

TITLE:	2005/025 – CHANGE OF HOUSETYPE TO A 7 NO BEDROOM DWELLING WITH FACILITIES FOR MOBILITY IMPAIRED DEPENDANT RELATIVES AT LAND OFF CO-OPERATION STREET, RAWTENSTALL, ROSSENDALE
TO/ON:	DEVELOPMENT CONTROL COMMITTEE - 28th APRIL 2005
BY:	TEAM MANAGER: DEVELOPMENT CONTROL

APPLICANT: MR R KHAN

DETERMINATION EXPIRY DATE: 14 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.

This application was deferred from the Development Control Committee of 17th March 2005 to enable the service of correct ownership certificates in accordance with the requirements of the Town and Country Planning (General Development Procedure) Order 1995.

Site and Proposal

This proposal seeks consent for a change of housetype to that approved under planning application 2002/052. This new proposal seeks consent to extend the property on the north and south elevations by the addition of a two storey portion to the south elevation and also to convert the attached garage to habitable accommodation together with an extension at first floor level to form two two storey extensions in total. The application is effectively retrospective in that the applicant has proceeded to erect the dwelling in its proposed enlarged form. The balcony arrangement which was approved in the earlier scheme has also been extended across the front elevation together with an extended roofline to provide a covered area to the balcony. The structure has been substantially constructed on an elevated portion of land accessed from Bacup Road which was formerly used as a garage colony.

Relevant Planning History

2000/515 - Construction of new detached dwellinghouse and new detached garage/store.
Approved 19/03/2001
2002/052 – Erection of 1 no detached dwellinghouse with garage/store. Approved 23/7/2002
2004/204 – Erection of a double garage. Approved 20/5/2004

Consultation Responses

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

Notification Responses

Public consultation was undertaken by means of site and press notices. Additional neighbour notification letters were also sent to those householders closest to the application site. Three letters of representation have been received which make the following summarised points:

- Loss of view
- Loss of privacy
- Inappropriate work to trees
- Potential breaches of the previous planning permission.

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)

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..

Other Material Planning Considerations

The applicant has submitted a letter of support from the East Lancashire NHS Trust outlining the personal circumstances of one of the applicant’s children and a further letter has been received from Lancashire County Council’s Social Services Directorate outlining the needs of the other child. Both have some form of significant mobility impairment and have special care needs.

Planning Issues

The principle of a dwellinghouse on this site has already been established by virtue of planning permission 2002/052.

Design
Residential amenity
Neighbour representations

The amended design is an extension of the simple rectangular plan along its existing axis and is being constructed in stone which is reflective of existing development in the locality. The building sits in an elevated position and at right angles to three terraced rows of dwellings.

Given that the principle of development has been previously established the principal issue to consider is the additional impact that the extended form of the enlarged dwelling will have upon the amenities of neighbours and upon the street scene generally. The property is sited some 21 metres from the predominantly blank gable elevations of the terraced properties of Cooperation Street and Wheatholme Street and affords views down those streets. The covered balcony arrangement also facilitates an elevated external vantage point looking across the roofs of those terraces. Notwithstanding the elevated position and aspect across terraced properties that the siting and design of the enlarged house affords, it is nevertheless considered that the generous separation distance between the principal elevation of the application property and the terrace gables is sufficient to maintain an adequate level of privacy and amenity.

In terms of the representations received:

Loss of view is not a material planning consideration but the potential loss of privacy requires to be considered. The front elevation of the application property is in excess of 21 metres distant from the end gables of the adjacent terraces. This is consistent with the previously approved scheme of development. The elongation of the dwelling along its previously approved axis does not in itself unduly compromise residential privacy for residents of Cooperation Street and Wheatholme Street.

One neighbour representation constitutes a commentary on the procedural aspects of the application and in that respect does not raise any substantive issues relating to the merits of the application currently under consideration.

Recommendation

That planning permission is granted 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. All materials of construction shall match those on the existing building in terms of size, texture, colour and shape. Reason: In the interests of visual amenity and to accord with Policy DC1 of the Rossendale District Local Plan.
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) no development shall be carried out on the site within the terms of Classes A,B,C,D,E of

Part 1 and Class A of Part 2 of Schedule 2 of the Order, without the prior consent of the Local Planning Authority. Reason: To enable the Local Planning Authority to control any future development, having regard to local and neighbouring amenities and Policy DC1 of the Rossendale District Local Plan.

3. Within two months of the date of this permission, a suitably detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. Reason: In the interests of residential amenity and to accord with Policy DC1 of the Rossendale District Local Plan.
4. Any construction works associated with the development hereby approved shall not take place except between the hours of 8:00am and 6:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.

Background Documents

Rossendale District Local Plan (Adopted April 1995)