

Application Number:	2022/0280	Application Type:	
Proposal:	Demolition of annexe and construction of new dwelling	Location:	Chapel Hill Lodge Hurst Lane Rawtenstall Rossendale Lancashire BB4 8TB
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	October 2022
Applicant:	Mr & Mrs P & C Mulderrig	Determination Expiry Date:	01.08.22
Agent:	Mr Steven Hartley, Hartley Planning & Development Associates		

Contact Officer:	Caroline Callow	Telephone:	01706 252432
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	Cllr Samara Barnes Disabled persons access
3 or more objections received	No
Other (please state):	No

1. RECOMMENDATION

That Permission be refused for the reasons given in Section 10 of the Report.

2. The Site

The application site is located to the north of the town of Rawtenstall and within the open countryside as defined by the Rossendale Local Plan. The main host property forms that of a detached lodge that has been used as an annex to Chapel Hill Cottages which is located across the lane to the west of the site. The site is accessed via Hurst Lane and Chapel Hill Lane.

The lodge forms that of a single storey building that is set within its own grounds with off street parking for several vehicles to the front of the site and private amenity gardens to the east of the property.

Public footpath 14-4-FP-56 lies immediately west of the site along Chapel Hill Lane.

3. RELEVANT PLANNING HISTORY

2003/006 - Planning permission was granted on 11 March 2004 for the 'enlargement and conversion of a double garage to form single dwelling house'. The approval was subject to a condition regarding external materials and the removal of certain permitted development rights. In addition, a Section 106 Agreement, dated 3 March 2004 states that: -

'The occupation of the new dwellinghouse at any time when Chapel Hill Cottage is unoccupied shall be prohibited' and that 'occupation of the new dwellinghouse shall be prohibited unless at least one person residing therein is a member of the family of one of the persons then occupying Chapel Hill Cottage'.

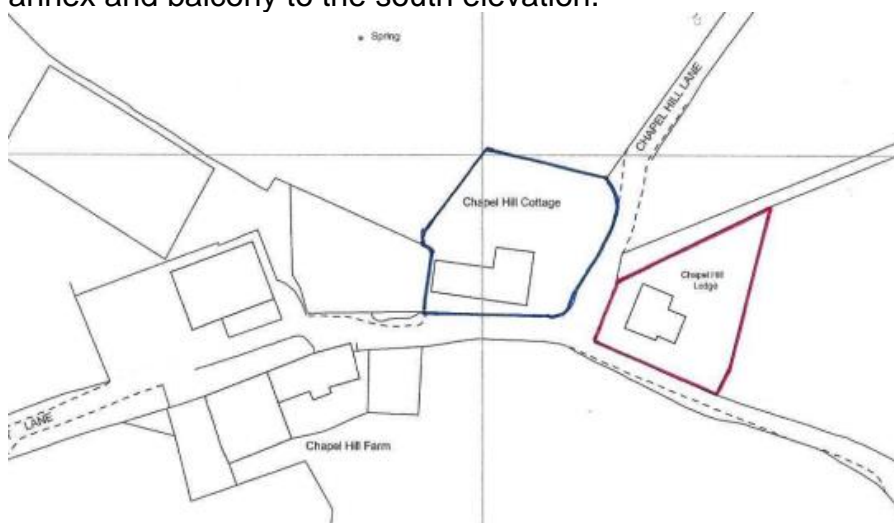
2021/0455 Change of use of extension to domestic annex to form a separate dwelling
Approved 01/10/21

4. PROPOSAL

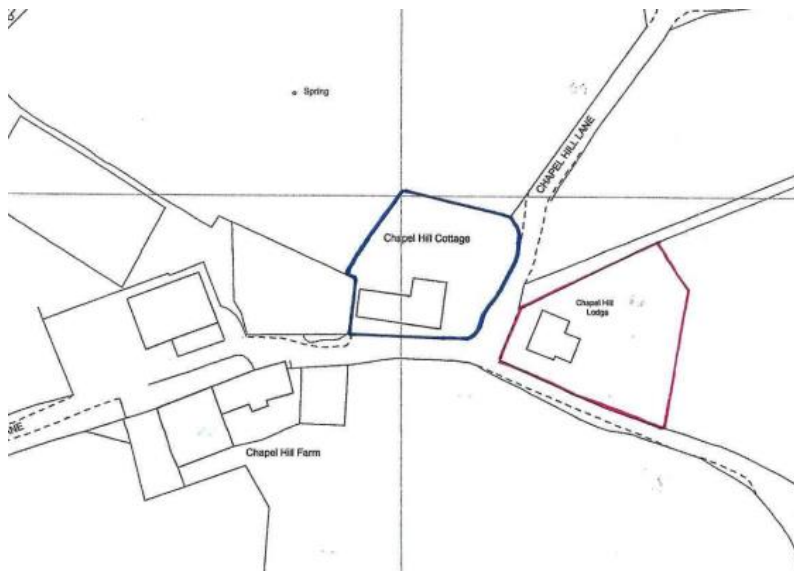
Application 2021/0455 sought planning permission for two elements:

- For the change of use of the lodge from an annex to that of a fully independent dwelling (effectively creating a new dwelling) and;

For the erection of a single storey extension to the eastern side of the existing annex that would measure approximately 7.8 metres in width & 9.8 metres in depth. Also, the erection of a new entrance porch and a 1 metre deep extension to the existing western side of the annex and balcony to the south elevation.



Previously approved site plan



Site plan 2022/0280

This application concerns a larger site area (and formation of a larger residential curtilage) and is to demolish the existing annexe and to erect a detached, single storey dwelling on the site with 3 bedrooms, a lounge, dining kitchen, utility room, bath room, wet room, toilet, bootroom and laundry and a balcony.

It would be constructed with a natural local stone finish, a blue slate roof and upvc windows.

The applicant has indicated that they now wish to construct a separate dwelling so the main house can be sold in order to fund the necessary work – members will note that this is not a material planning consideration. The applicants have indicated they have a disabled son and that the existing dwelling does not meet his needs and they would move into the building with him to provide care.

The dwelling would be located to the east of the current building and with 4 parking spaces accessed directly off Chapel Hill Lane.

5. POLICY CONTEXT

National

National Planning Policy Framework 2021

- Section 2 Achieving Sustainable Development
- Section 5 Delivering a Sufficient Supply of Homes
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 14 Meeting the Challenge of Climate Change, etc
- Section 15 Conserving and Enhancing the Natural Environment

Development Plan

Rossendale Local 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
- SD2 Urban Boundary and Green Belt
- HS1 – Meeting Rossendale’s Housing Requirements
- HS8 – Private Outdoor Amenity Space

HS10 – Replacement Dwellings
ENV1- High Quality Development in the Borough
ENV3- Landscape Character and Quality
ENV4- Biodiversity, Geodiversity and Ecological Networks
ENV6- Environmental Protection
ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality
ENV10: Trees and Hedgerows
TR4- Parking

Other Material Planning Policy Considerations

National Planning Practice Guidance
RBC Alterations and Extensions to Residential Properties SPD (2008)

6. CONSULTATION RESPONSES

Highways – No objections

Contamination- Possible contamination can be dealt with by way of an informative.

Greater Manchester Ecology Unit- See comments below.

Environmental Health- No objections subject to a condition regarding working hours in accordance with Construction Management Statement.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order, 4 neighbours were notified by letter on 20th July 2022 and a site notice was erected on the 26th July 2022.

No representations have been received.

8. ASSESSMENT

The main considerations in this case are as follows

Principle

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access/Parking
- 5) Ecology
- 6) Contamination

1) Principle

Strategic Policy SD2 contained within the Local Plan requires that Development in Rossendale should take place within the defined urban boundary unless it has to be located in the countryside and the development enhances the rural character of the area.

The proposed development lies outside the defined Urban area. Policy SD2 is in line with the NPPF which states that new isolated homes in the countryside should be avoided unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Any such proposal would also need to enhance the rural character of the area.

Section 15 of the NPPF–Conserving and Enhancing the natural environment Paragraph 174 states that “*planning policies and decisions should contribute to and enhance the natural and*

local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services”.

It is considered that the construction of a new dwelling on this site would be contrary to policies in the NPPF and Local Plan designed to protect the countryside. However, in this case the principle of a separate dwelling has already been accepted in the grant of Planning Permission 2021/0455. This was granted, on balance because of the very special circumstances of the applicant relating to the profound disabilities of the applicant’s son - Caspar.

The Officer report for that application contained the following information:

“Very Special Circumstances

The applicants have provided the Local Planning Authority with a copy of a confidential professional care assessment for their son, Caspar, who suffers from Down’s Syndrome. Caspar has grown into adulthood with a variety of profound disabilities which require continuous one-to-one or two-to-one and 24/7 care from his close family and various agencies.

The care report confirms that Caspar’s current accommodation is no longer suitable, in particular having regard to the serious risk of falls on the stairway adjacent to the first-floor bathroom, a location where he very frequently demonstrates physically challenging behavior. Caspar’s disabilities therefore require him to be cared for within single storey accommodation and due the configuration of the existing home, this could not be adapted to create the safe environment required.

However, in addition to the above, the care report highlights that there is a very important requirement for Caspar to live within surroundings that he is familiar with, in order to maintain a calm and positive environment for Caspar to flourish within.

It is this latter requirement for Caspar to be cared for within familiar surroundings that is considered to represent the very special circumstances. Caspar is familiar with the existing lodge and therefore, the transfer to this proposed purpose built accommodation would offer the most positive way forward for Caspar’s continuing care requirements within a family environment. Therefore, it is considered that in this instance, personal health issues are a material consideration, which are afforded significant weight in favour of the application.”

It is therefore necessary to compare the previously approved scheme with that now proposed, to consider the impact on the countryside and in particular consider the changes in residential curtilage and size of the dwelling.

Policy HS10 of the Local Plan advises that replacement dwellings in the countryside should not detract from the openness to a greater extent than the original dwelling and the proposed replacement dwelling should not be materially larger than the dwelling it replaces and does not involve enlarging the residential curtilage.

The residential curtilage of the application has increased by approximately 36% over the previous approval from 688 sqm to 940sqm with the frontage to Hurst Lane also increasing. It is considered that the scheme previously approved represented the maximum site area that could reasonably be approved within the countryside, taking into account the special needs of the applicant. It is considered that any further extension to the site area will result in further encroachment of development into the countryside and to a degree which would be

unacceptable. The proposal would therefore be contrary to Policy SD2 and HS10 of the Local Plan and Section 15 of the NPPF.

The original garage was built under planning approval 1991/0047. Application 2003/0006 sought to extend the double garage from 53 sqm to 82 sqm to form a 1 bedroomed annexe. Application 2021/0455 sought to convert it to a separate dwelling and to carry out an extension to increase the footprint to approximately 193 sqm. It was considered that whilst this was in excess of the 30 percent increase to volume of the original dwelling as recommended within the RBC Alterations and Extensions to Residential Properties SPD (2008) for dwellings within the countryside, the site is located close to other reasonably large existing properties and would therefore not appear to be out of keeping with the character of the area, in terms of design, scale and size of the plot and in order to meet the very special circumstances.

This application seeks to increase the footprint to approximately 231sqm. This would represent an increase of some 435% over the original double garage on the site and a 281% increase over the original annexe. This would be materially larger than the dwelling it replaces and it is considered that the increase in size of the dwelling will further impact on the openness of the countryside and will not contribute to and enhance the natural and local environment by recognizing the intrinsic character and beauty of the countryside as required by paragraph 174 of the NPPF.

The Alterations and Extensions to Residential Properties SPD advises that The Council will consider on its merits exemptions to other policies in the document in the case of disabled persons who may require particular adaptations in order to remain in their homes. In this case however the proposal is for a new dwelling which would be well in excess of the 30% usually considered appropriate for extensions in the countryside.

2. Visual Amenity

The submitted drawings indicate that the dwelling will be built with a natural local stone finish, a blue slate roof and pvcu windows. These materials would be considered appropriate in this location and will ensure a satisfactory appearance to the development.

The proposed coherent design is considered to be an improvement over the building resulting from extensions as previously approved.

The proposal includes 3 parking spaces, a small area of landscaping and a further parking space and a significant area of hardstanding for further parking behind the 3 parking spaces and fronting Chapel Hill Lane. It is considered that this level of hardstanding creates an urbanised appearance when viewed from Chapel Hill Lane and footpath 14-4-FP56. The proposal would not be in accordance with Policy ENV1 which requires all proposals to take account of the character and appearance of the local area, or the NPPF which requires protection and enhancement of the countryside.

3. Neighbour Amenity

Having regard to the proposed siting, orientation and design of the scheme, it is not considered that the proposed dwelling will have an unduly harmful impact on the privacy, outlook, daylight or other amenities enjoyed by residents of other nearby properties.

The development is considered acceptable in terms of neighbour amenity and compliant with Policy ENV1 in this regard.

Policy HS8 requires new housing developments to be served by adequate private outdoor amenity space. In this case ample outdoor space is proposed. The application is acceptable in this regard.

Based upon the above, the development is considered to be acceptable in terms of neighbour amenity.

4. Highways

LCC Highways have advised that they have no objections to the proposal subject to a condition regarding the surfacing and retention of the parking area. The proposal is therefore considered acceptable on the grounds of Highway safety.

5. Ecology

GMEU advised that a bat assessment was required prior to determination of the application. A bat survey has now been submitted and whilst the survey is late in the season, it is within the period in which GMEU will accept emergence surveys for low risk buildings, which is the level of risk assigned to this building. In addition, the risk is for low numbers of crevice roosting species as the building has no internal roof space. No evidence of bats roosting was found, but high levels of bat activity recorded. As the survey was late and because of the high levels of bat activity, reasonable avoidance measures have been recommended in section 9.0.2 of the Applicant's Report. There is a numbering error in the Report (there are two sections 9.0.2) but if Committee is minded to approve this application then a condition requiring all measures identified in section 9 of the Applicant's Report regarding to mitigation and enhancement would be necessary

GMEU have also advised that Nesting Birds such as house sparrow, starling and swift are known to nest under eaves of buildings. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. As part of the bat assessment information on nesting birds should also be provided. Dependent on the findings a condition may be required. The information was not provided as part of the bat assessment. This could however be dealt with by way of conditions should the application be approved.

Conserving and Enhancing the Natural Environment Section 15 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The proposed landscaping includes a new yew hedge as shown on the submitted drawing. It is noted however that an accompanying document refers to the boundary hedging to be a mix of laurel, yew and holly. This will enhance the habitats within the site.

6. Contamination

Environmental Protection have advised that the site is within 250m of a historic landfill site known as Meadow Head. A quarry also lies to the north. A Preliminary risk assessment was submitted by the applicant. This advises a contaminated land site investigation is not required although Basic Radon protection measures are needed. A watching brief for potential contamination is recommended especially in connection with the removal of the septic tank. Brief recommendations are also made in relation to materials removed or imported.

The Council's Environmental Protection advisor has recommended that if the application is approved a standard informative should be included regarding suspending work if contamination found on the site during construction and their duty to adhere to other regulations.

9. CONCLUSION

The proposed development would be detrimental to the openness of the countryside by way of increasing the size of the dwelling and the residential curtilage to an extent that would be contrary to Policies SD2, ENV1 and HS10 of the Local Plan and Section 15 of the NPPF. The special needs of the applicant were given considerable weight when the previous applications 2003/006 and 2021/0455 were approved and it is considered these approvals represent the maximum level of development that can be accepted in this location in the open countryside.

10. RECOMMENDATION

Permission is refused for the following reasons:

1. By reason of the size of the dwelling and the increased residential curtilage, the proposed development would fail to maintain the relationship between the urban area and countryside at the rural-urban interface and would have a detrimental impact on the character and appearance of the countryside. The development would not protect or enhance the countryside and would therefore be contrary to Section 15 of the NPPF and Policies SD2, ENV 1 and ENV3 of the Rossendale Local Plan.

Informative

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.