

Application No: 2006/147

Application Type: Full

Proposal: Removal of existing conservatory and erection of 2-storey & 1-storey extension to rear, including elevational alterations

Location: 118 Haslingden Old Road, Rawtenstall

Report of: Development Control Team Manager

Status: For Publication

Report to: Development Control Committee

Date: 21 September 2006

Applicant: Mr & Mrs G Lamle
Agent : PPY Design Ltd

Determination Expiry Date: 24 May 2006

REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

3 or more objections received

X

Other (please state)**This application was reported to Committee on 25 July, but deferred at the request of the applicant and an objector.**

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.

APPLICATION DETAILS

1. The Proposal and the Site

This application relates to a semi-detached house. The application seeks permission to replace an existing conservatory extension with a 1-storey & 2-storey extension , with incidental alterations.

The 1-storey element will be situated close to the party-boundary with the attached house and project by 2.4m. The 2-storey element will project to the rear by 4.3m, and is to accommodate a living-room with bedroom above. A first-floor balcony shown on the originally submitted scheme has now been deleted.

Three additional windows and a door are proposed in the gable of the existing house, to illuminate non-habitable rooms and access a utility-room.

2. Relevant Planning History

2005/713 – Removal of existing conservatory and erection of 2-storey & 1-storey extension to rear, including elevational alterations.

The 2-storey element of this proposal was to project by 5.3m, with a first-floor projecting balcony. Application 2005/713 was refused in February 2006 on the grounds that the 2-storey extension proposed would , by reason of its siting and size, cause an unacceptable loss of amenity for occupiers of 120 Haslingden Old Road.

3. Policy context

Rossendale District Local Plan (Adopted 1995)
Policy DS1 (Urban Boundary)
Policy DC1 (Development Criteria)

Joint Lancashire Structure Plan (Adopted 2005)
Policy 1 (General Policy)

Other Material Planning Considerations
Planning Policy Statement 1

4. Consultations

None

5. Representations

Letters have been received from three local residents objecting to the application for the following reasons:

- Design/Appearance – the drawings do not indicate the intended facing materials, the gable windows out-of-character with the existing building and the proposed extension will adversely affect their view.
- Privacy – the French-doors to the proposed bedroom will enable an unacceptable degree of overlooking of neighbouring properties.

- Daylight/Sunlight – the proposed extension will result in a loss of light.

6. Applicants Case

In support of the proposal the applicants Agent states :

“The legal right to the windows in 120 and 116 Haslingden Old Road will be respected. Both adjacent properties have a right to maintain air and light to existing windows. The 1832 Prescription Act, from which the right to light derives, does not give the right to maintain the exact same amount of light, it is there to ensure that a reasonable proportion is maintained.

“The 45 degree line drawn from the centre of each adjacent window is the general “setting out” line used by many local authorities in their planning guidance documents, and defines the acceptable building line. It restricts the extent of any proposed extensions, yet allows householders to extend to a reasonable size. The 45 degree rule does not apply to windows within a passageway, but the right to light does. As above, I do not consider that the construction of the proposed extension will significantly affect the proportion of light to any passageway windows. The 45 degree reference in the vertical, with regard to the right of light (proposals at 90 degrees to adjacent windows) is purely “rule of thumb” and should be considered in tandem with the horizontal setting out. As the proposed extension has been set back entirely behind the revised horizontal 45 degree line, I do not consider any adjacent window will suffer a significant loss of light.

“120 Haslingden Old Road is 3.475m away from 118 [the application site] and the proposed extension restores this original spacing. The existing conservatory is constructed on the boundary at a distance of 2.365 m so the proposed extension, albeit higher, is further away from the neighbouring property.”

7. Assessment

The application relates to a property located within the Urban Boundary of Rawtenstall. Therefore the proposal complies with Policy DS1 of the Rossendale District Local Plan and Policy 1 of the Joint Lancashire Structure Plan.

I am satisfied that the proposal will not detract to an unacceptable extent from the amenities of occupiers of the attached house (116 Haslingden Old Road) . The 1-storey extension proposed near to the party-boundary is to project by 2.4m and have lean-to roof.

The rear elevation of the house to the other side of the applicants property (120 Haslingden Old Road), has a porch and lounge bay-window in its rear elevation at ground floor level. The conservatory the applicant proposes to demolish is situated on the party-boundary, projects to a greater extent than the 2-storey extension to replace it, the elevation of it facing the party-boundary largely of solid-construction, rather than glazed. The proposed extension will stand 1.25m from the party-boundary. Accordingly, the existing structure already impacts to a degree upon the outlook from/light to this objectors rear garden and the bay-window. The upper-storey of the proposed extension will undoubtedly impact upon this neighbour to a degree. However, the projection of the extension, and orientation of the properties, is such that

I do not consider this neighbour will experience an unacceptable overbearing effect or loss of outlook/light. As previously indicated, a first-floor balcony that was originally shown has now been deleted to address my concern about the privacy issue. Additionally, it is considered appropriate to require by way of a condition that windows to be formed in the house gable are obscure-glazed.

In terms of materials, the extension would be constructed in stone under a slate roof, which would also be the subject of a condition.

7. Conclusion

To summarise, the proposed development is considered to be acceptable and is similar in scale and size to other recent approved two storey extensions along this stretch of Haslingden Old Road.

8. Recommendation

That planning permission is granted subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission. *Reason: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.*
2. Notwithstanding any indication on the approved plans or application forms, no development shall be commenced until full details of the external materials to be used on the roof and the walls of the development have been submitted to and first approved in writing by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in complete accordance with the approved details. *Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the adopted Rossendale District Local Plan.*
3. The windows to be formed in the west elevation of the house shall be glazed with obscure glass and thereafter remain as such. *Reason: To protect the privacy of adjoining occupiers and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
4. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. *Reason: To safeguard the amenities of nearby residential properties in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
5. The development hereby permitted shall be carried out in accordance with the amended plan dated 17/5/06. *Reason: To define the permission and ensure a satisfactory form of development.*

Contact Officer	
Name	Paul Talbot
Position	Planning Assistant
Service / Team	Development Control
Telephone	01706 238637
Email address	paultalbot@rossendalebc.gov.uk

Oakenhead
Resource Centre

HASLINGDEN OLD ROAD

+198.0m

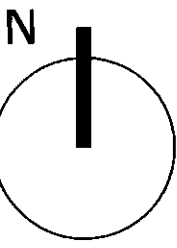
122

118

114

APPLICATION
SITE

2006/147
29 MAR 2006



Crown Copyright 2005. All rights reserved. Licence number 100020449

118 Haslingden Old Road scale 1:500
Rossendale September 2005
BB4 8SA

GL-00 Location Plan

PPY design Ltd