

<b>Application Number:</b>	<b>2024/0277</b>	<b>Application Type:</b>	Full Application
<b>Proposal:</b>	Work to replace window opening with door opening in the front elevation to provide access to existing first floor apartment (retrospective).	<b>Location:</b>	318 Newchurch Road Stacksteads Bacup.
<b>Report of:</b>	Head of Planning and Building Control	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	08/10/2024
<b>Applicant:</b>	Mr Abdul Kahur	<b>Determination Expiry Date:</b>	20/09/2024 Ext of Time to 11/10/2024
<b>Agent:</b>	Mr. D Hancock		

<b>Contact Officer:</b>	<b>Ian Lunn</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>Yes. Agent is a Ward Councillor.</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<b>No</b>
<b>3 or more objections received</b>	<b>No</b>
<b>Other (please state):</b>	<b>No</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**

That Members delegate the decision on this application to the Head of Planning to grant planning permission following the expiration of the publicity period subject:

- a) to the conditions listed below, and
- b) to no substantial additional representations being received in respect of the scheme.

## 2. **SITE**

318 Newchurch Road is a two-storey end-terraced property constructed of a combination of regular coursed natural stone and white painted stonework, for the external walls, under a slate pitched roof. It is located due south west of the junction of Newchurch Road and Blackwood Road in an area of mixed residential and commercial development that lies within the Urban Boundary. The building is currently vacant but was apparently last used as a sandwich shop ('Snack Attack') at ground floor level with a flat over.

## 3. **RELEVANT PLANNING HISTORY**

None relevant

## 4. **PROPOSAL**

A ground floor window in the front (northern facing) elevation of the property has recently been replaced with a door opening and a white upvc door. These works have been carried out in order to allow external access to the first floor flat. The works require formal planning permission but do not currently benefit from such approval.

This application was originally submitted with a view to obtaining retrospective consent for all of these works. However, the agent has since amended the scheme to one which proposes the installation of a six-panel timber door instead. This is to be designed to match the one next door which formerly served the sandwich shop; is to be set in reveal to the same depth; and is to be enclosed by a new stone surround. Should planning permission be granted for this proposal the intention would be to replace the existing upvc door with this one.

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework**

Section 12 Achieving Well Designed and Beautiful Places

Section 15 Conserving and Enhancing the Natural Environment

Section 16 Conserving and Enhancing the Historic Environment

## **Development Plan Policies**

Rossendale Local Plan 2019 to 2036

Policy SD1 Presumption in Favour of Sustainable Development

Policy SD2 Urban Boundary and Green Belt

Policy ENV1 High Quality Development in the Borough

Policy ENV2 Historic Environment

## **Other Material Planning Considerations**

National Design Guide

National Planning Practice Guidance

## **6. CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Summary of Comments received</b>
Growth Lancashire (Conservation)	No objections to the replacement of the former window opening with a door opening. Object to the design of the white upvc door that is currently 'in situ' on visual amenity grounds but raise no objections to this being replaced with a door of the design now proposed.

## **7. REPRESENTATIONS**

The application was originally advertised by sending letters to the occupiers of the surrounding properties, by posting a site notice outside of the site and by inserting an advertisement in a local newspaper. These were sent/posted/inserted on 30th July, 1st and 9<sup>th</sup> August 2024 respectively. Two objections from local residents, and one from the Rossendale Civic Trust, were subsequently received, the objections being:-

- a) that the works would be out of keeping with the character of the host building and surrounding area,
- b) that vehicles are being parked in dangerous positions outside of the property and these are inhibiting the visibility of vehicles seeking to enter Newchurch Road via the Blackwood Road/Newchurch Road junction,
- c) that the loss of the window has harmed the character and appearance of the host building leading to the loss of its symmetrical window pattern. This in turn has harmed its relationship with the neighbouring listed buildings,
- d) that the white upvc door detracts from the appearance and historic importance of both the host building and the adjoining buildings both in terms of its proportions and its materials of construction,

- e) that the development had led to the loss of light to the room behind the door, a room that is integral to the ground floor layout of this former Inn.

The application has recently been amended in the manner described in the 'Proposal' section above. Consequently, it has been further advertised for a period of 14 days by sending additional letters to the Rossendale Civic Trust and surrounding residents (including those who previously made representations on the scheme) by posting another site notice and by inserting another newspaper advertisement. The revised publicity period expires on 18<sup>th</sup> October 2024. No further comments had been received at the time of writing this report.

The agent has submitted a Heritage Statement in support of their application because this building adjoins grade II Listed buildings (320 and 322 Newchurch Road). They contend that the revised works, as set out in the 'Proposal' section above, will retain the character of the host building and the setting of the adjoining buildings. They also suggest that the development will have the benefit of providing a separate external access to the flat allowing it to be continuously occupied even if the ground floor business is subsequently let separately. This would ensure the retention of an existing housing unit in the Borough.

## 8. **ASSESSMENT**

Impact of the proposed works on the character of the host building, the setting of the adjoining listed buildings and the surrounding area.

Paragraph 203 of the National Planning Policy Framework requires that when determining applications affecting heritage assets local planning authorities should take account of:-

- a) the desirability of sustaining and enhancing the significance of those assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that the conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 205 adds that when considering the impact of a proposed development on a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset the greater that weight should be).

The above is essentially echoed in Policy ENV2 of the Council's adopted Local Plan.

In this case the issues for consideration are:-

- a) the impact that replacing the former window with a door opening has had upon the character of the host unlisted building, the setting of the adjoining grade II listed properties and the surrounding area, and

- b) the impact that retaining the existing/introducing the new door has had/would have upon the character, appearance and setting of all of these.

With regard to (a) it is not felt that the loss of the window to a door opening has significantly harmed any of these and this element of the scheme is therefore considered to be acceptable in visual terms. In coming to this view significant weight has been given to the views of the Council's Consultant Conservation Officer who has stated that *'whilst I feel the introduction of a second door opening on the principal elevation, adjacent to the original door opening, has had some impact on the appearance of the building, I do not find the treatment to be discordant. Whilst it is difficult to visually separate No.318 from the adjoining pair of listed properties, I note they are of different builds and all three properties have different elevational treatments. Indeed, I am mindful that in this instance the principal feature of interest of No's 320 and 322 is the rear elevation. As this is a setting issue only, I do not find the introduction of a door (to replace a former window) to be harmful to the significance of the listed cottages and raise no substantive objections to this alteration.'*

With regard to (b) it is considered that the existing white upvc door is currently causing harm to the character and appearance of the host and adjoining buildings and the surrounding area. This is supported by the Conservation Officer who considers it to be *'at odds with the character of the group of historic buildings'*. The retention of this door, were this still to be the intention, would not therefore be acceptable.

However, the scheme has since been amended in the manner described in the 'Proposal' section above and now proposes the installation of a new six panel timber door set in stone reveals. This is considered to be acceptable visually, a view supported by the Conservation Officer who is of the opinion that it will not *'cause any undue impact on the contribution made by the building to the significance of the two adjoining listed properties'* or upon *'the setting to the Listed Church'* opposite.

In view of the above, subject to the imposition of appropriate conditions, it is considered that the retention of the existing door opening and installation of the new door will be acceptable in heritage and general visual terms. On this basis it is considered that the development will reasonably meet the requirements of Sections 12, 15 and 16 of the National Planning Policy Framework and Policies ENV1 and ENV2 of the adopted Local Plan in this regard.

#### Other Issues

The concerns raised by the objectors to the application, as set out in the 'Representations' section above, have been assessed. Those outlined in (a) and (c) are not considered to represent justifiable reasons for refusing the scheme in this instance for reasons given earlier in the report. The concern outlined in (d) is accepted but this door is to be replaced. In response to the other concerns:-

- a) it is not envisaged that replacing a window with a door will have had any effect upon the existing 'on-street' parking situation outside of the premises,

- b) a development can reasonably be refused on the grounds that it would adversely affect light to a neighbouring property but not normally because it would adversely affect light to itself. The concerns about the proposed internal alterations have been noted but the Local Planning Authority has no control over internal alterations to unlisted buildings such as this.

**Conclusion**

It is considered that subject to the imposition of appropriate conditions the retention of the existing door opening and the installation of the new door will be acceptable in heritage and general visual amenity terms. The development is therefore considered to be in accordance with the requirements of Sections 12, 15 and 16 of the National Planning Policy Framework and Policies ENV1 and ENV2 of the Council’s adopted Rossendale Local Plan 2019 to 2036.

Members should be aware that the publicity period for advertising this application expires on 18<sup>th</sup> October 2024, after the date of this meeting. A formal decision on the scheme cannot therefore be made at the meeting today. It is therefore recommended that the decision on the application is delegated to the Head of Planning to subsequently approve subject to the conditions listed below provided that no substantial additional representations are received in respect of the scheme before the publicity period expires.

**9. RECOMMENDATION**

That Members delegate the decision on this application to the Head of Planning to grant planning permission following the expiration of the publicity period subject:-

- a) to the conditions listed below, and
- b) to no substantial additional representations being received in respect of the scheme.

**Conditions**

1. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing</u>	<u>Drawing No.</u>	<u>Date Received</u>
Location Plan	#00910156-BC4E4C	26/07/24
Existing Floor Plans and Elevation	16023.1	26/07/24
Proposed Ground Floor Plan and Elevation	16023.2a	23/08/24

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development, in accordance with the requirements of Policies SD1, SD2, ENV1 and ENV2

of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 15 and 16 of the National Planning Policy Framework.

2. The new door surround shall be constructed of natural stone. The stone used shall match in type, colour and texture that used in the construction of the surround to the adjoining entrance door serving 318 Newchurch Road.

Reason: In the interests of visual amenity and safeguarding the setting of the adjoining listed buildings, in accordance with the requirements of Policies SD1, SD2, ENV1 and ENV2 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 15 and 16 of the National Planning Policy Framework.

3. The works hereby approved shall be completed within six months of the date of this approval and shall thereafter be satisfactorily retained at all times.

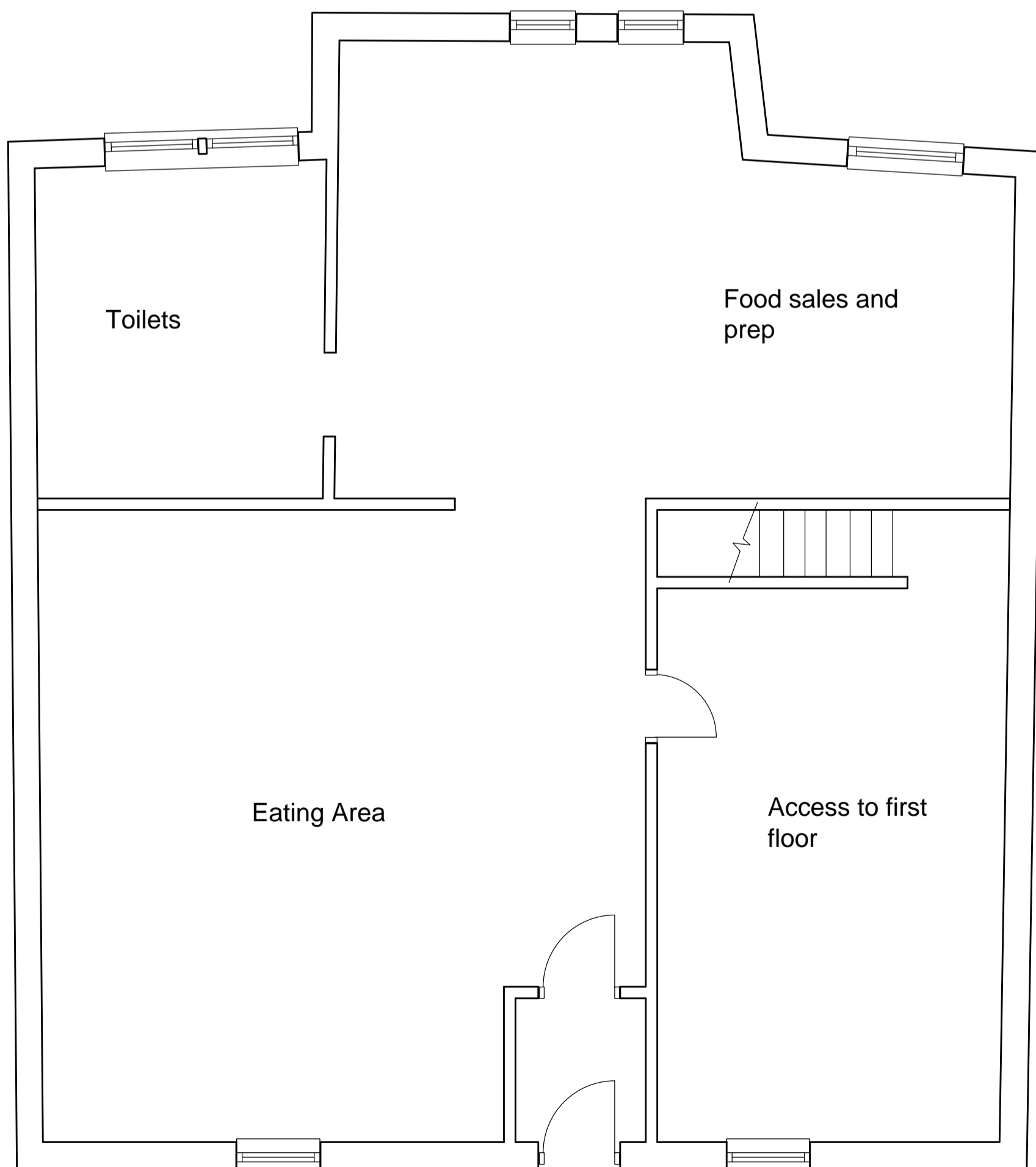
Reason: In the interests of visual amenity and safeguarding the setting of the adjoining listed buildings, in accordance with the requirements of Policies SD1, SD2, ENV1 and ENV2 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12, 15 and 16 of the National Planning Policy Framework.

## 10. **INFORMATIVE**

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 has worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement as set out in Paragraph 38 of the National Planning Policy Framework.



Existing Front Elevation



Existing Ground Floor

Drawing  
 Existing Front Elevation and  
 Ground Floor  
 Address  
 318 Newchurch Road  
 Stacksteads  
 Client

Dwg No 16023.1 Scale 1.50

**DJ Hancock Design**  
**22 Coft Street**  
**Bacup**  
 Tel 01706 563502  
 Mob 07599 008 791



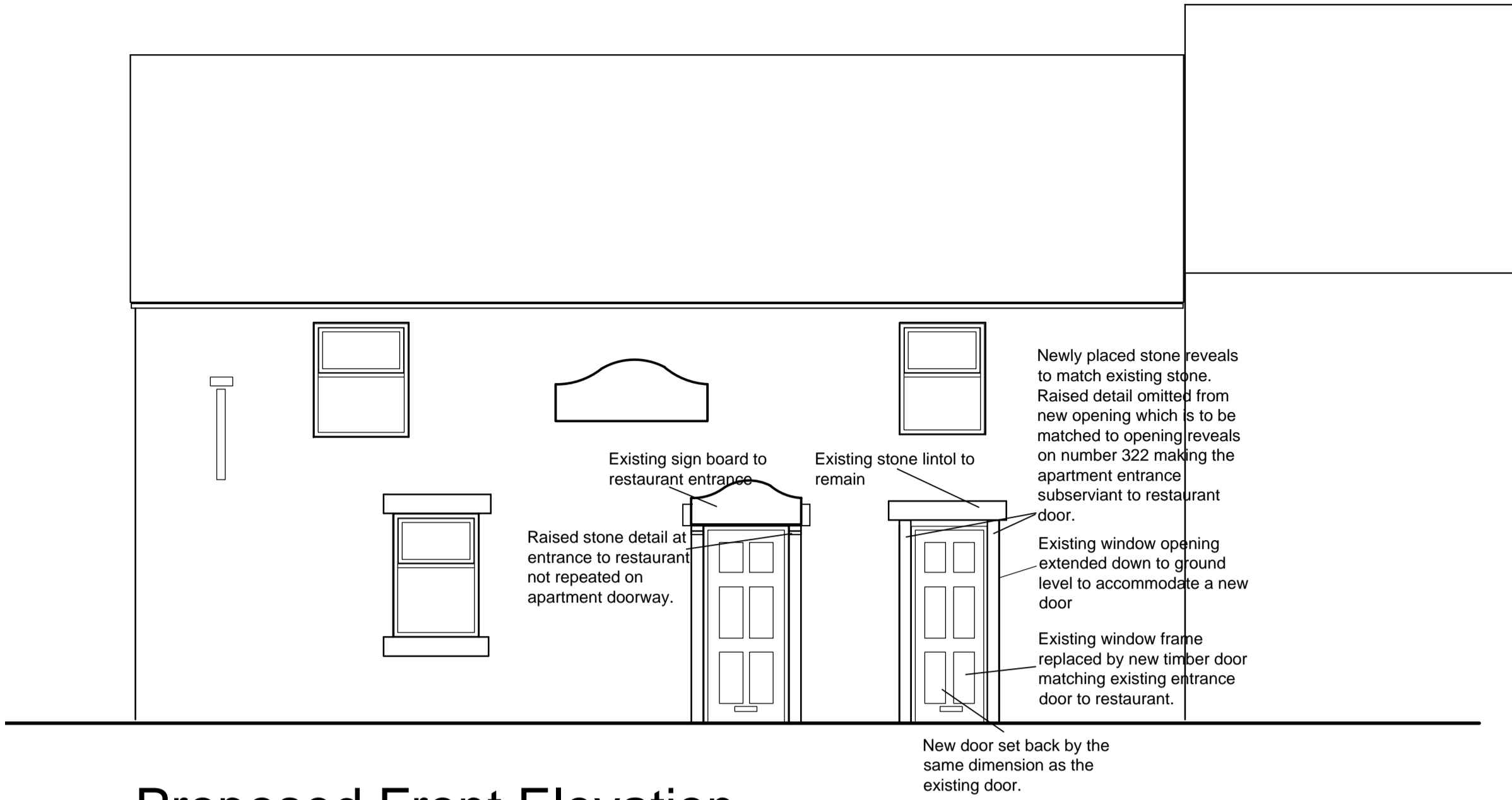
318, Newchurch Road, Stacksteads, Bacup, Lancashire, OL13 0LD



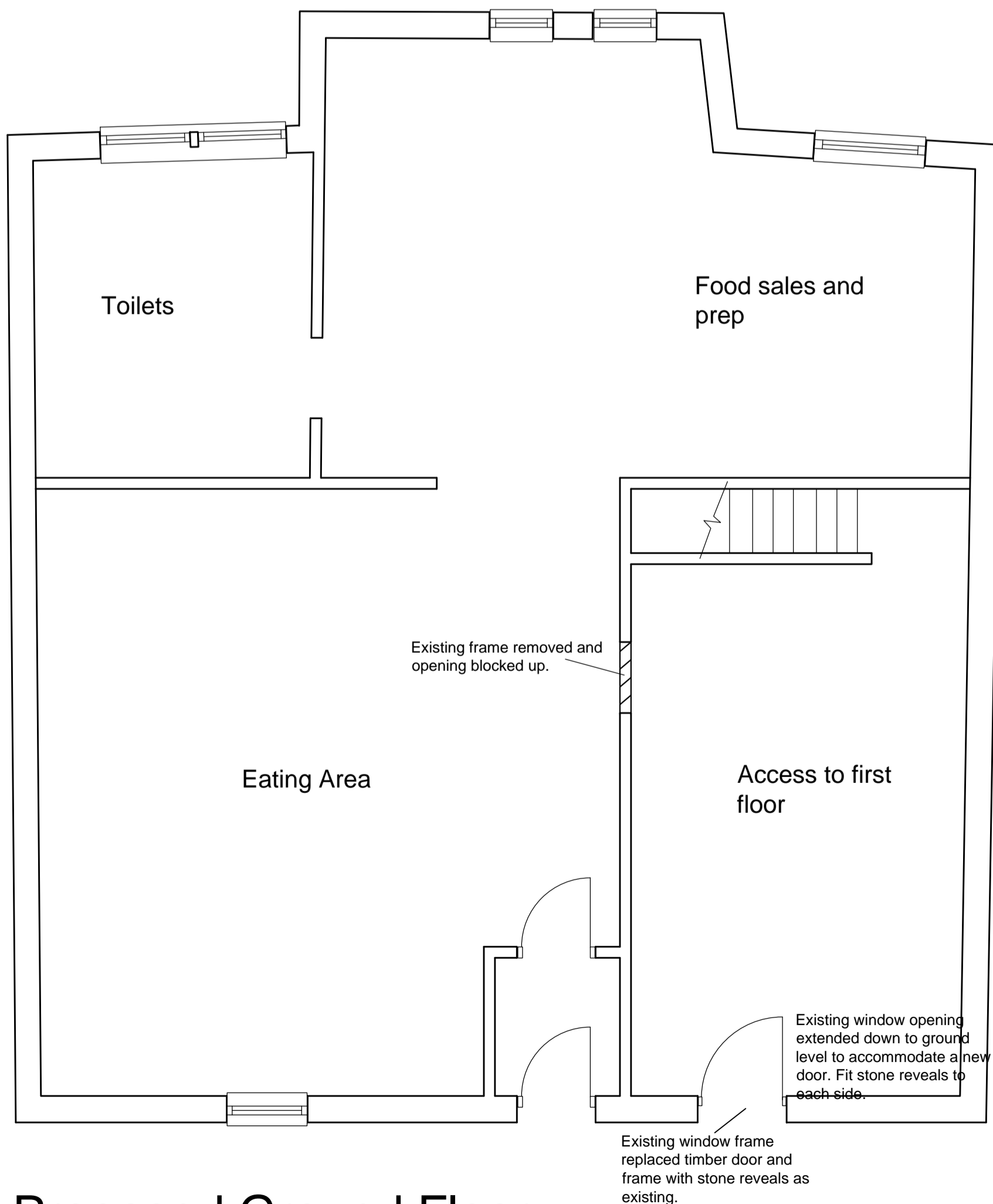
Location Plan shows area bounded by: 385177.18, 421605.22 385318.6, 421746.64 (at a scale of 1:1250), OSGridRef: SD85242167. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Proposed Front Elevation



Proposed Ground Floor

Drawing  
 Proposed Front Elevation and  
 Ground Floor  
 Address  
 318 Newchurch Road  
 Stacksteads  
 Client

Dwg No  
 16023.2 a  
 Scale  
 1.50

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