

Application Number:	2024/0165	Application Type:	Full
Proposal:	Proposed elevation changes and rear extension	Location:	93 - 95 Bacup Road, Rawtenstall, BB4 7NW
Report of:	Head of Planning and Building Control	Status:	For Publication
Report to:	Development Control Committee	Date:	25/06/2024
Applicant:	Mr Riast Khan	Determination Expiry Date:	01/07/2024
Agent:	Mr David Hancock (Cllr)		

Contact Officer:	Chris Beebe	Telephone:	01706 217777
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	No
Other (please state):	The agent Mr D Hancock is an Elected Member

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been considered 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 planning permission be approved subject to the conditions set out in Section 10 of this report.

2. THE SITE

The application site is a 3 storey end of terrace, stone built building.

The ground floor is used as a Tapas Restaurant. The first and second floors each contain a vacant residential flat with the restaurant lavatories also located on the first floor.

The building has no in-curtilage parking provision.

The terrace also contains another Restaurant while the character of the surrounding locale is mixed containing both residential and commercial properties. A Mosque is located to the rear of the property.

The surrounding properties are mixed in character with stone being the preeminent building material.

The site is located within the Urban Boundary.

The site is located within Flood Zone 2 (medium risk).

The site is located within the Rawtenstall Conservation Area and is described in the townscape Appraisals Map as "Modern 'Positive' Buildings, which fit into the townscape, or historic buildings which have been altered"

Ilex Mill located directly to the East of the application site is a Listed Building (Grade 2).

3. RELEVANT PLANNING HISTORY

2009/0041 - Erection of retractable awning (Retrospective) Refused March 2009

2009/0327 - Retrospective application for the erection of canopy/awning to front elevation Refused - Appeal allowed Sept 2009

4. PROPOSAL

Permission is sought to extend and restore the upper floor flats by means of two rendered, slate roofed infill extensions on each floor. The extensions are small and will have a combined floorspace of under 8 m².

The extension will infill two existing gaps and will not extend beyond the existing roofline / rear elevation.

A rooflight will be inserted in the rear roof slope.

The existing flues will be enclosed by the extensions and will now project slightly through the roof above the eaves.

A new door will be inserted in the front elevation to allow a separate access for the Restaurant and Flats to be created.

The changes to the existing front elevation will involve a door of similar design to the existing restaurant door being inserted into the existing frame adjacent to the unnamed street between Casa Tapas and the Ilex Mill.

The extensions in addition to alterations to internal layouts will create a second bedroom at each of the flats with the refurbishments allowing the flats which have been vacant for a number of years to be re occupied.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2 Achieving sustainable development
Section 4 Decision-making
Section 6 Building a strong, competitive economy
Section 12 Achieving well-designed places
Section 16 Conserving and Enhancing The Historic Environment

Development Plan

Local Plan 2019-2036

SS Spatial Strategy
ENV1 High Quality Development in the Borough
ENV 2 Historic Environment
ENV9 Surface Water Run Off, Flood Risk, sustainable drainage and Water Quality
HS1 Meeting Rossendale's Housing Requirement
TR4 Parking

Conservation Area Appraisal

Rawtenstall Town Centre Conservation Area Appraisal

Supplementary Planning Documents

Alterations and Extensions to Residential Properties

Other Material Planning Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Growth Lancashire Conservation

No Objection subject to condition.

LCC Highways

Comments not received – if any comments are received this will be reported in an update report.

Environmental Health

No Objection

7. **REPRESENTATIONS**

To accord with the General Development Procedure Order letters were sent to neighbours, a press notice published and a site notice posted.

The overall date for expiry was 21/6/2024

One objection has been submitted (twice) citing the following grounds

- Access
- Increased Traffic
- Loss Amenity
- Disturbance
- Loss Privacy
- Loss of Light
- Loss of Parking
- Tenure of flats not confirmed

8. **ASSESSMENT**

Design

The proposal is of an acceptable scale and design.

The extensions are subservient to the original building in terms of scale while the design compliments the appearance of the house in terms of height, fenestration and roof detail.

The roofing materials to be used will match existing finishes while the use of render is considered acceptable as render is found on the elevations of neighbouring properties (behind) to the application site.

Effect on the street scene and the character of the area / Heritage Impacts

The design of the extension compliments the existing building and is of an appropriate scale.

The proposed roofing materials match the existing building. The rear extension will be rendered and render is found on adjacent buildings. Furthermore, this elevation is secluded being located down the back alley affording very limited views of the proposed extension.

The construction of the extension will allow flues associated with the extraction plant to be housed internally where as it is currently located externally. This will bring about visual gains.

The extension does not cause harm to the visual amenities and will harmonise with the original dwelling.

The insertion of an additional door in the existing modern shopfront will have negligible visual impact with the proposed door conforming to the existing character of the shopfront.

The proposed rooflight will be located at the rear of the property and given the location of the rear elevation along a narrow alley will be largely hidden from view.

Growth Lancashire do not object and comment as follows

“I consider that works to be minor in nature and of no consequence to the character or appearance of the conservation area or the setting to the adjacent listed building.”

Given the minor nature of the proposals and the location of the extension in a secluded area at the rear of the property it is considered that the proposals will cause no harm to either the visual amenities, the adjacent Listed Building or the character of this part of the Rawtenstall Conservation Area.

Residential Amenity

Given the location, size and height of the proposal in relation to neighbouring properties, it is considered that day light at neighbouring houses would not be significantly restricted to the detriment of residential amenity. Nor can the extension be considered to be an over dominant form of development.

The rear extension is small in size and infills an existing gap. The rear wall of the extension will not project beyond the existing rear elevation and will match the existing roof line.

Two windows on the rear elevation will be brought slightly closer to the Mosque at the rear than the existing windows. Due to the character of the area and the existing layouts neither the proposed or existing windows conform with separation distances within the SPD and it is not considered that the proposals will significantly worsen the current position.

The windows at the rear of the Mosque are obstructed by security grilles which further mitigate any impacts in terms of loss of privacy.

The high level of the roof light negates concerns regarding over and inter looking from this window.

The design of the extension will render it acceptable regarding impact upon the amenity of neighbours

It is considered the proposal causes no significant harm to the amenities of neighbouring occupiers.

The additions and refurbishments to the existing flats will improve levels of amenity for future occupiers when compared to the current position.

Parking Provision / Highways

The flats currently do not benefit from in-curtilage car parking spaces - a position that will not change.

The proposed development is small in scale and will only add 4m² in floor space to each flat. Two additional bedrooms will be created (one at each flat) although much of this is achieved by internal reconfigurations.

The parking provision is not compliant with the Local Plan either in the flats current or proposed form.

However, the site is located within a very sustainable location close to public transport links and the main bus station, and some additional on street parking is available in the immediate locale.

In any case, it is not considered such a small extension will lead to significant numbers of additional vehicular trips or to significantly increase demand for on street car parking.

The proposal is acceptable with regard to parking and highway safety.

Private Amenity Space

The flats currently have no private amenity space - a position that will not change

Flood Risk

The property is located in Flood Zone 2 (medium risk). A FRA has been submitted which details construction methods that will minimise risk / damage from flooding and means of escape should flooding occur.

Given this and the measures detailed above, the extension which merely enlarges existing flats. is considered acceptable with regard to flood risk.

9. CONCLUSION

The proposed development is acceptable in terms of principle, heritage, visual amenity, neighbour amenity, flood risk and highway safety and therefore is acceptable and in accordance with the Rossendale Local Plan in and the NPPF.

10. RECOMMENDATION

Approve with Conditions

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 planning application form and the following drawings and documentation unless otherwise required by the conditions below:

ORDNANCE SURVEY LOCATION PLAN

EXISTING LAYOUTS 16010/1

EXISTING ELEVATION 16010/2

PROPOSED GROUND FLOOR PLAN 16010/3

PROPOSED FIRST AND SECOND FLOOR LAYOUTS 16010/4

PROPOSED ELEVATIONS 16010/5

FLOOD RISK ASSESSMENT

Reason: To define the permission and in the interests of the proper development of the site.

3) The following external materials shall be used

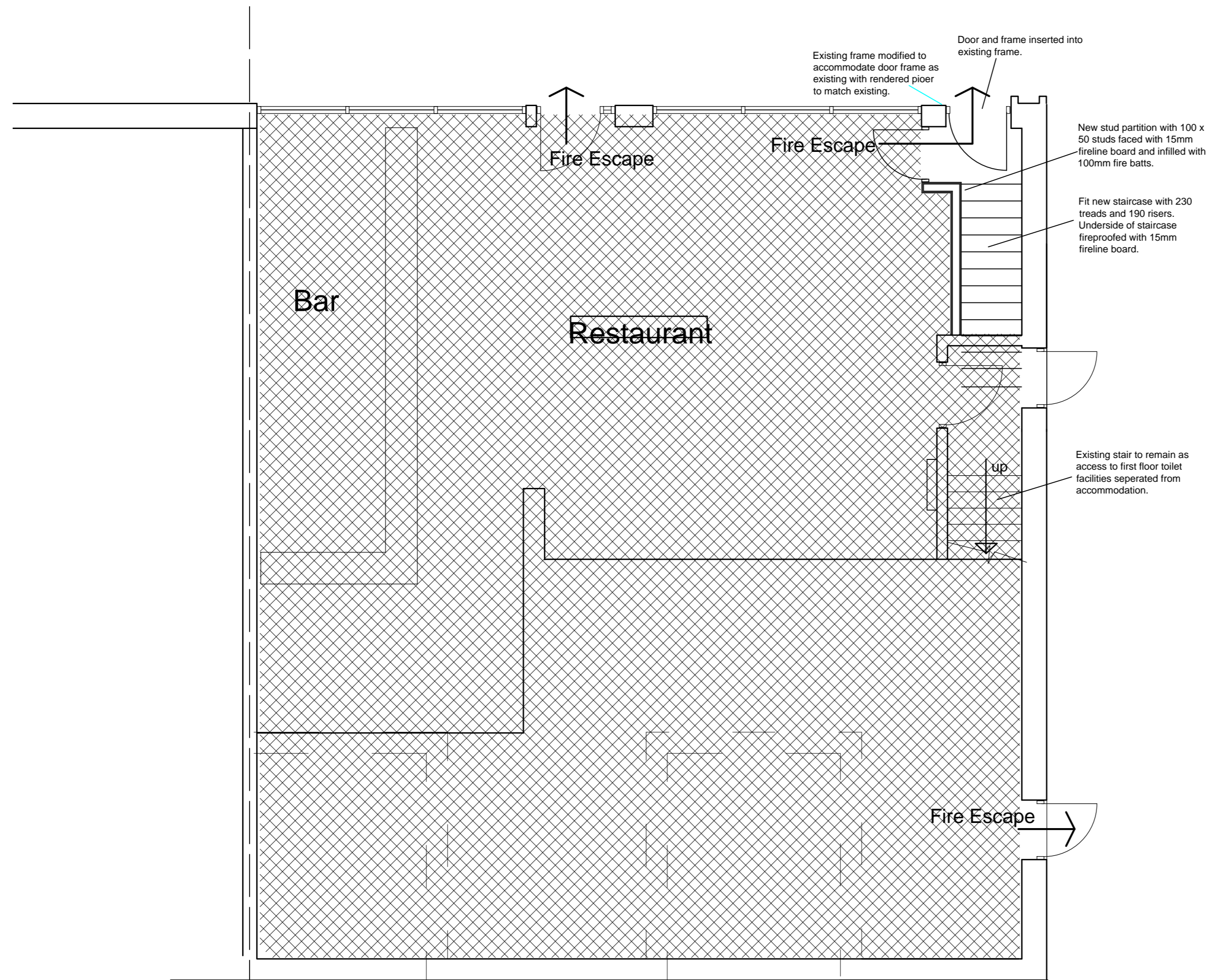
- Render to be used on the elevations
- Natural slate to be used on the roof of the extension
- Wooden door to match existing

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

INFORMATIVES

- 1) The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
- 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>



Proposed Ground Floor Plan

Ilex Mill

Drawing
Proposed Ground Floor Layout

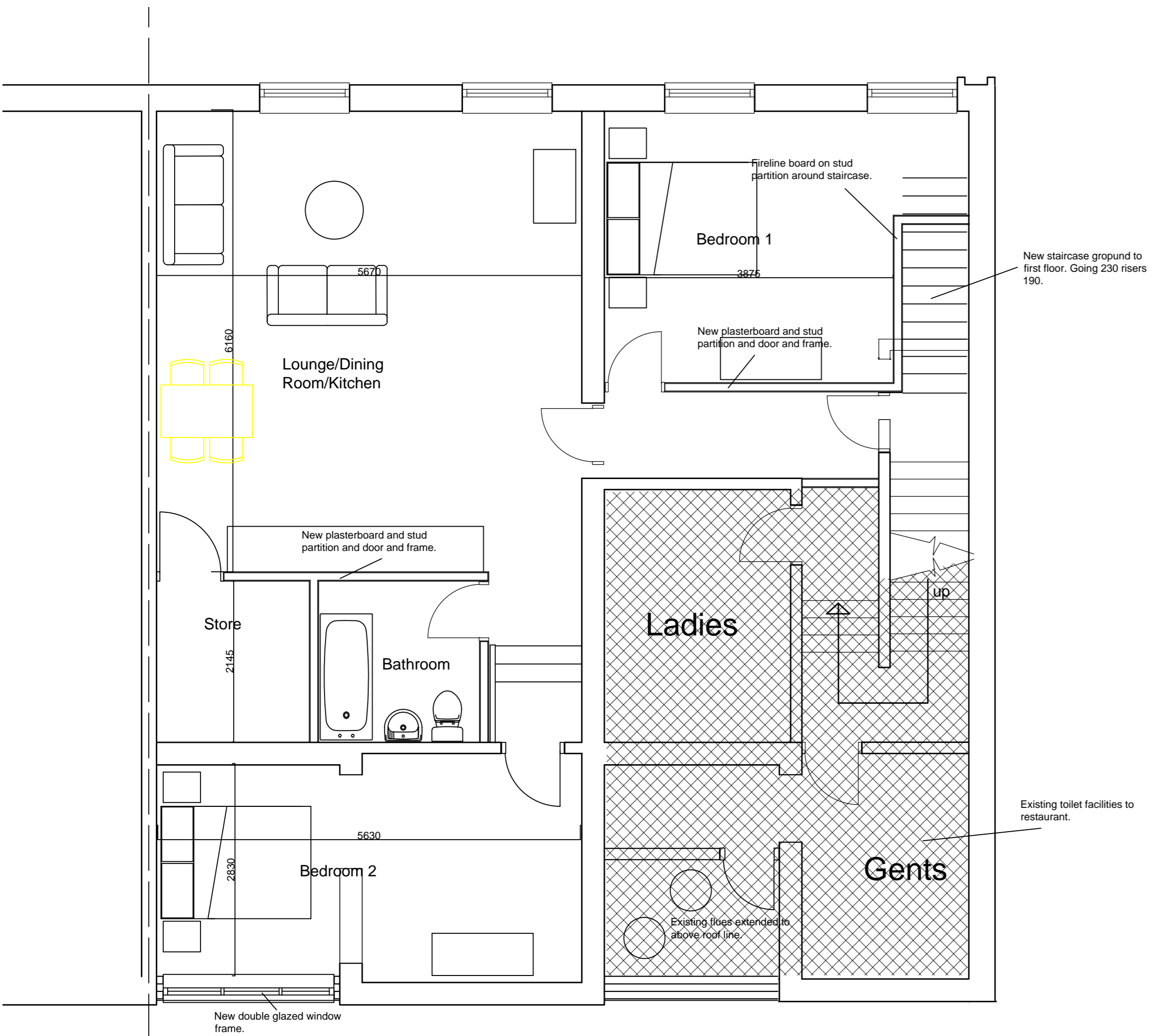
Address
93-95, Bacup Road,
Rawtenstall

Client

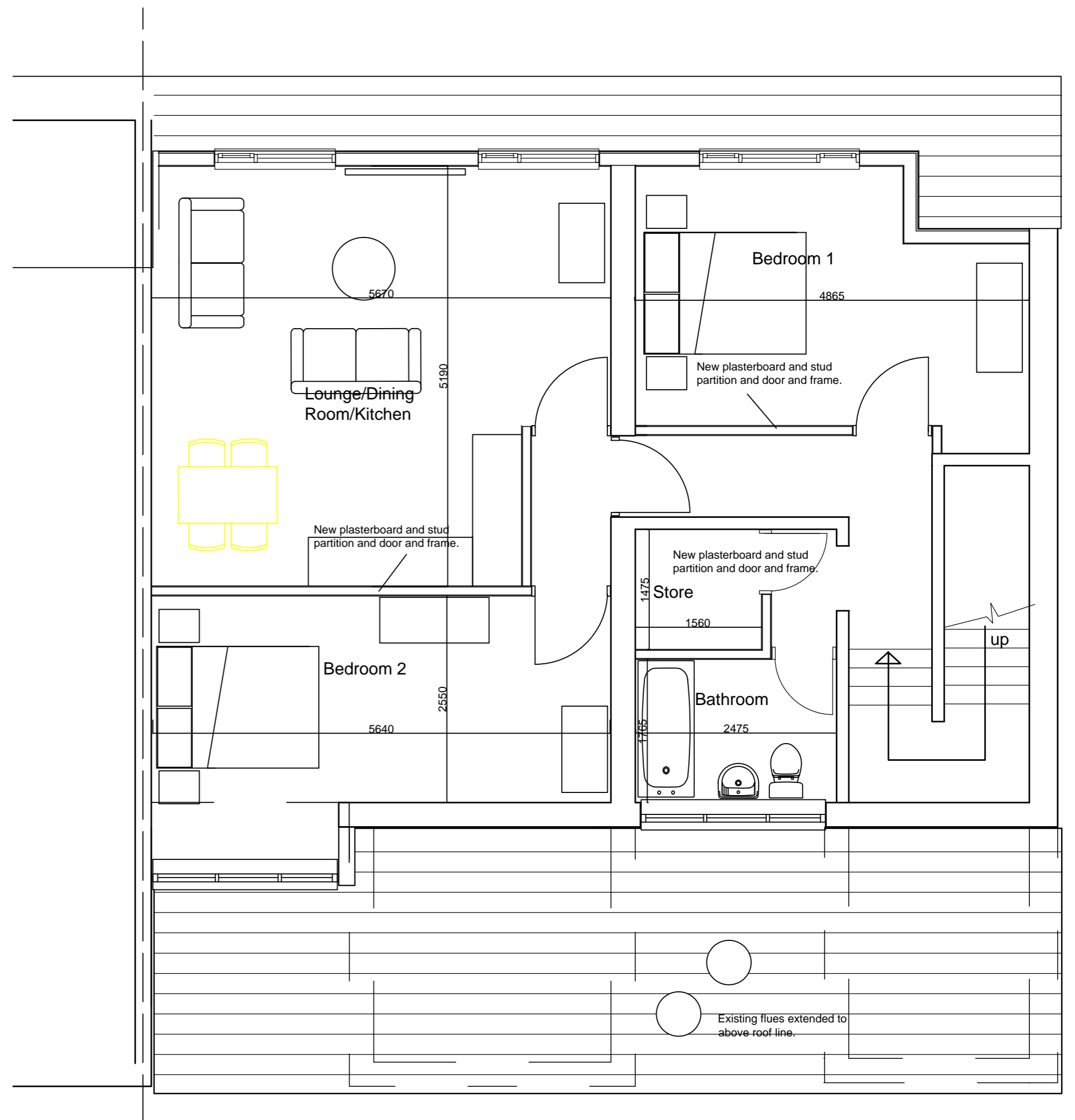
Dwg No
16010/3

Scale
1:50

DJ Hancock Design
22 Croft Street
Bacup
Lancashire
Tel 01706 563502
Mob 07599 008 791



Proposed First Floor Plan



Proposed Second Floor Plan

Drawing
Proposed First and Second Floor
Layouts

Address
93-95, Bacup Road,
Rawtenstall

Client

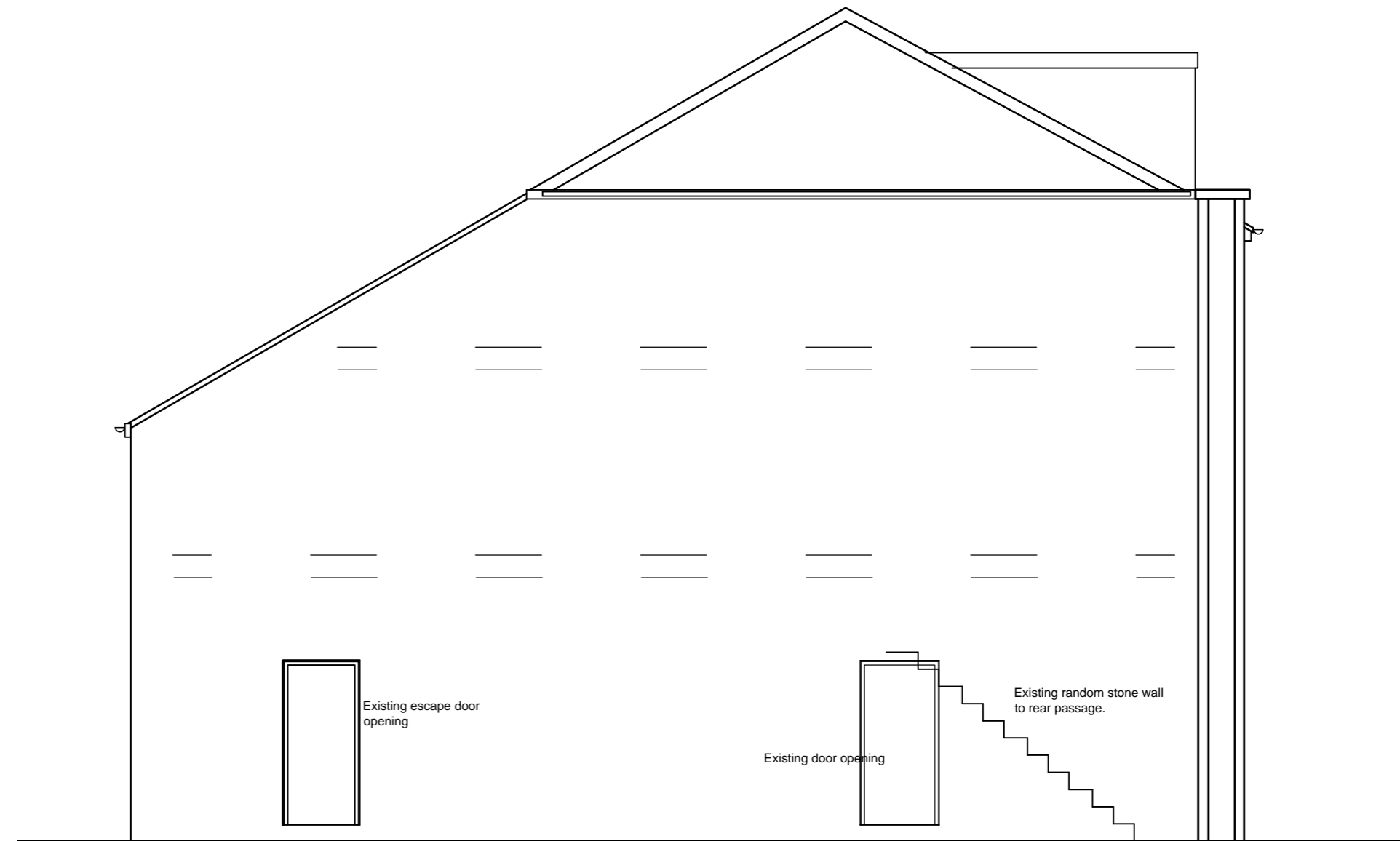
Dwg No
16010/4

Scale
1:50

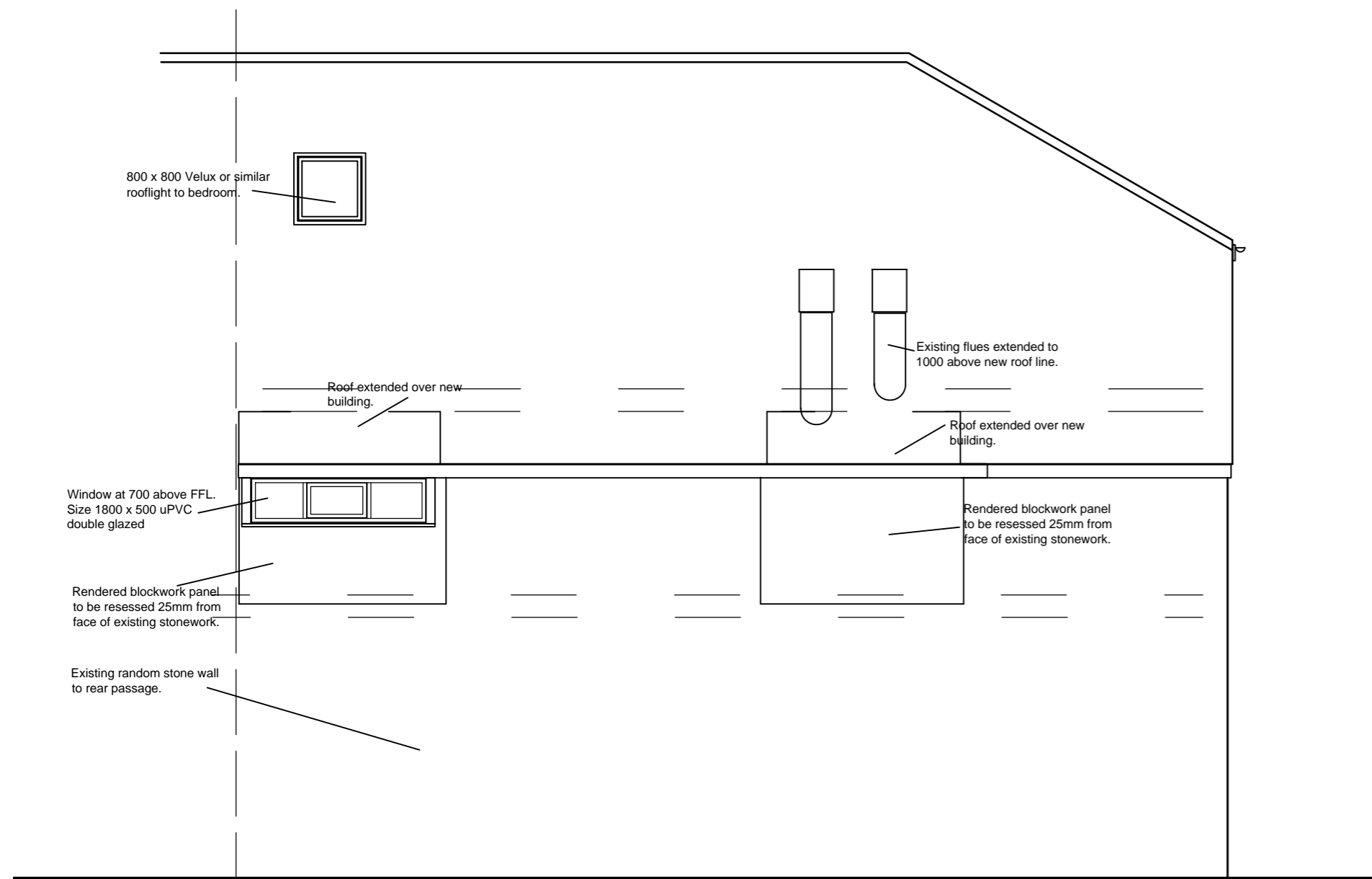
DJ Hancock Design
22 Croft Street
Bacup
Lancashire
Tel 01706 563502
Mob 07599 008 791



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation

Drawing
Proposed Elevations

Address
93-95, Bacup Road,
Rawtenstall

Client

Dwg No
16010/5

Scale
1.50

DJ Hancock Design
22 Croft Street
Bacup
Lancashire
Tel 01706 563502
Mob 07599 008 791





