

TITLE: PLANNING APPEAL RESULTS
Application 2004/335 – Land rear of 84/86 Market Street, Shawforth

TO/ON: DEVELOPMENT CONTROL COMMITTEE
17 March 2005.

BY: Brian Sheasby

STATUS: For Publication.

2. **RECOMMENDATIONS**
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 overruled.
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. Representations received were under consideration whilst the application was being assessed.

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
Facit/Shawforth

8. CONSULTATIONS
Rossendale Highways, Whitworth Town Council & United Utilities

9. REPORT

2004/335 – This planning application was received on 12 May 2004 and related to an outline application for the erection of a bungalow. The application was refused on the 22 July 2004 for the following reasons:-

1. By virtue of the close proximity of terraces to the north west and south east of the application site, the proposed development would have a materially overbearing and enclosing impact on neighbouring properties to the detriment of residential amenity.

2. By virtue of reason 1 above, the proposal is considered contrary to the provisions of Policy DC. 1 (Development Criteria) of the adopted Rossendale District Local Plan which states inter alia, that development proposals should not be detrimental to existing conditions in the surrounding area.

3. The proposed development would lead to an unacceptable cumulative use of an unadopted road to the detriment of residential amenity and highway safety. To this extent the proposed development does not accord with Policy DC. 1 of the Rossendale District Local Plan.

This resulted in an appeal being lodged and dealt with under the written representations method. The Inspectorate wrote informing the Council of its decision on the 28 February 2005. The appeal was dismissed. There are no cost implications in this particular case.

Background documents:

Application and appeal documents.

For further information on the details of this report, please contact: Mrs Diane Dungworth extension 134.