

<b>TITLE:</b>	<b>2005/277: CONVERSION AND EXTENSION OF GARAGE OUTBUILDING TO FORM DWELLING, LAND ADJOINING 3 BROAD ING HOUSE, OFF BURNLEY ROAD, LOVECLOUGH</b>
<b>TO/ON:</b>	<b>DEVELOPMENT CONTROL COMMITTEE 21<sup>st</sup> JUNE 2005</b>
<b>BY:</b>	<b>TEAM MANAGER - DEVELOPMENT CONTROL</b>

**APPLICANT: MR. AND MRS. P. ASHTON.**

**APPLICATION EXPIRY DATE: 6 JULY 2005**

### **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.

This proposal was requested to be heard by this Committee by a ward Councillor.

### **Site and Proposal**

The building, which is the subject of this application, is a freestanding single storey natural stone and blue slate domestic garage. It is located to the immediate south east, and within the side garden, of 3 Broad Ing House (an end terraced stone and stone slate dwelling). Planning permission is sought to convert and extend this building in order to form a single dwelling.

The site is located within a Countryside Area as defined by the Rossendale District Local Plan.

### **Relevant Planning History**

2005/045 - Conversion and extension of garage outbuilding to form dwelling –  
Refused 26 April 2005

2004/602 - Conversion of existing garage with two storey extension to form dwelling –  
Refused 24 August 2004

2004/376 – Conversion of existing garage with two storey extension to form dwelling – Refused 21 July 2004

2004/774 – Erection of two storey side extension to provide sitting room and bedroom – Approved 22 November 2004.

### **Consultation Responses**

County Highways:- No objections subject to conditions.

County Planning Officer:- Object. Consider that the Council's housing target can reasonably be met through the implementation of existing residential planning permissions. There is therefore no need for further housing at present. Also consider that the proposal would be contrary to policies 1 and 5 of the Joint Lancashire Structure Plan.

### **Notification Responses**

The application has been advertised by way of site notices posted around the site. No representations have been received from local residents to date.

### **Development Plan Policies**

Policy DS.1 (Urban Boundary) of the Rossendale District Local Plan states that *"the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map"*

Policy DC.1 (Development Criteria) of the Rossendale District Local Plan  
The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance..

Policy DC.4 (Materials)of the Rossendale District Local Plan states that *"local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates"*.

Policy DS.5 (Development outside the Urban Boundary and the Green Belts) states that *"outside the urban boundary and the green belts, shown on the proposals map, development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings provided that they comply with policies DC.1 and C.6"*

Policy C.1 (Countryside Areas) states that “to enhance rural landscapes, known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes. Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area”

Policy C.6 (Re-use and Adaptation of Rural Buildings) of the Rossendale District Local Plan. The policy states that “proposals for re-use and adaptation of rural buildings will normally be permitted and will be considered on the basis of the criteria set out in Policy DC1 particular attention will be paid to the following:-

- a) That the building form, bulk and general design are in keeping with their surroundings
- b) In the Green Belt the building must be genuinely surplus to the present and foreseeable needs of agriculture
- c) The building is structurally sound and capable of conversion without the need for major alterations which would adversely affect its character and appearance.
- d) The proposed development is carefully detailed and designed to ensure that the essential character of the building is retained, preserved and enhanced.
- e) The affects of the creation of a garden area together with any garaging or car parking facilities does not harm the appearance or function of the area.
- f) The access to the site is to a safe standard or is capable being improved to a safe standard without harming the appearance of the locality.
- g) The impact of the proposal does not harm the appearance or function of the area.
- h) Extensions to such buildings will normally only be permitted where:
  - i) They are in size, mass and scale ancillary to the existing building, and otherwise necessary to provide a reasonable standard of modern habitable accommodation.
  - j) They are so designed and located, and are of matching materials of construction such that they reflect and enhance the character of the existing building.”

Policy T.4 (Car Parking) states that “ Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements”

#### Joint Lancashire Structure Plan 2001-2016

Policy 1 states that development should be located primarily within the principal urban areas, main towns, key service centres (market towns) and strategic locations for development. Development outside of these areas will be deemed acceptable in principle if it meets an identified local need or supports rural regeneration. In all cases the proposals must satisfy certain specified criteria.

Policy 5 states, in part, that outside of Principal Urban Areas, Main Towns and Key Service Areas (Market Towns) development of an appropriate scale and nature will normally take place in identified villages and other settlements. Such development should support rural and urban regeneration by meeting an identified local need for housing, employment or community services that maintain or strengthen the local economy (including proposals that aid farm diversification and sustainable tourism). Outside of villages and other settlements, conversion and re-development of existing

buildings for employment purposes will be viewed as acceptable in principle. Limited 'new build' to meet identified local employment needs will also be viewed as acceptable but not within the Green Belt.

Policy 12 states that provision will be made for the construction of 1920 dwellings within the Borough within the plan period (2001-2016) 220 per year between 2001 and 2006 and 80 per year between 2006 and 2016.

The parking standards require a maximum of two car parking spaces to be provided in conjunction with dwellings with 2 or 3 bedrooms.

## **Other Material Planning Considerations**

### **PPG3 (Housing)**

Government guidance in the form of PPG 3 (Housing) states that sites for housing should be assessed against a number of criteria namely the availability of previously-developed sites, location and accessibility, capacity of existing and potential infrastructure, ability to build communities and the physical and environmental constraints on development of land.

Paragraph 22 states that *"The Government is committed to maximizing the re-use of previously-developed land...in order both to promote regeneration and minimize the amount of greenfield land being taken for development"*.

Paragraph 31 highlights the importance of the location and accessibility of housing sites to jobs, shops and services by modes of transport other than the car.

### **PPS7 (Sustainable development in rural areas)**

This PPS, which superseded PPG7 in August of this year, provides guidance on land use planning in rural areas of England.

Paragraph 17 states that *"the Governments policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building. Planning Authorities should therefore set out in LDD's their policy criteria for permitting the conversion and re-use of buildings in the countryside for economic, residential and any other purposes, including mixed uses. These criteria should take account of:*

- a) the potential impact on the countryside and landscapes and wildlife;*
- b) specific local economic and social needs and opportunities;*
- c) settlement patterns and accessibility to service centres, markets and housing;*
- d) the suitability of different types of buildings, and of different scales, for re-use;*
- e) the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character"*

### **PPG13 (Transport)**

Government guidance in the form of PPG13 states in paragraph 19 that “A key objective is to ensure that jobs, shopping, leisure facilities and services are accessible by public transport, walking and cycling.

## **Comments**

### **Housing Supply**

Policy 12 of the Structure Plan states that 1920 dwellings are required to be built within the Borough between 2001 and 2016 in order to adequately house the Borough’s population. It further states that these are to be provided at the rate of 200 properties per year until 2006 and 80 per year thereafter. In view of this, and on the basis that only 431 properties were constructed between 2001 and September 2003, it would seem reasonable to assume that there is currently a shortfall of some 1489 dwellings in the Borough. However, at 1 April 2003 there were 1606 planning permissions that were, and still are, capable of implementation. In view of this it is contended that the Council’s current housing targets for 2016 can reasonably be met. With this in mind it is contended that the additional dwelling proposed by this application is not currently required to meet the housing needs of the Borough.

### **Countryside Policy**

The proposal, in its current form, involves more than doubling the size of the existing garage and proposes a threefold increase in its floor area. On this basis it is considered that it should be viewed as a proposal to create a ‘new build’ dwelling rather than as a proposal to create a dwelling through straight conversion. It is contended that the application needs to be considered on this basis.

The application site forms part of a Countryside Area as defined by the Rossendale District Local Plan. Within such areas new housing development, unrelated to agriculture, forestry and other appropriate rural uses, is not normally viewed as appropriate. It has not been demonstrated that the dwelling, proposed by this application, is reasonably required in connection with any of these uses. In view of this it is considered that the proposal fails to fully satisfy the requirements of policies DS.1, DS.5 and C.6 of the Rossendale District Local Plan, and policy 5 of the Joint Lancashire Structure Plan, and that an approval thereof would therefore be contrary to adopted planning policy.

### **Other Issues**

The proposal is considered to be acceptable in all other respects in that:-

- a) having revisited one of the reasons for refusing application number 2004/376 it is considered that the proposal would essentially meet the requirements of PPG3,
- b) the development is considered to be acceptable in pure design terms,
- c) the new dwelling would not unacceptably overlook neighbouring properties or adversely affect the level of sunlight and daylight that those properties currently receive,
- d) having revisited a further reason for refusing application number 2004/376 it is considered that the proposal would be acceptable in highway safety terms.

Despite this it is considered that the concerns outlined above outweigh all other considerations in this instance. In view of this refusal of this application is recommended.

### **Recommendation**

That planning permission be refused for the following reasons:

### **Reasons for Refusal**

- 1) It is considered that the proposed dwelling is not currently required to meet the housing requirements of the Borough. The proposal is therefore considered to be contrary to the provisions of policy 12 of the Joint Lancashire Structure Plan 2001 – 2016.
- 2) Having regard to the extent to which the building is to be extended it is contended that the proposed development would amount to a newly built dwelling. This would be located within a Countryside Area outside of the defined Urban Boundary and the Green Belt and would, it is contended, be unrelated to agriculture, forestry or any other use deemed appropriate to a rural area. Furthermore, in the view of the Local Planning Authority, there is no proven overriding need for the development. The proposal is therefore considered to be contrary to the provisions of policies DS.1, DS.5 and C.6 of the Rossendale District Local Plan, and Policy 5 of the Joint Lancashire Structure Plan 2001 – 2016.

### **Policies relevant to the decision**

#### **Local Plan**

DS.1  
DS.5  
DC.1  
DC.4  
C.1  
C.6  
T.4

#### **Structure Plan**

Policies 1,5 and12