

<b>TITLE:</b>	<b>2005/019 – TWO STOREY EXTENSION TO SIDE OF DWELLING AT 459 HELMSHORE ROAD, HELMSHORE, ROSSENDALE</b>
<b>TO/ON:</b>	<b>DEVELOPMENT CONTROL COMMITTEE - 17 MARCH 2005</b>
<b>BY:</b>	<b>TEAM MANAGER DEVELOPMENT CONTROL</b>

**APPLICANT: MR & MRS M WILLCOCK**

**DETERMINATION EXPIRY DATE: 5 MARCH 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.

### **Site and Proposal**

This proposal seeks consent to erect a two storey side extension to a semi detached dwellinghouse situated on Helmshore Road, Helmshore. The extension would provide a garage and utility on the ground floor with bedroom and ensuite on the first floor. The extension would be constructed from brick and continue the rendered panel that exists at first floor level together with a tiled roof over the proposed extension.

### **Relevant Planning History**

#### **459 Helmshore Road**

2004/302 - Two storey side extension – Refused 2 June 2004

2004/598 - Two storey extension to side (Re-submission) – Refused 21 October 2004

2004/784 – Proposed single storey extension to side for garage/utility - Approved 2 Dec 2004

#### **447 Helmshore Road**

2004/748 - First floor side extension – Approved 18 November 2004

## **Consultation Responses**

Environment Directorate (Highways) – No objection  
Estates Officer – No response

## **Notification Responses**

Neighbouring properties were notified by way of individual letter. Four letters of representation have been received which make the following summarised points:

- Loss of daylight/sunlight
- Aesthetic appearance
- Loss of privacy
- Proximity of extension to neighbour
- Precedent
- Loss of view

## **Development Plan Policies**

Policy DS1 (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 DC1 (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”*.

## **Other Material Planning Considerations**

Planning Policy Guidance Note 1 – General Policy and Principles. Paragraph 16 states that *“Applicants for planning permission should be able to demonstrate how they have taken account of urban design in their development proposals and that they have had regard to relevant development plan policies and supplementary planning guidance”*.

## **Planning Issues**

This proposal seeks consent for a two storey side extension to a semi detached dwelling which would provide a garage and utility on the ground floor with a bedroom and ensuite on the first floor. The materials proposed are matching brick and render under a tiled roof. Members will recall determining a similar proposal reference 2004/598 for a two storey extension to side (Re-submission) which was refused 21 October 2004 for the following reason “*The proposed extension would have (i) an unduly adverse impact upon the balance and symmetry of this pair of semi-detached houses and general rhythm of open spaces between properties along this road and (ii) an overbearing and enclosing impact upon No. 457 Helmshore Road 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*”

The applicant’s agent has supplied supporting evidence to accompany the application. It cites the current position which relates to an approval of a single storey extension to the application property and the granting of consent under delegated powers to a first floor extension at 447 Helmshore Road. Attention is drawn also to the deletion of the balcony area to the rear of the proposed extension at 459 Helmshore Road which was to have been accessed from the rear of the new bedroom. The submission includes photographs of other, similar extensions which have been constructed in the Borough effectively citing precedents. It is accepted that these are a material consideration in this matter and he critically assesses the reason for refusal given at the time. The agent also offers, on behalf of the client, that the extension could be finished in a light coloured render or painted to the same effect.

A site inspection revealed that this property benefits from 3 ground floor windows and a side entrance. The extension would come within 5 metres of the neighbouring dwelling at 457 Helmshore Road and a first floor window is also present. Two car parking spaces would remain and would comply with the current car parking standards.

Turning to the representations received, loss of view is not a material consideration and cannot be taken into account. Properties on the eastern side of Helmshore Road may suffer a small degree of loss of direct sunlight from a westerly direction in either late afternoons or evenings dependent on time of year. but given the generous separation distance from the application property no loss of overall daylight should be experienced. Accordingly it is not considered that any significant weight should be given to this issue.

In terms of aesthetics of the proposal, a well designed scheme can be effective and whilst there may be ramifications for the symmetry of the property, the precedent has been set at 447 Helmshore Road and at other locations within the Borough over the last decade. The Council does not, at present, have any adopted supplementary planning design guidance in relation to residential extensions of dwellings and therefore must consider each application on its own merits having regard to the development plan and any other material considerations.

The design of the proposal is considered acceptable and whilst previous decisions may have referred to the “rhythm of open spaces” in the street scene, it is considered that this proposal is appropriate to its location and surroundings. Members should also note that an appeal against the refusal of planning permission reference 2004/598 is pending and currently held in abeyance awaiting the outcome of this application. Appropriate weight should also be given to the delegated approval of a similar extension to 447 Helmshore Road. It is considered that this sets an important and relevant precedent relative to the consideration of the current application.

## **Recommendation**

That planning permission be granted for the following reason and subject to the following conditions:

### **Summary of reasons for conditions to appear on the decision notice**

The approval of planning permission in this instance would not lead to an overbearing impact and loss of enjoyment to the residential amenity of neighbouring properties and therefore accords with Policy DC1 in terms of visual appearance and relation to surroundings.

1. The development permitted shall be begun before the expiration of five years from the date of this permission. Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990
2. All the external materials and finishes to be used on the roof and elevations of the development shall match those on the existing dwelling in terms of type, size, shape, thickness, colour and texture. Reason: To ensure that the materials are in keeping with those existing and to accord with Policy DC4 of the Rossendale District Local Plan

### **Background Documents**

Rossendale District Local Plan (Adopted April 1995)  
Lancashire Structure Plan 1991-2006