

<b>Application No:</b> 2007/293	<b>Application Type:</b> Full
<b>Proposal:</b> Change of house type to Planning Permission 2006/227	<b>Location:</b> Land to rear of 183 Burnley Road, Off Laund Street, Rawtenstall
<b>Report of:</b> Head of Planning, Legal and Democratic Services	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 24 July 2007
<b>Applicant:</b> Mr D Lyons	<b>Determination Expiry Date:</b> 3 <sup>rd</sup> July 2007
<b>Agent:</b> Hartley Planning & Development Associates Ltd	

**REASON FOR REPORTING** **Tick Box**

**Outside Officer Scheme of Delegation**  
**Member Call-In**  
**3 or more 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**

1.1 This application relates to a broadly rectangular site that slopes down from dwellings fronting Lime Tree Grove towards the back gardens of houses fronting Burnley Road. It is accessed from Burnley Road (A682) via Laund Street, an un-made road serving a terrace of nine houses.

## **2. RELEVANT PLANNING HISTORY**

- 2.1 At its meeting in June 2006 Committee granted permission for erection of a house on the site (2006/227). The approved scheme provides for the house to be accessed from Laund Street, towards which it will face. Utilising the change in ground-levels, it is to be of 2-storey construction at the east end and of 3-storeys at the west end, the latter end incorporating a double-garage. The Applicant's Supporting Statement indicated that "*The house would be constructed in natural stone with a blue slate roof. The access road which is currently in a poor state of repair would be improved with a tarmac finish to the benefit of all occupiers*".

## **3. THE PROPOSAL**

- 3.1 Rather than implement the permitted scheme permission is sought to change the house-type in a number of respects.
- 3.2 Whilst the proposed house would have broadly the same siting and footprint as the previously permitted dwelling, it differs principally in that:
1. The main body of the house now proposed will be of approximately 2m greater width, with a gutter-height and ridge-height 0.3m greater.
  2. A projection from the front of the house is to be of 2-storey construction, rather than 1-storey.

## **4. POLICY CONTEXT**

### Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary  
DC1 - Development Criteria  
DC4 - Materials

### Joint Lancashire Structure Plan (Adopted March 2005)

Policy 1  
Policy 2  
Policy 7  
Policy 12  
Policy 20

### Other Material Planning Considerations

PPS1  
PPS3  
PPG13  
LCC Parking Standards  
RBC Interim Housing Position Statement

## **5. CONSULTATIONS**

### Lancs CC (Highways)

No comments

## **6 REPRESENTATIONS**

6.1 As a result of site notices and neighbour notification letters objections to the current application have been received from the residents of 3 properties in the vicinity of the site. The principal reasons advanced for objection are as follows:

- Construction will cause disruption/disturbance to residents and obstruction/damage to Laund Street and the services beneath it.
- Whilst the applicant has indicated a willingness to re-surface Laund Street, technically it is not theirs to do so.
- Laund Street is narrow and already becomes congested as residents of the terraced houses fronting it have nowhere else to park.
- After heavy rain water rolls down the hillside to be built upon and then collects at the bottom end of the site/on Laund Street.
- The bungalow at the top of the hillside has its garden and garage only yards away from the top of the slope and they might suffer erosion.
- Reiterate their previous concerns about loss of privacy and daylight/sunlight.
- The resulting building will have a floor area 43% greater than the permitted house and be so big that it is out of character with the surrounding properties.

## **7 APPLICANT'S RESPONSE TO THE OBJECTIONS**

7.1 The Applicant has responded to the points made by objectors as follows:

- a. Many of the issues raised – relating to car parking, the use of Laund Street amongst others – were dealt with when the approval for a house here was recently granted.
- b. It is true that the proposed dwelling will be larger than that approved but that in itself is no reason why it should not be permitted.
- c. The new design meets the normally applied tests in terms of distances from other dwellings, daylight/sunlight, loss of privacy and parking.
- d. The applicant wishes to tarmac the road - as per the assurance given with regard to the recent planning approval.

## **8 ASSESSMENT**

8.1 As the site lies within the Urban Boundary of Rawtenstall, and permission exists for erection of a house on the site, the proposal is acceptable in principle.

8.2 Accordingly, the main issues to be considered in the determination of this application are:

1) Visual Amenity; 2) Neighbour Amenity; & 3) Traffic/Parking.

### **8.2.1 Visual Amenity**

It is not considered that the dwelling now proposed will have significantly greater impact upon the character and appearance of the area than the previously permitted dwelling, so long as it is constructed with the facing materials referred to in the submitted Design & Access Statement; a condition to ensure the use of natural stone and blue slate is recommended.

### 8.2.2 Neighbour Amenity

It is not considered that the dwelling now proposed will have significantly greater impact upon the amenities of neighbours than the previously permitted dwelling.

8.2.3 The increase in the width/height of the gable that the houses fronting Burnley Road will look towards is not so great that there will be a materially greater loss of light, privacy, outlook or overbearing effect for their occupiers.

8.2.4 The change to the projection from the front of the proposed house from 1 to 2-storeys will be nearer to the bungalow that fronts Lime Tree Grove. Neither this change to the front projection, or to the gable dimensions, will cause significant detriment for the occupiers of the bungalow as it is elevated above the application site.

### 8.2.5 Traffic/Parking

It is not considered that the change in dwelling type/size for which permission is now sought will significantly add to the traffic on Laund Street. The submitted layout proposes adequate off-street parking/turning facilities to serve the proposed dwelling.

8.2.6 Whilst Laund Street is an unadopted highway, the stone-flagged footway immediately to the front of the existing terrace of houses is in a reasonably good condition. However, the roadway is unmade and its condition may deteriorate as a result of use by construction traffic and the provision of services/utilities. The applicant has indicated that they are willing to provide the road with a tarmacadam-finish and the drainage facilities to avoid surface-water run-off from the site to it.

## 9. **SUMMARY OF REASONS FOR APPROVAL**

9.1 The Council considers that circumstances exist to warrant permitting the proposed residential development as an exception to Policy 12 of the Joint Lancashire Structure Plan by reason of the extant Planning Permission 2006/227. Furthermore, is satisfied the development will not result in significant detriment to visual/neighbour amenity, highway safety or in respect to any other material planning consideration.

## 10. **RECOMMENDATION**

10.1 That permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before 12 July 2009.

*Reason : To accord with Section 51 of the Planning and Compulsory Purchase Act 2004 .*

2. Notwithstanding any details shown on the submitted drawings , the dwelling hereby permitted shall be constructed with external walls of natural stone and with a roof of blue slate, samples of which have first been submitted to and approved in writing by the Local Planning Authority.

*Reason: To accord with the submitted Design & Access Statement and*

*protect the appearance of the locality, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping/boundary treatment, with details of the protection to be afforded during the period of construction to existing trees on/bounding the site which are to be retained and in respect of the new planting to be provided. All walls/fences/hard-surfaced areas forming part of the approved scheme shall be completed prior to first occupation of the dwelling. All planting, seeding and turfing in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

*Reason: In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.*

4. Before the dwelling hereby permitted is first occupied the parking and vehicle manoeuvring areas indicated on the approved drawing shall be hard-surfaced/paved and drained, and these facilities shall thereafter be kept freely available for use as such.

*Reason: To ensure adequate off-street provision of car parking/turning areas, in the interests of highway safety and to accord with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

5. Before the dwelling hereby permitted is first occupied the carriageway of Laund Street between its junction with Burnley Road and the application site shall be improved (in terms of its drainage and surface-finish), in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, unless the Local Planning Authority has otherwise first agreed in writing.

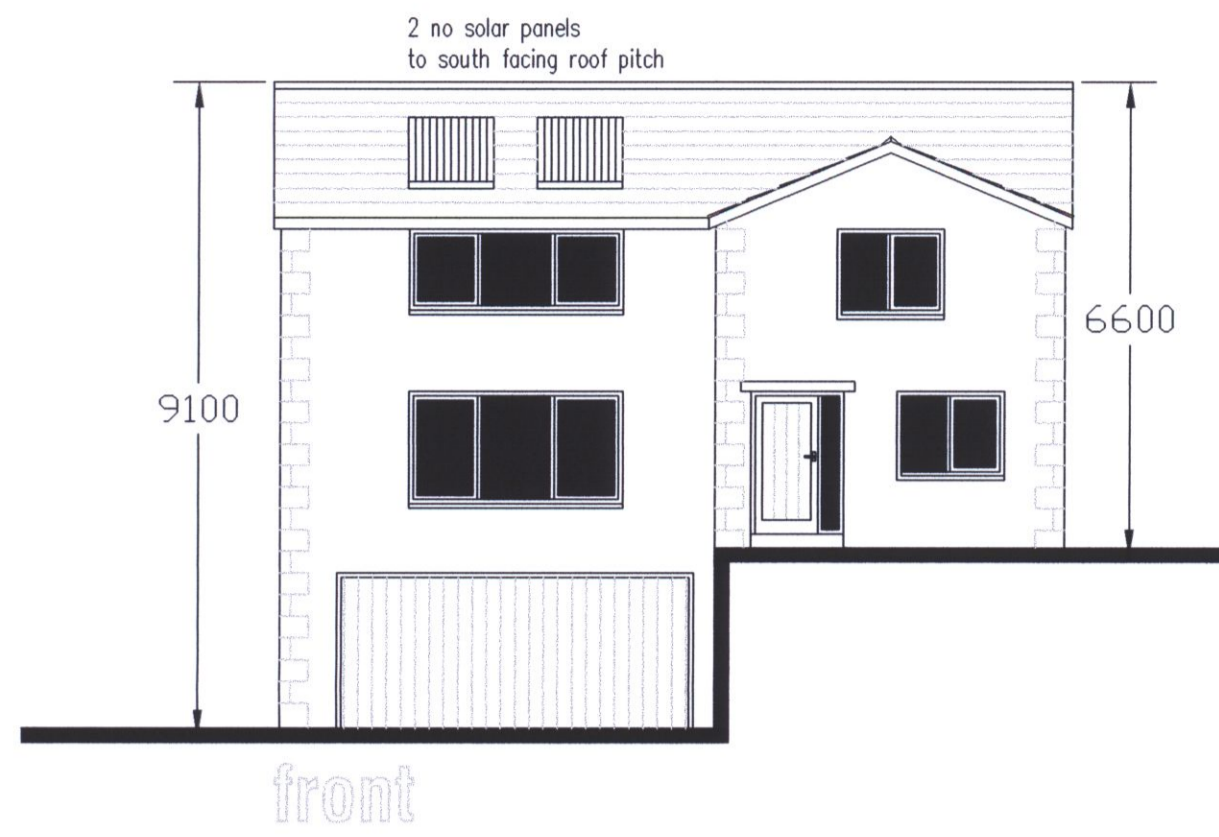
6. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

*Reason: To safeguard the amenities of nearby residential properties in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

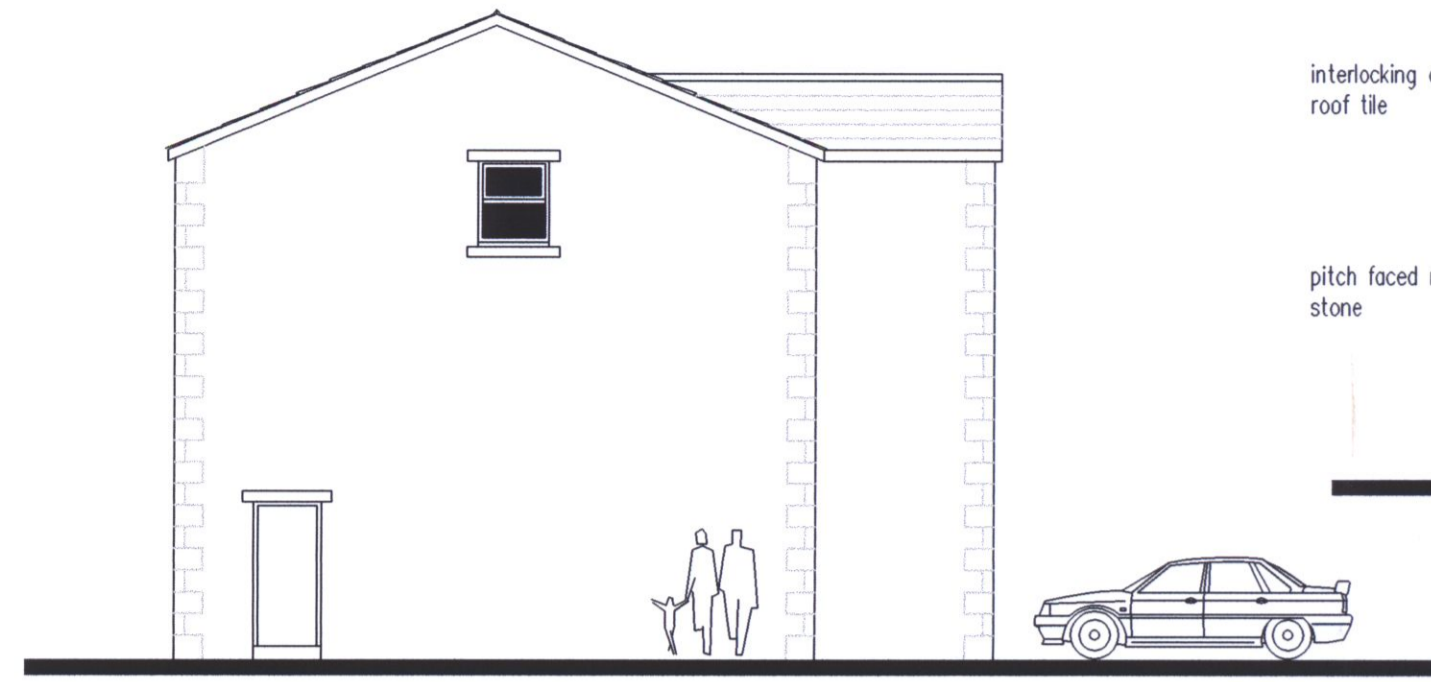
7. No development shall take place until details of the proposed foul and surface water drainage arrangements have been submitted to and approved by the Local Planning Authority in writing. No part of the development shall be occupied until the approved scheme has been fully implemented.

8. Notwithstanding the provisions of Schedule 2, Part 1, Classes A to D and F of the Town and Country Planning (General Permitted Development) Order 1995, or any Order amending or revoking and re-enacting that Order, no alterations or extensions shall be undertaken to the dwelling hereby permitted without the prior permission of the Local Planning Authority. Reason : To ensure that any development of the site has due regard to the amenities of the surrounding area

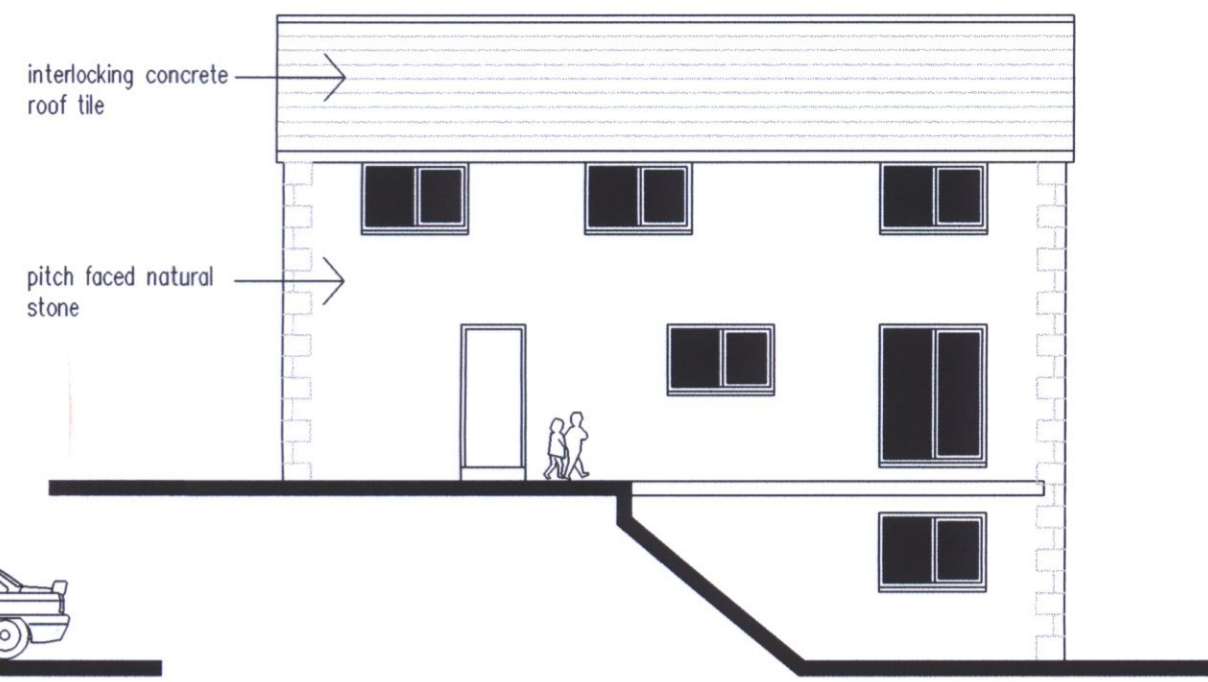
<b>Contact Officer</b>	
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Service / Team	Development Control
Telephone	(01706) 238642
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front



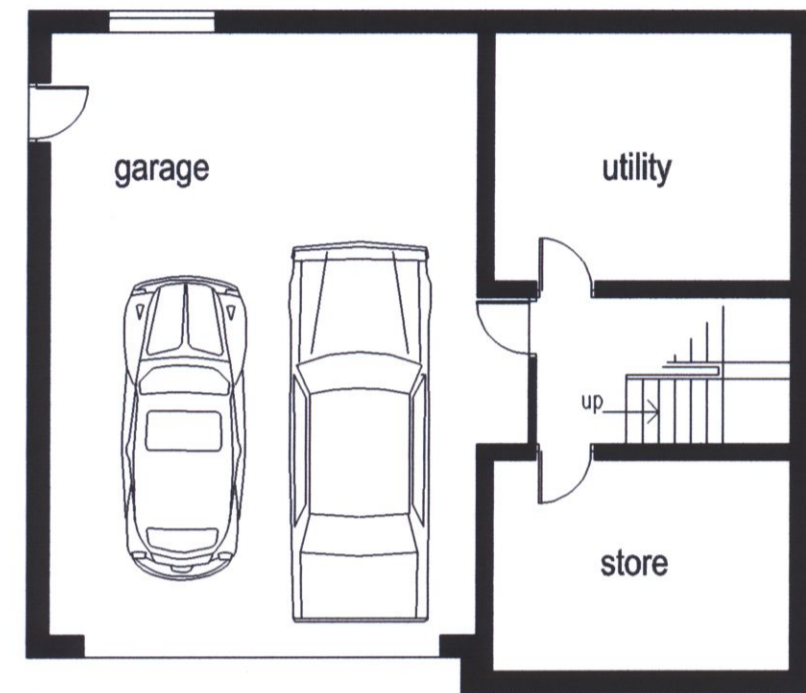
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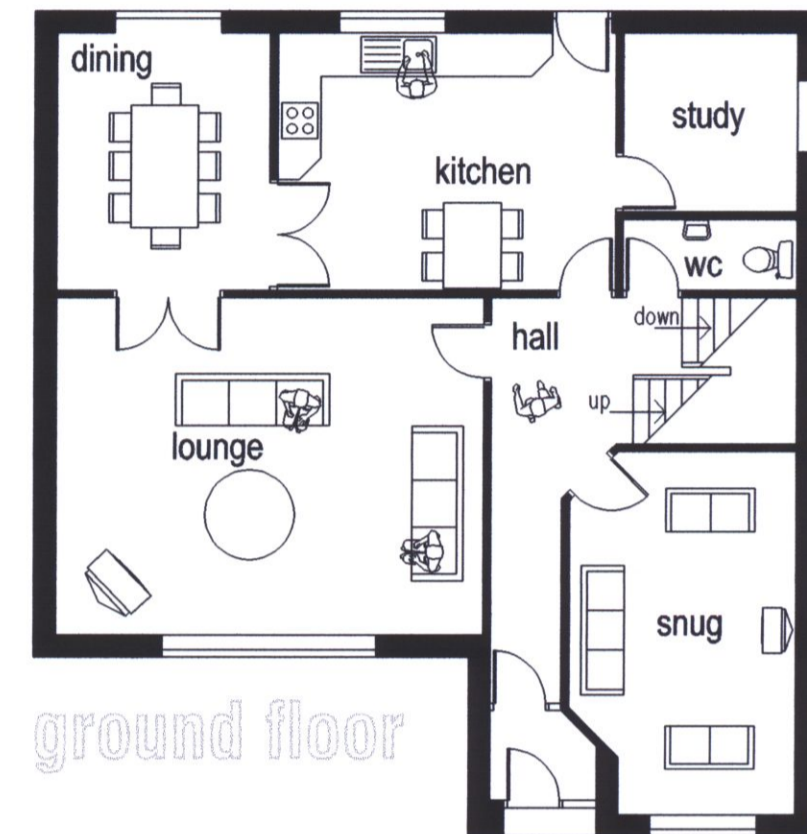
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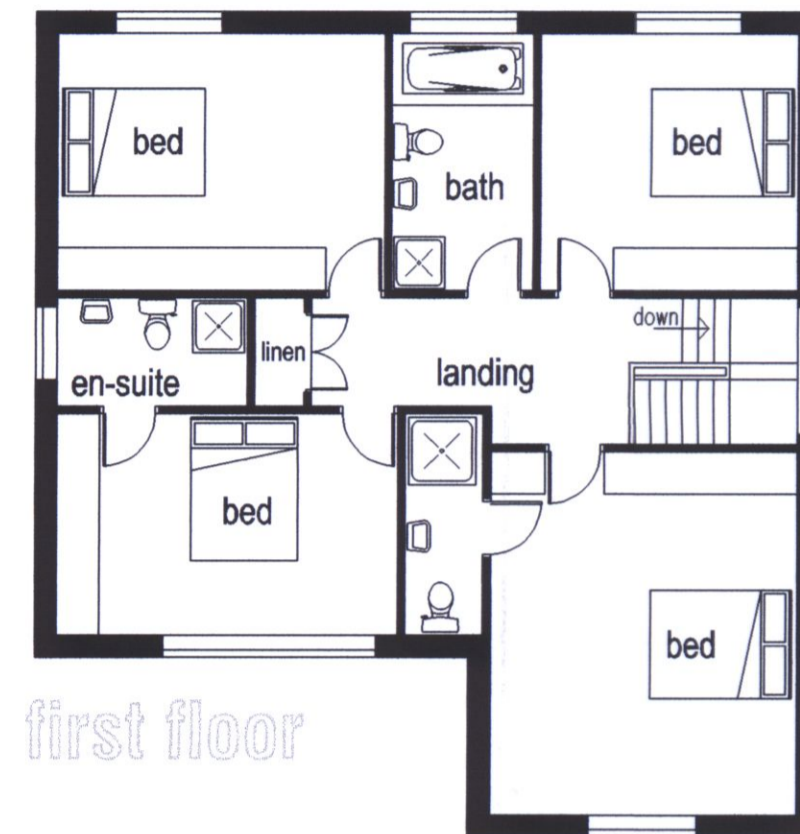
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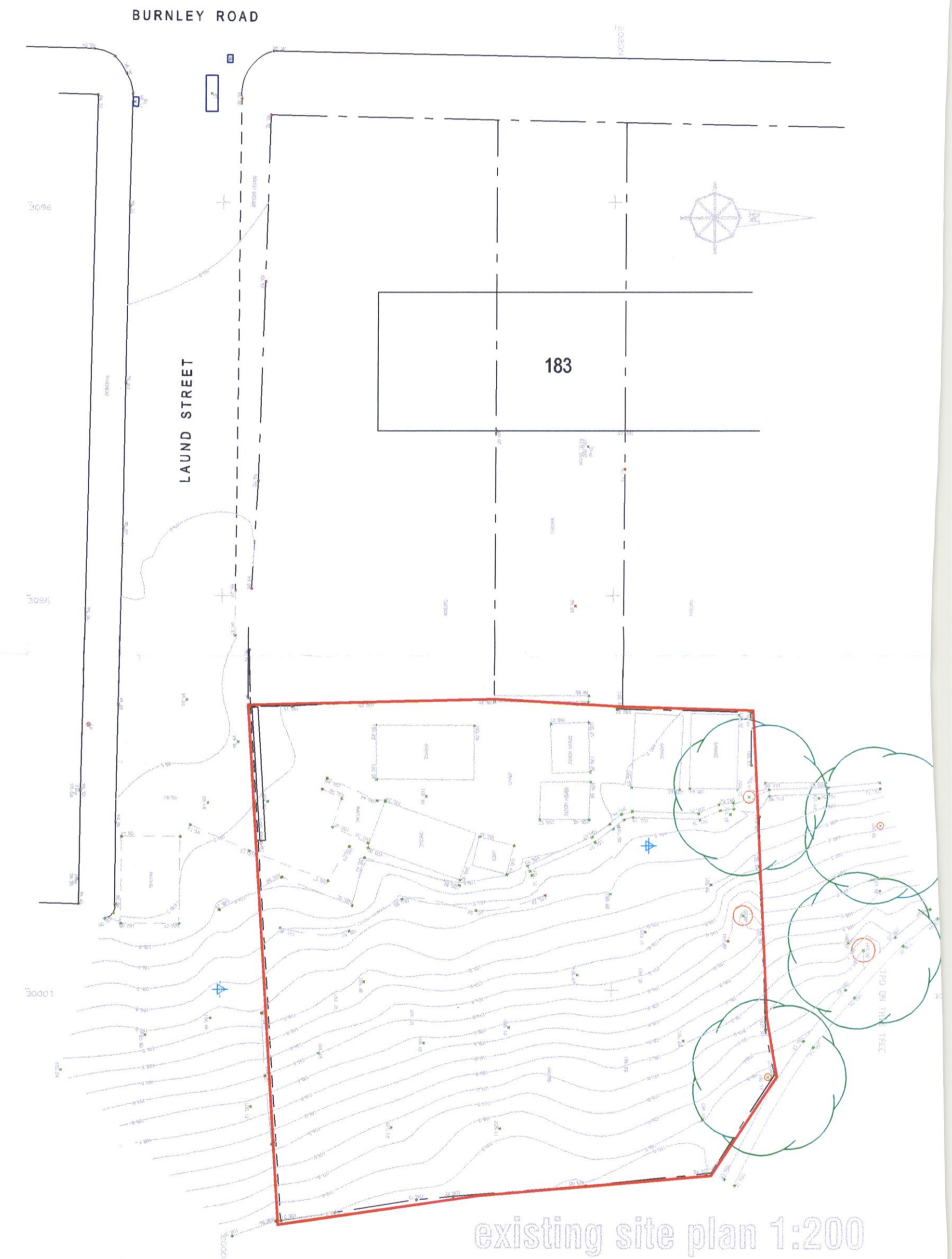
basement



ground floor



first floor



existing site plan 1:200

proposed amended detached house  
with integral 2 car garage at  
**land to rear of  
183 Burnley Road  
Rawtenstall**

0m 5m 10m  
scale 1:100 at A1

scale 1:100 1:200 at A1 08 MAY 2007

Rae Connell Associates Building Design and Planning Consultants  
214 Burnley Road Bacup Lancashire

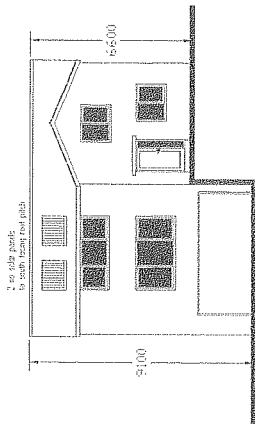
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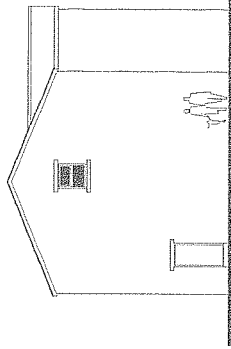
proposed site plan 1:100



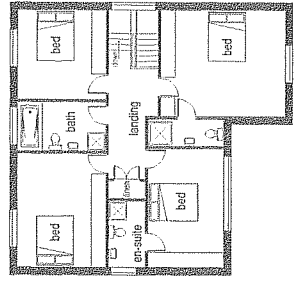
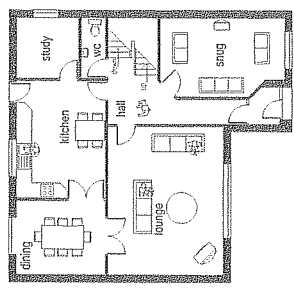
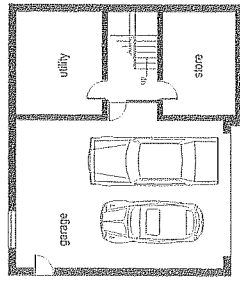
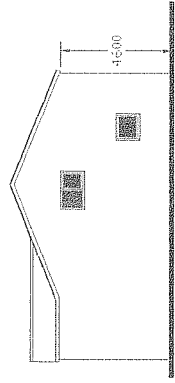
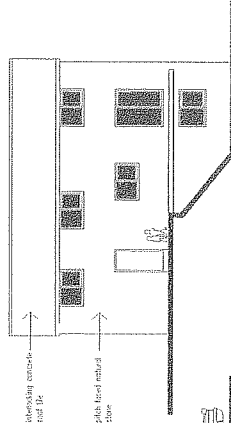
# 2007/293 : PROPOSED SCHEME



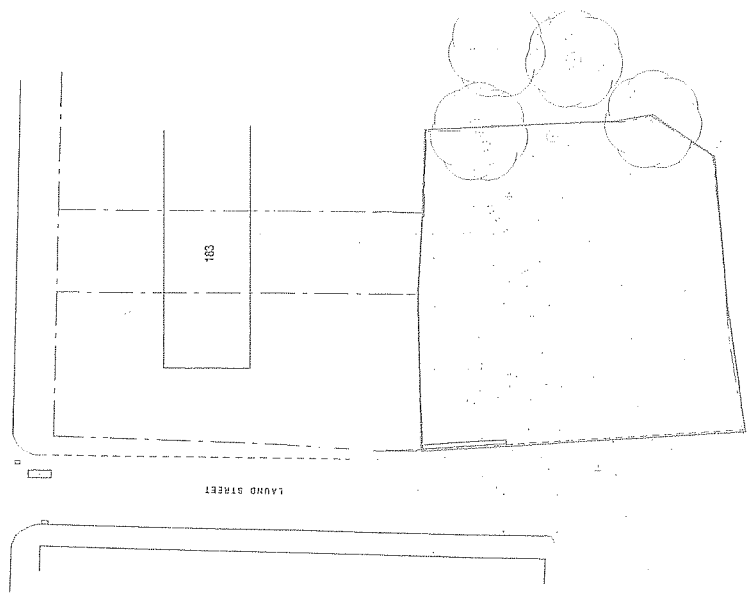
to side porch  
to main living room glass



recessed entrance  
roof line  
side porch  
store

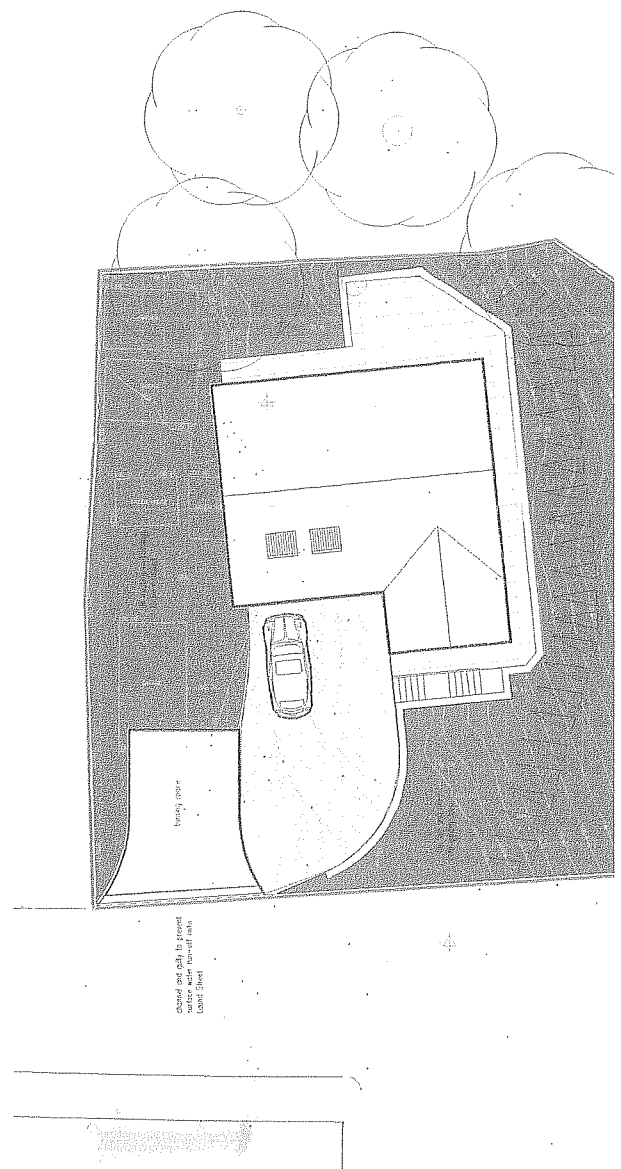


BURNLEY ROAD



LAUNDRY STREET

183



shown and only to prevent  
surface water runoff into  
garage, street

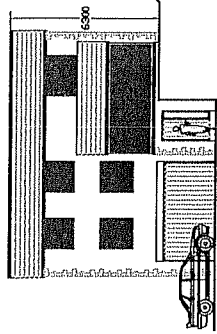
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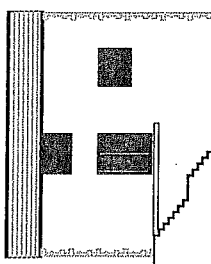
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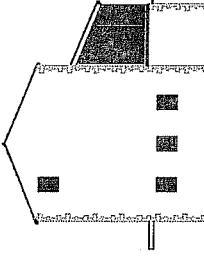
# 2006/227 : PERMITTED SCHEME



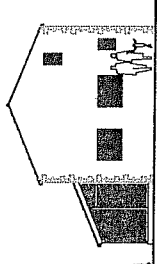
south facing



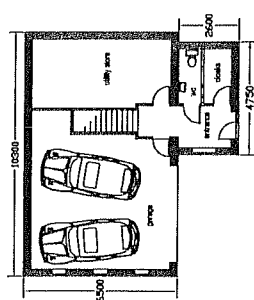
north facing



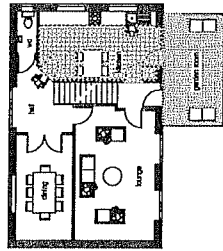
west facing



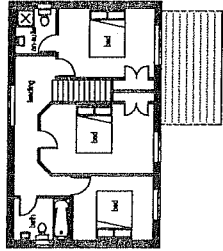
east facing



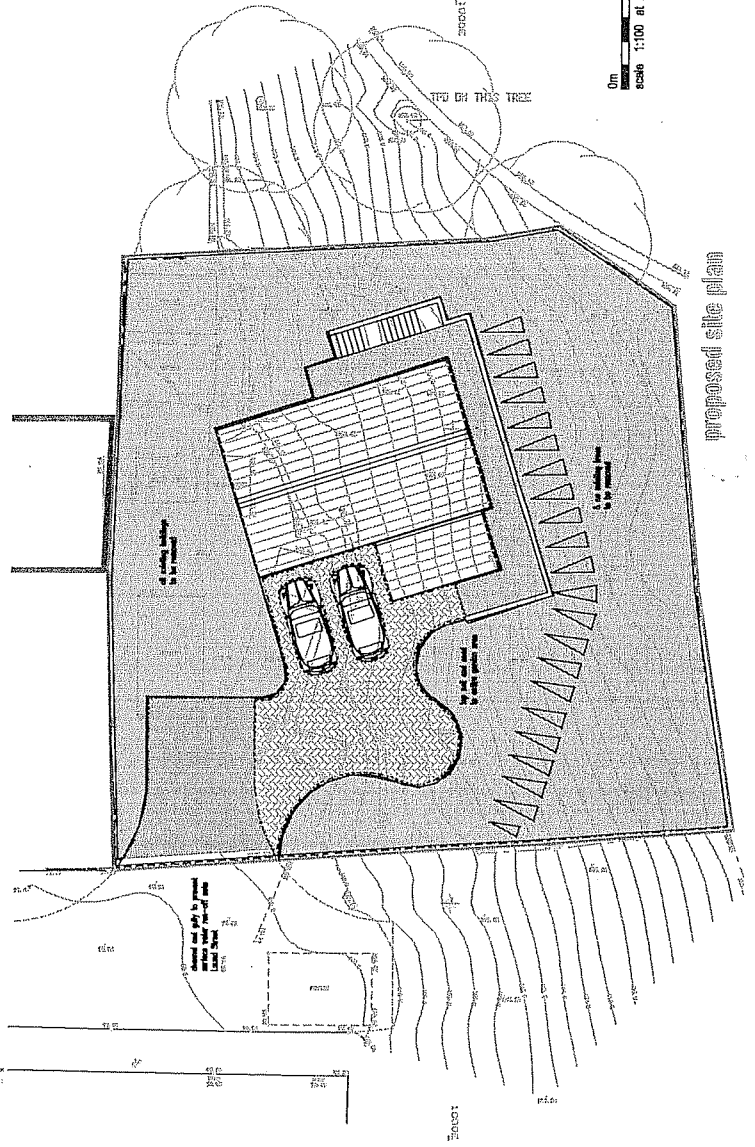
basement



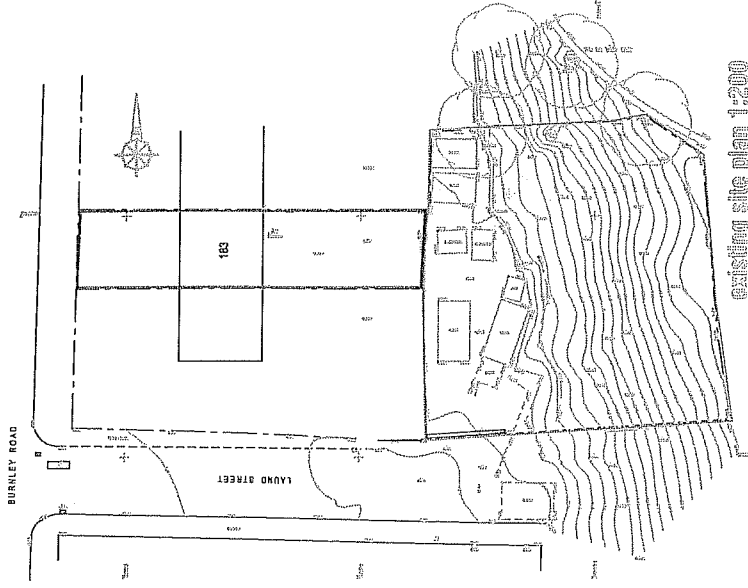
ground floor



first floor



proposed site plan



existing site plan 1:200

proposed 3 bed detached house  
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