

Application No: 2007/067	Application Type: Householder
Proposal: Amended Application – Addition Of 3 Rooflights in Connection with Application Ref 2006/468	Location: 352 Burnley Road East, Whitewell Bottom, Rossendale
Report of: Head of Planning, Legal & Democratic Services	Status: For Publication
Report to: Development Control Committee	Date: 22 nd May 2007
Applicant: Mr & Mrs Farrow	Determination Expiry Date: 05/04/2007
Agent: N/A	

REASON FOR REPORTING

Outside Officer Scheme of Delegation	No
Member Call-In	No
Name of Member:	
Reason for Call-In:	
More than 3 objections received	Yes

Other (please state)

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 SITE & PROPOSAL

- 1.1 The application site is occupied by a narrow 3 storey stone and slate dwelling, a former commercial premises, to the west of Burnley Road East. The site is surrounded by terraced dwellings to the south and commercial premises to the north and east. 2 garages exist at first floor level to the rear of the property on

land in the ownership of 7 Rose Street. Steep sloping fields rise to the west behind these garages.

- 1.2 The site is located within the Urban Boundary as designated in the Rossendale District Local Plan.

2 RELEVANT PLANNING HISTORY

- 2.1 **2006/370** – Conversion of 3 storey empty commercial premises to one dwelling. Refused at Committee.
- 2.2 **2006/468** - Conversion of a 3 storey empty commercial premises to one dwelling. Approved at Committee.

3 PROPOSAL

- 3.1 This application follows on from application 2006/468 which was granted permission for the change of use of an empty commercial premises to one dwelling.
- 3.2 The application (2007/067) as originally submitted sought consent for the creation of 3 rooflights in the north and west roof elevations of the existing property, the construction of new windows in the first and second floor rear elevation of the property, and the raising of a door to the front of the property to compensate for a change in floor levels. French doors were also proposed to the east and north side of the property to replace existing windows, with steel guard rails fitted within the existing door reveals.
- 3.3 The current application has been amended since submission. All of the above have been removed from the application with only the creation of three rooflights remaining. As such, if the applicant would wish to develop any of the aforementioned deleted schemes, they would trigger the need for a further planning application.

4 POLICY CONTEXT

Rossendale District Local Plan

Policy DS.1 (Urban Boundary)
Policy DC.1 (Development Criteria)
Policy DC.4 (Materials)

5 INTERNAL CONSULTATIONS

30/04/2007 Forward Planning – No Comments

6 EXTERNAL CONSULTATIONS

Lancashire County Council

Highways Department – No comments. Verbally responded with written confirmation to follow.

Archaeology Department – No comments. Verbally responded with written confirmation to follow.

7 REPRESENTATIONS

7.1 4 neighbours were notified by way of a letter on 2/2/2007 – 3 responses received highlighting the following points:

- Overlooking of proposed windows on garden and conservatory
- Proposal would blight future development on their land
- Materials and design of windows not in keeping with property
- The building is a haven for bats. Before any work is carried out, a bat survey must be undertaken.
- The rooflights are an invasion of privacy on the properties of Rose Street with rooflights.

9 neighbours were notified by way of a letter on 01/05/2007 – Site notices were posted on 30/04/2007. No further responses received.

8 REPORT

8.1.1 The main considerations of the application are the impact of the proposal on visual and residential amenity. There are no highway safety issues.

8.1.2 The creation of three rooflights to the north elevation of the property would not be considered to detract from the visual amenity of the area due to their size and position. The scheme is therefore considered acceptable in terms of visual amenity.

8.1.3 An objection letter was received from the occupants of 3 Rose Street on the 09/03/2007 stating that the proposed rooflights would look straight down on to the neighbouring dwellinghouses on Rose Street, thus being an invasion of privacy. The plans actually show that the rooflights are proposed in the north elevation and thus would have no impact upon privacy, light, or outlook on the residents of Rose Street. The scheme is therefore considered acceptable in terms of residential amenity.

8.1.4 The remaining objections received that are material planning considerations and have not previously been covered relate to parts of the scheme that have been deleted from the amended proposal, however, a condition was imposed on the previous application, application number 2006/648 – Conversion of a 3 storey empty commercial premises to one dwelling. This condition stated that a bat survey be completed by a qualified person before the commencement of any work, to establish whether bats are present. Whilst taking the issue of the objector that a bat survey must be undertaken, the condition of the previous application still stands and thus has no direct bearing on the decision of this application.

9 CONCLUSION

- 9.1 The application is considered acceptable in terms of visual and residential amenity.

10 RECOMMENDATION(S)

- 10.1 That the application be approved subject to conditions.

11 REASONS FOR APPROVAL

The proposal would not harm the visual amenity of the surrounding area, nor would it harm the residential amenity of the occupiers of adjoining properties and would not be detrimental to highway safety. The proposed development has been considered against policies DS1 – The Urban Boundary, DC1 – Development Criteria and DC4 – Materials of the Rossendale Local District Plan. There are no other material considerations which outweigh this finding.

12 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 amended plans received on 27/04/2007.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

3. All materials to be used in the creation of the proposed rooflights hereby approved shall be as stated on the application form and approved drawings and thereafter maintained, and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity and to accord with the criteria of Policy DC.1 and DC.4 of the adopted Rossendale District Local Plan.

Contact Officer	
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