

<b>Application Number:</b>	2024/0117	<b>Application Type:</b>	Householder
<b>Proposal:</b>	Householder: detached domestic garage	<b>Location:</b>	Longacres View Minnie Street Whitworth Rossendale OL12 8JX
<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 E Eaton	<b>Determination Expiry Date:</b>	21/03/2024 EOT agreed until 17/12/2024
<b>Agent:</b>	Mr Steven Hartley		

<b>Contact Officer:</b>	Chris Beebe	<b>Telephone:</b>	01706 217777
<b>Email:</b>	planning@rossendalebc.gov.uk		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>Yes</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 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 this report.

## 2. THE SITE

The application relates to the land adjacent to a detached, stone built, dwelling house with accommodation over 2 floors.

The property has gardens to the front and rear with a parking area at the front of the house.

The parking area provides space for 3 cars. The site is accessed from Minnie Street which lies to the east of Market Street in Whitworth.

The house and site sit below the existing hillside to the north and east with land and properties to the east being elevated from the application site. The context of the surrounding locale is predominately residential. The surrounding residential properties are mixed in character with stone being the preeminent building material.

Excavation works to the banking surrounding the property have taken place. It is understood the applicant has undertaken these works which lie outside of the application site and are not subject to this application.

The applicant has undertaken works relating to the footings for the proposed garage with the site currently being partly covered in rubble and rocks. The applicant has been advised that further works should not proceed prior to the grant of planning permission.

A public footpath leading from Minnie Street passes through the site

The site is located within the Urban Boundary.

## 3. RELEVANT PLANNING HISTORY

2010/0220 - Erection of new dormer bungalow on vacant land. (Resubmission on lapsed approval 2007/402) Approved June 2010.

## 4. PROPOSAL

Permission is sought to construct a detached garage at the front of the house within the parking area.

The garage will be able to accommodate 2 cars and will measure 7m by 7m and will be 4.4m in height to the ridge of the roof.

The garage will be constructed from stone and slate to match the existing house. The garage will include two doors to allow vehicular access and two roof light windows.

The application also proposes a 2.6m high gabion retaining wall that will run along part of the north and part of the eastern site boundaries.

Amended plans have been received following a request from officers, repositioning the garage so that it does not obstruct the public footpath that passes through the site.

Access to the garage will be gained via the existing vehicular access which is unchanged.

## **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 9 Promoting sustainable transport
- Section 12 Achieving well-designed places

### **Development Plan**

#### **Local Plan 2019-2036**

- SS Spatial Strategy
- ENV1 High quality Development in the Borough
- TR4 Parking
- HS9 House Extensions

### **Supplementary Planning Documents**

Alterations and Extensions to Residential Properties SPD

### **Other Material Planning Considerations**

National Planning Practice Guidance

## **6. CONSULTATION RESPONSES**

Cadent Gas	No objection
LCC Public Rights of Way	No objection
LCC Highways	No objection subject to condition

## **7. REPRESENTATIONS**

The application has been publicised by means of a press notice, site notices and neighbour letters.

Four objections have been received.

The planning matters raised in the objections raised can be summarised as follows.

- Applicant has carried out unauthorised works to the hillside
- Applicant has caused environmental damage

- Right of way has been blocked
- Encroachment on to right of way (based on now previous location plan which has now been amended)

## 8. **ASSESSMENT**

### **Principle**

The application site lies within the urban boundary, adjacent to an existing residential property. As such, the proposed scheme is acceptable in principle.

### **Visual Amenity**

The proposal is considered to be of an acceptable scale and design, typical for a detached garage, and can be suitably accommodated within the site. The design and materials of the garage complement the original house. The proposed retaining wall will be constructed of stone gabions, and will not appear out of place in the context of the site.

### **Residential Amenity**

Given the location, size and height of the proposal and its orientation in relation to neighbouring properties, it is considered that daylight at neighbouring houses would not be unduly restricted. It is not considered that the garage and associated retaining wall would be an over-dominant form of development which would negatively affect outlook from neighbouring properties.

This is due to the proposed garage being located some 20m away from the nearest neighbouring property. Impact is further mitigated by the screening of the garage by the hillside.

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

### **Parking Provision / Highways / Rights of Way**

It is not considered that the proposed garage (which will use an existing access) will be detrimental to highway safety or will give rise to a significant increase in vehicular movements.

LCC Highways have no objection subject to condition 4 below and comment as follows:

*“Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.”*

With regard to the public right of way that passes through the site the original plans showed the garage obstructing this footpath leading to an objection from LCC Public Rights of Way.

However, the plans have now been altered to avoid any obstruction of the footpath, and LCC Public Rights of Way have confirmed that they now have no objection to the amended scheme.

### **Private Amenity Space**

Following construction of the garage adequate levels of private amenity space will remain.

### **Works to Hillside**

It appears that works have been carried out nearby the application site, relating to the hillside to the east of the site. These matters are outside of the scope of matters to be considered in determining this planning application, and will be investigated by the Council's Planning Enforcement team.

## **9. CONCLUSION**

The proposed development is acceptable in terms of principle, visual amenity, residential amenity and highway safety and is in accordance with the Rossendale Local Plan and the National Planning Policy Framework.

## **10. 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 submitted planning application form and the following drawings and documentation unless otherwise required by the conditions below:

- Location Plan 2 (received 08/05/2024)
- Plans and Elevation 3 (received 24/10/2024)

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

- 3) The following external materials shall be used in the construction of the garage:

- Natural coursed stone to be used on the elevations
- Natural blue slate to be used on the roof

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

- 4) The garage hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household and shall not be used for any use that would preclude the ability of its use for the parking of private motor vehicles, whether or not permitted by the

provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site

## 11. **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:

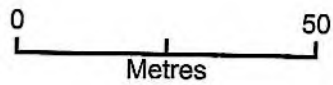
1. Work on an existing wall shared with another property;
2. Building on the boundary with a neighbouring property;
3. Excavating near a neighbouring building, and that work falls within the scope of the Act.

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>

# Minnie Street



LOCATION PLAN 2. REF: LE. 080524. B.



Plan Produced for: Minnie Street  
Date Produced: 16 Mar 2024  
Plan Reference Number: TQRQM24076055914008  
Scale: 1:1250 @ A4



LOCATION PLAN. 1 REF: AE.080524.A.  
 (AS ~~SE~~ SUBMITTED WITH APPLIC 2010/0220 FOR THE DWG)

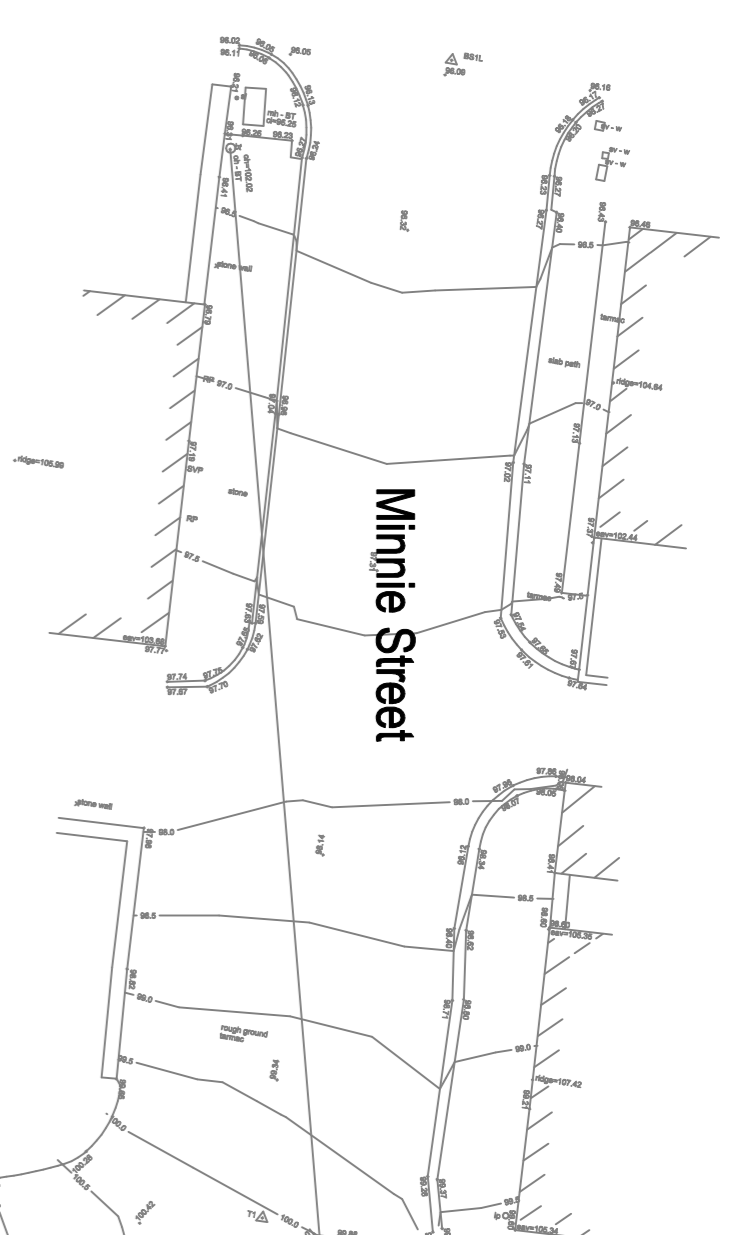
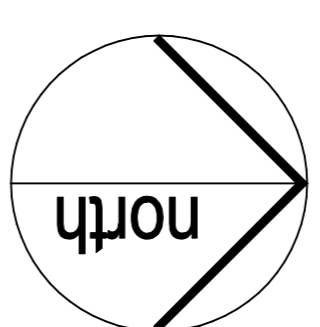


NORTH  
 1:1000

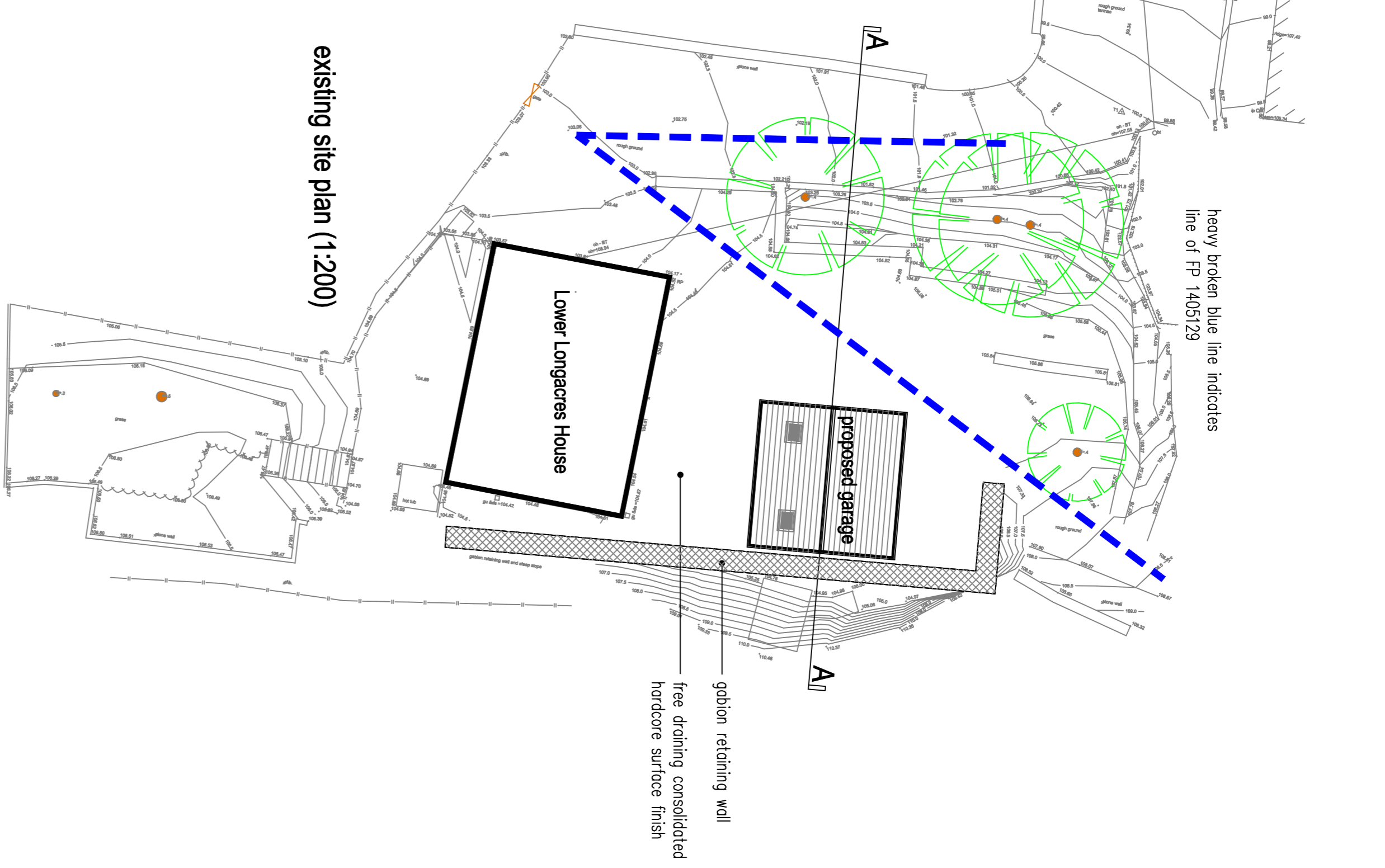




existing site plan (1:200)



Minnie Street



existing site plan (1:200)

heavy broken blue line indicates line of FP 140529

free draining consolidated hardcore surface finish

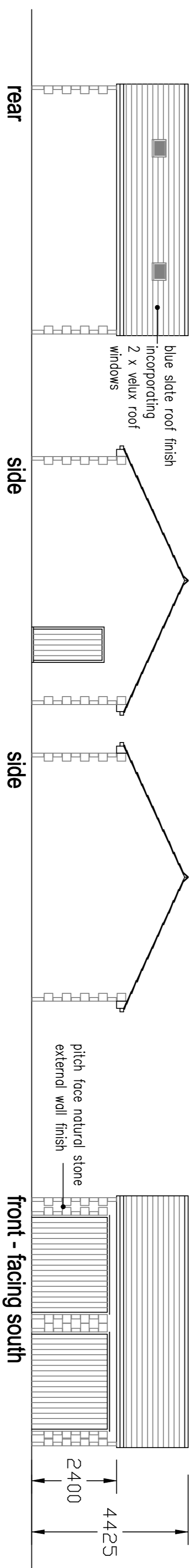
gabion retaining wall

A1

A-A

Lower Longacres House

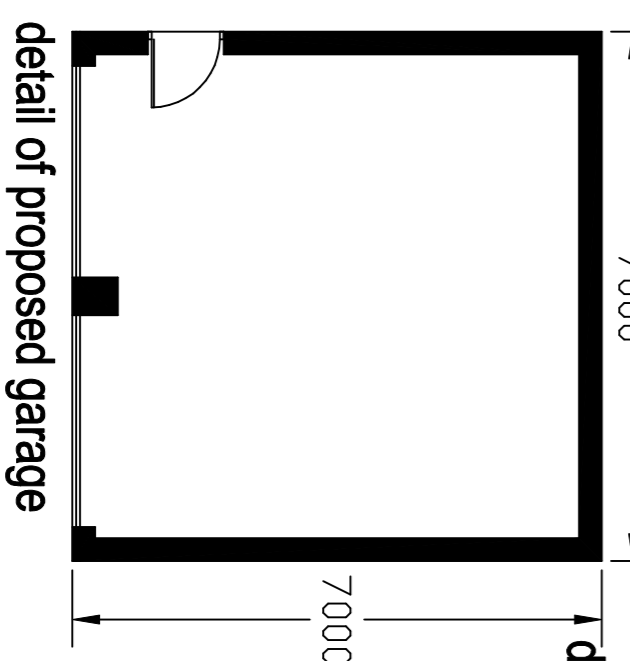
proposed garage



blue slate roof finish incorporating 2 x velux roof windows

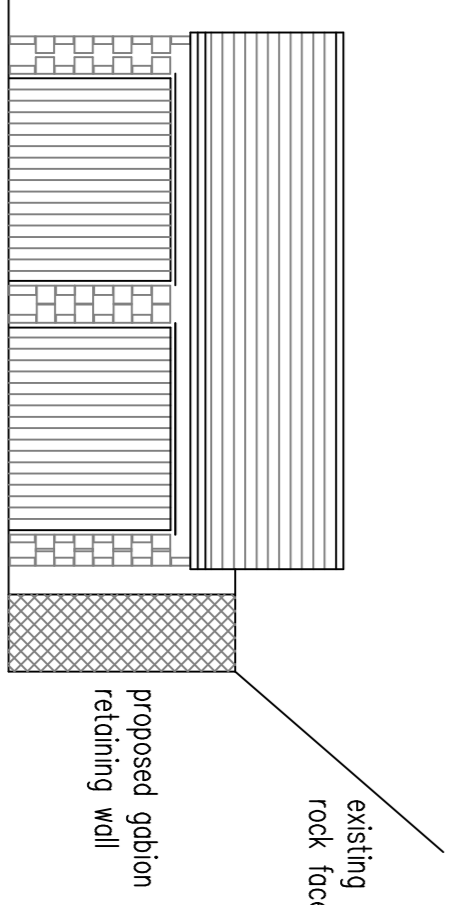
pitch face natural stone external wall finish

front - facing south



detail of proposed garage

detail of proposed garage (1:100)

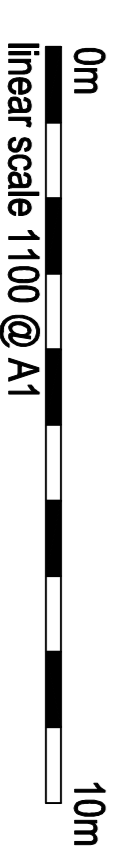


cross section along line A-A (1:100)

- amended 23-10-24 line of public footpath further amended to avoid Development Control perception of the line of the definitive right of way
- amended 18-06-24 line of public footpath amended in line with definitive rights of way map
- garage resited and reoriented in line with revised footpath line
- amended 17-04-24 line of public footpath included

proposed detached double garage at  
**Lower Longacres House**  
**Minnie Street**  
**Whitworth**

scale 1:100 1:200 @ A1



drawing number MS-14-03-24-A2

