD.

Section 3.10 of the SPD states the ‘Council will seek to ensure that a separate housing unit is not being created that could be sold as a separate dwelling.’ Therefore, the SPD states the following criteria will normally be applicable to proposals for residential annexes:

- They are physically connected to the main property and can be used by occupiers of the existing dwelling without further building works; and
- They remain ancillary to the original dwelling at all times; and
- They should not have separate vehicular access; and
- They should only have one bedroom.

The proposals as submitted fail to accord with section 3.10 of the SPD in their entirety however, following the appeal of application 2021/0228 that was concluded prior to the adoption of the Council's new local plan the inspectors report stated the following:

*"I conclude that the proposal would be the creation of ancillary residential accommodation and it would not be the creation of a separate residential dwelling. For this reason, irrespective of the conflict with the guidance in the SPD, I find no overall conflict with Rossendale Borough Council's 'From East to West Making Rossendale the Best' Core Strategy Development Plan Document: The Way Forward (2011-2026) Adopted November 2011 (the CS)."*

While the proposals therefore fail to accord with section 3.10 of the Council's SPD the inspector is satisfied that the proposals in this instance would not result in the creation of a separate residential dwelling.

### Visual Amenity

Policy HS9 of the Council's adopted Rossendale Local Plan 2019-2036 relates to Housing Extensions and states that permission will be granted for the extension of a dwelling providing *"The extension respects the existing house and the surrounding buildings in terms of scale, size, design, fenestration (including dormer windows) and materials, without innovative and original design features being stifled"*

The Alterations and Extensions to Residential Properties SPD states that

*"...any application for a domestic extension will not normally be permitted unless the proposal:*

- *Achieves a high standard of design and gives the appearance of being part of the original building. Specific features, such as doors, windows and roof style and eaves, should particularly reflect the dwelling's original shape, size, alignment and architectural integrity;*
- *Complements the original building through the use of matching materials and by reflecting the design, massing, bulk, detail, proportion, scale and style of the original building, so as not to dominate it;*
- *Does not detract from the character of neighbouring properties through siting, excessive bulk, ill-matched materials or inconsistent design;*
- *Does not detract from the appearance of the street-scene or general character of the surrounding area"*

Paragraph 130, Section 12 Achieving well-designed places of the National Planning Policy Framework (NPPF) states that:

*"Planning policies and decisions should ensure that developments:*

*a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

*b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.”*

The application relates to a resubmission of a previous application for a similar proposal that was refused by Officers and dismissed at appeal by the Planning Inspector. In terms of visual amenity, the Planning Inspector’s report for the previous application stated the following:

*“The ridge of the annexe would not be much below the ridge of its host and its front elevation would be wider than the side elevation of No 4. It would be a large building and it would not appear subordinate to No 4. It would be very close to the front elevation of No 4 and closer still to the neighbouring side boundary. Therefore, it would be out of scale and overly large in the context of the width of the gap within which it would be sited. It would be a high-quality design, but its front elevation including its fenestration would be conspicuous and it would not be well-related to its host or neighbouring built environment. To the rear, the proposal would protrude beyond its host and the tall rear elevation would be prominent when viewed from locations elsewhere.*

*Taking into account its size and scale, orientation and siting, the proposal would have an awkward and overly close relationship to the front elevation of No 4. It would be a visually obtrusive and discordant feature that would be out of keeping with the surrounding townscape. Irrespective that the plot size could accommodate a greater density of development, the proposal would not be sympathetic to its host or to the surrounding built environment and it would not add to the overall quality of the area.*

*Therefore, I conclude that the proposal would harm the character and appearance of the appeal property and the area.”*

This application seeks to address the reasons for refusal for the previous application with the size of the proposed annexe reduced to sit upon a footprint of 7.46m wide x 8m in length (including the projection of the rear balconies). The width of the annexe has been reduced by 1.04m from the width as proposed on the original application. The maximum height of the proposed annexe is due to sit at 6.5m, a reduction of 0.65m from the previously submitted application. While the reduction in size of the annexe proposed under this application seeks to address the concerns raised, it does little to improve the visual appearance of the development or the surrounding street scene. The annexe remains a substantial building set over two storeys and containing all facilities you would expect to find in a detached separate dwelling. It would not appear subordinate to the host property due to its scale and size despite the annexe being proposed to be constructed using materials similar to those in place on the existing property. The proposed development would be a dominant feature when viewed from the rear of the application site which is land designated as greenbelt and contains a public footpath running to the north east of the site.

In addition to the above, due to the siting of the proposed development within the plot, the side elevation wall of the development would sit approximately 1.8m from the side elevation wall of the host property which contains windows facing towards the proposed development adding to the dense nature of the development and reducing the outlook and light currently enjoyed into the host property.

The proposals are also not considered acceptable in terms of their design. The fenestration proposed is of a poor design with no consistence approach resulting in a multitude of different styles, sizes and shapes of windows, doors and glazing that bears little resemblance to either the host property or the surrounding street scene. Due to this, the development would not relate to the host property or the surrounding street scene appearing as an overly sized incongruous feature within the built environment.

The proposal includes the addition of two large balconies to the rear accessed from the lower and higher levels with each proposed to be 14.92m<sup>2</sup>. These are proposed to span the full width of the development. These are considered excessive in terms of their scale adding considerable bulk to the design of the rear elevation and impacting upon the visual appearance of the proposed development when viewed from the rear.

The submitted plans also show that a total of four additional off-street parking spaces to be created within the curtilage of the property. These are shown in the form of two spaces located to the left of the pedestrian access leading to the property from Anderton Close and two spaces located to the right of this. These are joined by a paved forecourt area providing access to all spaces. These are in addition to the existing large driveway serving the original dwelling, which, for the avoidance of doubt, is to be retained. The plans show that each parking space would measure 5.0m x 2.5m with the forecourt also of a considerable size. The proposed siting of the spaces and forecourt would be constructed on land that is currently a lawn that makes a positive contribution to the character of the area. The visual change of this land from a lawned area to a large area of hard standing is considered to be detrimental to both the host property and to the wider street scene due to this being located in a visually prominent location to the front of the property.

Overall, due to the reasons outlined above the proposal is not considered acceptable in terms of visual amenity due to the proposal contravening policies within the Council's adopted Rossendale Local Plan 2019-2036, National Policy and the guidance contained within the Council's Alterations and Extensions to Residential Properties SPD.

#### 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.

One objection to the proposals was received during the neighbour consultation phase of the application. The comments made related to the impact the proposed parking arrangement would have upon the surrounding residents and in particular states that the proposed additional off-street parking to the south east of the site would impact upon the privacy of the neighbour residing at No.8 Hardman Drive due to the elevation of the land levels. The land to which the parking spaces are proposed to be constructed slopes downwards with the land level therefore required to be raised by 1.5m in order to create a flat parking area. However, no details of the including section drawings or details of the necessary retaining structures have been submitted with the application to enable full assessment.

Based on the information that has been provided on the Proposed Site Plan, it is likely that due to the marked changes in land level between Anderton Close and Hardman Drive that this would result in the illumination of habitable rooms by vehicle headlights to the rear of a number of properties located on Hardman Drive. The submitted plans show that Laurel hedging would be planted directly to the rear of spaces however the species, height or density of the hedging has not been specified with these details being difficult to control for the longevity of the proposed development. It is therefore considered reasonably likely that the addition of the proposed spaces would be detrimental to the living conditions of the neighbouring residents.

#### Parking/Access

LCC Highways were consulted as part of the application and raised no objections to the proposals subject to a number of conditions and informatives being added to any approval granted. As detailed in the neighbour amenity section above, in order to facilitate the

additional spaces development work would be required to raise the land levels which is considered to have a detrimental impact upon the surrounding properties.

## **9. RECOMMENDATION**

Refuse

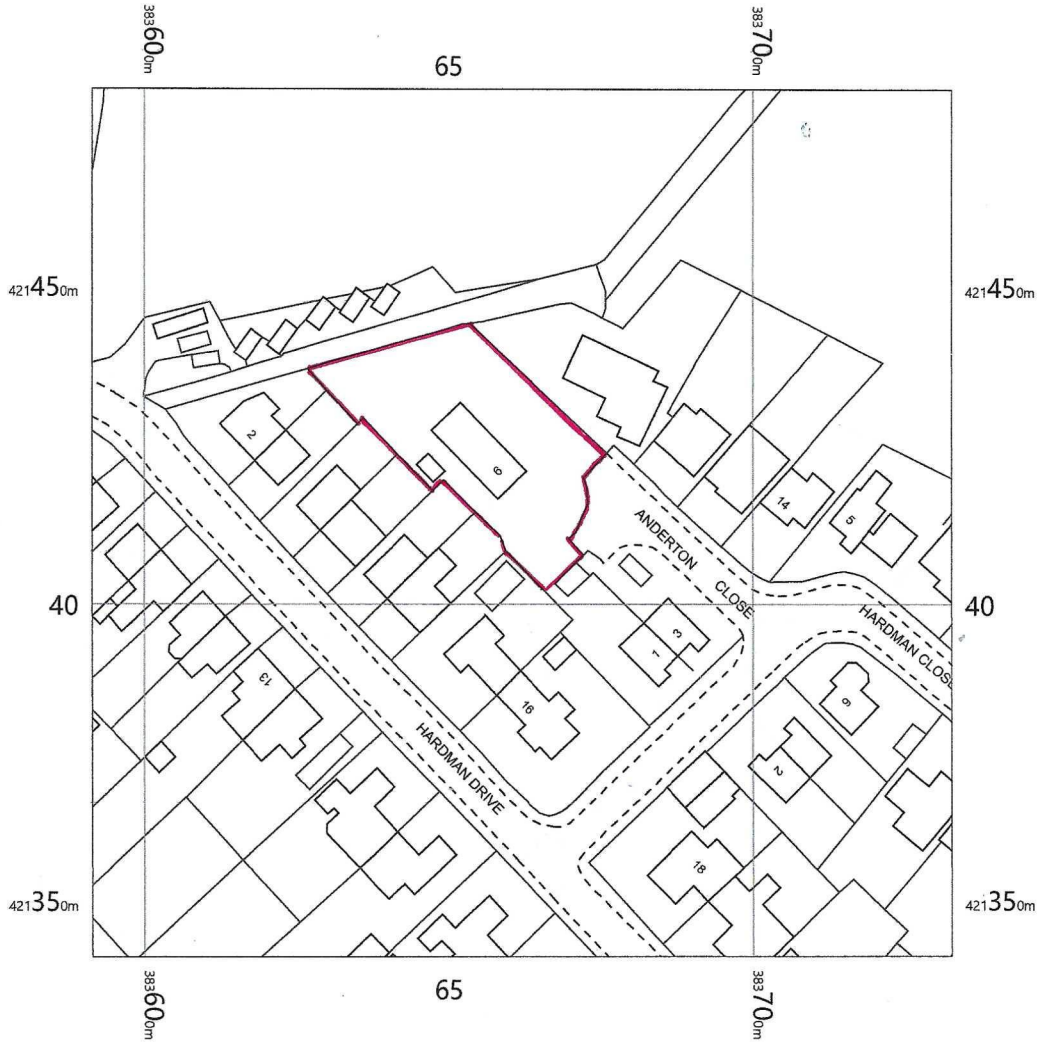
## **10. REASONS FOR REFUSAL**

- 1) The proposed annexe would detract from the character of the host dwelling (No.4 Anderton Close), from neighboring properties and from views afforded of it from the greenbelt and public rights of way by reason of its scale, design and massing. The building's appearance and design would fail to address the context and character of the site resulting in a visually incongruous addition that fails to add to the overall quality of the area. This is contrary to Policies HS9, ENV1 and ENV3 of the Rossendale Local Plan 2019-2036 as well as National Planning Policy Framework and the guidance as set out in the Council's Alterations and Extensions to Residential Properties SPD.
- 2) The proposals would be detrimental in terms of visual amenity due to the removal of a large section of lawn located in a visually prominent location to the front of the property that provides a positive contribution to the host property and the street scene and its replacement with hard standing to create an additional four off-street parking spaces and forecourt. This is contrary to Policies ENV1 & ENV3 of the Rossendale Local Plan 2019-2036 and the guidance as set out in the Council's Alterations and Extensions to Residential Properties SPD.
- 3) The proposals would be detrimental to the living conditions of the surrounding neighbours due to the loss of amenity caused by the increase in land levels to create off-street parking resulting in the illumination of habitable windows from vehicle headlights. This is contrary to Policy HS9 of the Rossendale Local Plan 2019-2036 and the guidance as set out in the Council's Alterations and Extensions to Residential Properties SPD.

## **11. INFORMATIVES**

The proposal would not comply with the development plan and would not improve the economic, social and environmental conditions of the area. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was therefore not possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

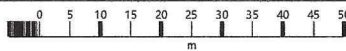
8 Anderton Close, BB4 7DW



LOCATION PLAN

1:1250

REF: SD.040421.A.



8 Anderton Close,  
Cowpe,  
Rossendale,  
Lancashire  
BB4 7DW

OS MasterMap 1250/2500/10000 scale  
Sunday, April 4, 2021, ID: MPMBW-00951660  
[www.blackwellmapping.co.uk](http://www.blackwellmapping.co.uk)

1:1250 scale print at A4, Centre: 383662 E, 421413 N

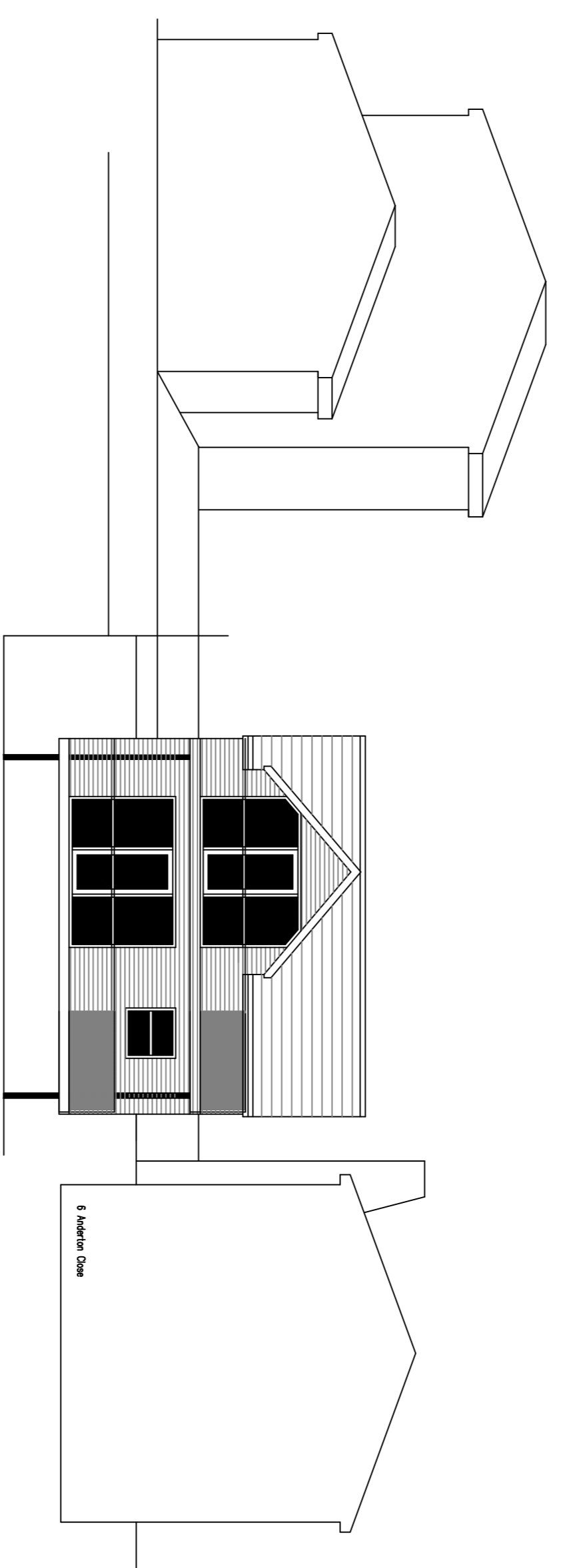
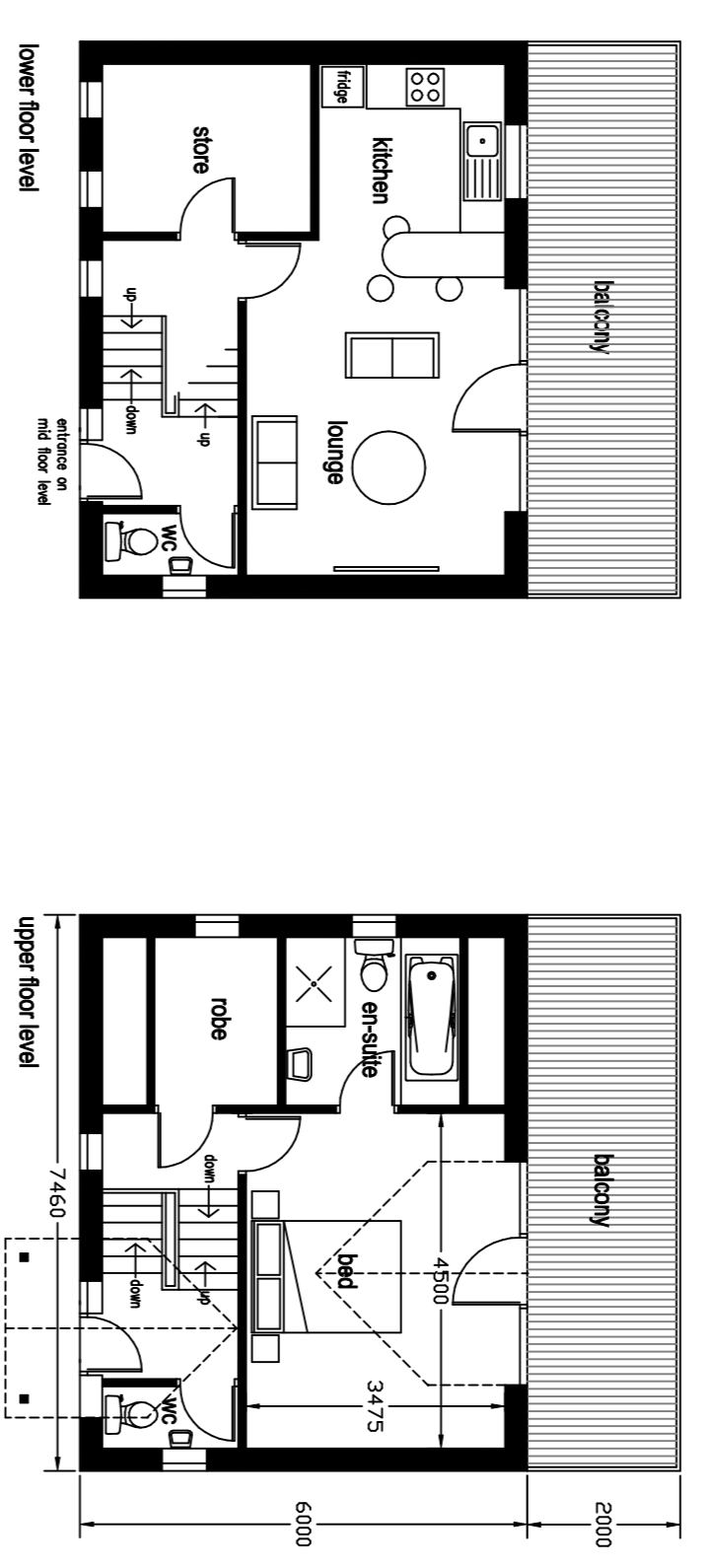
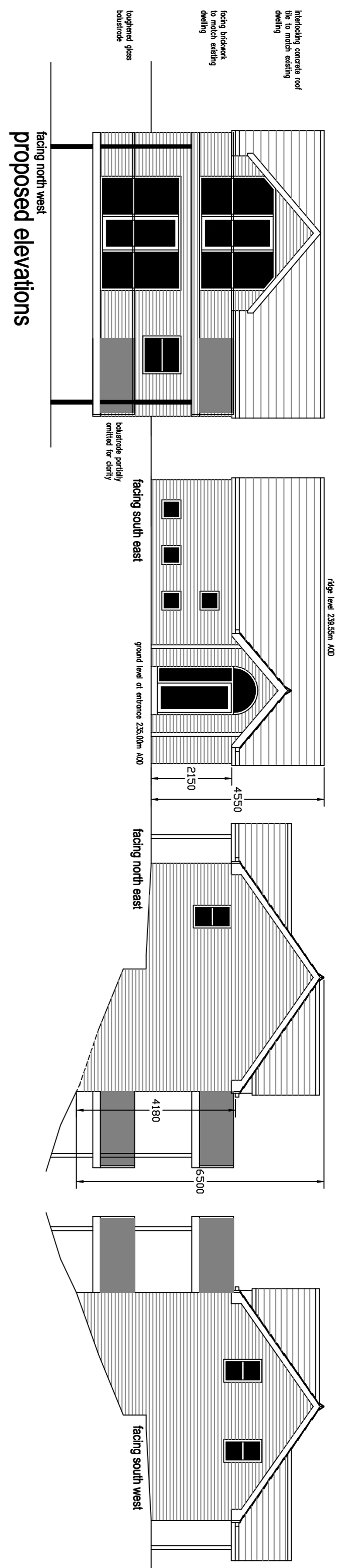
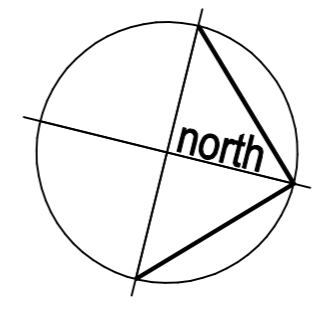
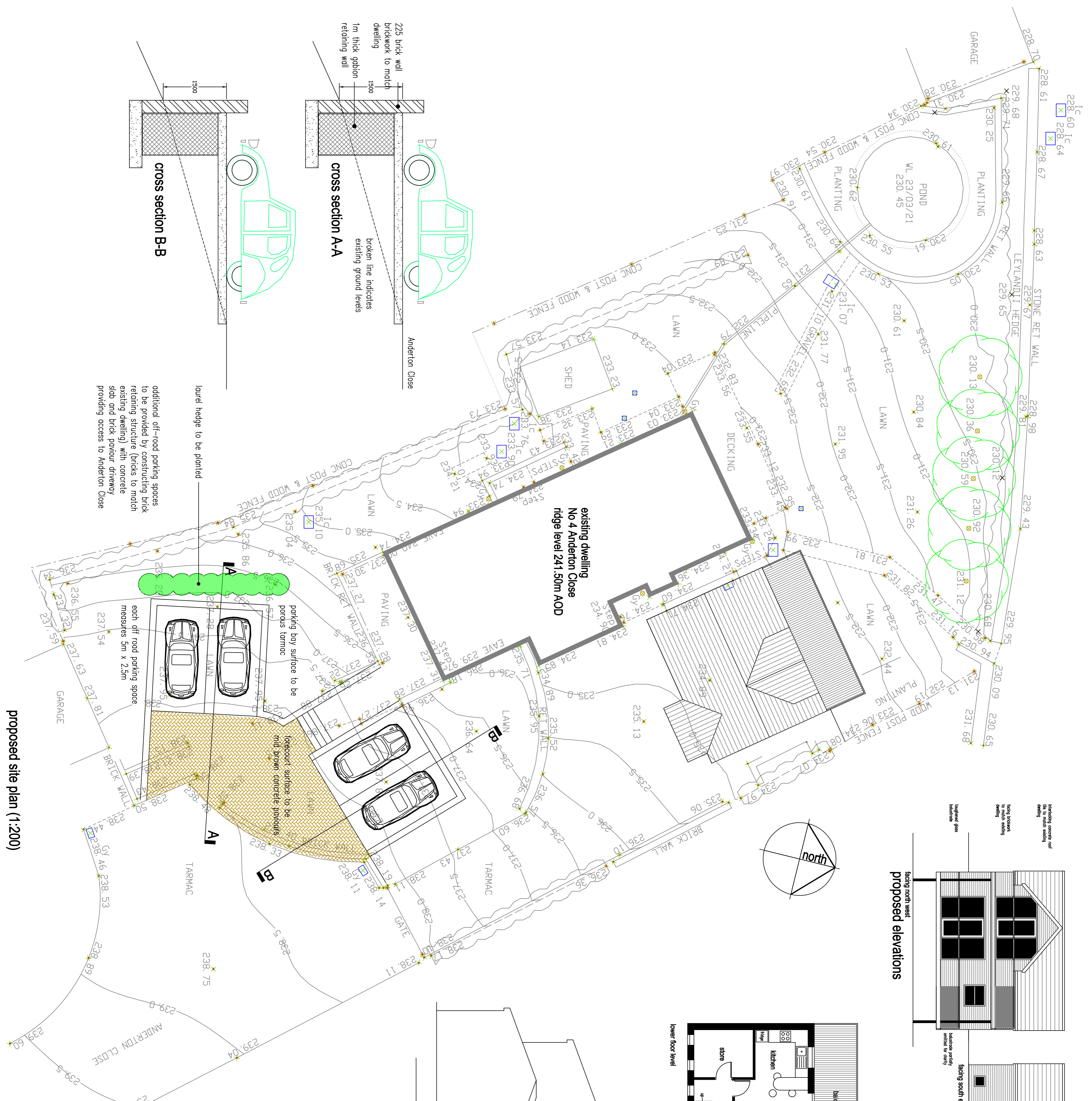
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proposed residential annex at  
**4 Anderton Close**  
**Cowpe**  
**Rossendale**

scale 1:200 @ A1  
0m 20m

drawing number SDA-02-04-21-AA