

TITLE: PLANNING APPEAL RESULT
**Application 2004/643 – WOODTOP GARAGE,
 BURY ROAD, RAWTENSTALL, ROSSENDALE**

TO/ON: DEVELOPMENT CONTROL COMMITTEE
02 August 2005.

BY: Bryan Beardsworth

STATUS: For Publication.

1. PURPOSE OF THE REPORT
To inform Committee members of the result of the appeal.
2. RECOMMENDATION
That the report be noted.
3. CORPORATE AIMS
Quality service, better housing , the environment, regeneration and economic development, confident communities.
4. RISK
n/a
5. SERVICE DELIVERY/PERFORMANCE MANAGEMENT ISSUES
The councils decision has been upheld.
6. IMPLICATIONS ARISING FROM THE REPORT

LA21/Environment	*	IT	
Human Rights Act 1998	*	Land and Property	*
Equalities Issues		Personnel	
Community Safety		Legal	
Financial		Partnership Working	

LA21/Environment implications are considered to be the effect of the proposals on the local environment.

Human Rights Act 1998 implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

The relevant **Land and Property** implications were considered in the Officer's Report.

7. **WARDS AFFECTED**
Longholme

8. **CONSULTATIONS**
The appeal was advertised by individual letters to all parties who made representations upon the planning application

9. **REPORT**

2004/643 This planning application was received on 25 August 2004 and related to the Construction of 3 Apartment Blocks comprising 34 Dwellings with associated access, parking and landscaping

The application was refused on the 19 October 2004 for the following reason(s):-

- (i) The proposed development would look materially out of place and character in the locality and would dominate neighbouring properties to the detriment of residential amenity. For these reasons the proposed development does not accord with policy DC.1 of the Rossendale District Local Plan which states that developments should not "be detrimental to existing conditions in the surrounding area".
- (ii) The proposed three storey apartment blocks would by virtue of their height, scale and elevated position dominate the skyline to the detriment of visual amenity. For these reasons the proposed development does not accord with Policy DS.2 of the Rossendale District Local Plan which seeks to ensure that future development is not on the skyline when seen from the main roads and other well used vantage points.
- (iii) Given the number of extant planning permissions for housing development within the Borough it is considered that the proposal is contrary to policy 43 of the adopted Lancashire Structure Plan and policy 12 of the proposed changes draft Joint Lancashire Structure Plan.

This resulted in an appeal being lodged and dealt with under the Inquiry method. The Inspectorate wrote informing the Council the appeal was Withdrawn on 16th March 2005.

For further information on the details of this report, please contact: Mr B Beardsworth extension 167.