

TITLE:	2005/141 – DEMOLITION OF GARAGE AND ERECTION OF A DETACHED GARAGE AT MICKLEDORE BARN, HASLINGDEN OLD ROAD, RAWTENSTALL, ROSSENDALE
TO/ON:	DEVELOPMENT CONTROL COMMITTEE - THURSDAY 28 APRIL 2005
BY:	TEAM LEADER - DEVELOPMENT CONTROL

APPLICANT: MRS R HINDLE

DETERMINATION EXPIRY DATE: 2 MAY 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 demolish an existing detached garage and erect a replacement with a garden store at the lower level. The replacement would be 9.5 metres in width and 6.6m in depth. Given that the land falls away from Haslingden Old Road, the overall height to the pitched roof would be 8.0m. The structure is located in the position of the original albeit a larger structure and would be constructed from stone with a slate roof.

Consultation Responses

Environment Directorate (Highways) – No objection

Notification Responses

Neighbour notification took place on the 9 March 2005. Seven letters of representation have been received which make the following points:

- Materials of construction are inappropriate

- Vehicular access onto highway
- Boundary treatment & landscaping
- Appropriate development in the greenbelt
- Loss of view
- Devaluation of property
- Loss of daylight to habitable space
- Impact upon neighbouring properties

Development Plan Policies

Policy DS3 (Greenbelt) of the Rossendale District Local Plan states that “Within the Greenbelts, planning permission will not be given except in very special circumstances for the erection of new buildings and for the change of use of other buildings other than for the purpose of agriculture, forestry, outdoor sport and recreation cemeteries, institutions standing in extensive grounds, or other uses appropriate to a rural area. The change of use of a redundant building may be permitted within the terms of national greenbelt policy. The greenbelts are shown upon the proposals map as listed below: between Haslingden and Baxenden Between Waterfoot and Stacksteads Between Haslingden & Rawtenstall & Edenfield to the East, West and North of Whitworth and to the south and west of Edenfield”.

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

PPG 2: Greenbelts

Paragraph 3.6 states that “Provided that it does not result in disproportionate additions over and above the size of the **original** building, the extension or alteration of dwellings is not inappropriate development in Green Belts”

Planning Issues

The proposed development is located within the Greenbelt but it is accepted that provided that the proposal does not result in disproportionate additions over and above the size of the **original** building, the extension or alteration of dwellings is not inappropriate development in Green Belts. The proposal would be 3.5m wider than the original building and 1.5m higher. The side elevation would be increased from 6.6m to 9.5m and as such, it is not considered to be disproportionate. The applicant's agent has confirmed that the elevation facing Haslingden Old Road will be constructed from stone rather than render as originally proposed and this now accords with Policy DC4 (materials).

In relation to the vehicular access and the erection of boundary walls, the County Highways Officer has been consulted and raises no objection on highway grounds. The wall could be constructed to 1.0m in height under Class A of Part 2 to Article 3 of the Town and Country Planning General (Permitted Development) Order 1995 in any event.

The design is considered to be appropriate and of a scale appropriate to the main dwellinghouse. Members attention is drawn to the recent planning permission reference 2004/880 granted to the neighbouring property, Mickledore for the erection of a two storey building linked to the main dwelling to contain a swimming pool and gym.

Representations refer to a perceived loss of view and the potential for devaluing of property. These are not a material planning considerations and cannot therefore be taken into account.

Comments relating to the potential loss of daylight to habitable space are acknowledged however it is noted that the submission indicates substantial trees to the rear of the garden which would provide screening of the structure and a degree of loss of light to the rear when in full leaf.

Accordingly, a recommendation of approval is given.

Summary of reasons for conditions to appear on the decision notice

The proposed extension is considered acceptable in design terms and accords with Policy DC1 of the Rossendale District Local Plan in terms of visual appearance and relation to surroundings.

Recommendation

That planning permission is granted subject to the following conditions:

01 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.

02 Details of any alterations proposed to the external appearance of the building shall be submitted to, and approved in writing by, the Local Planning Authority. The approved alterations shall be completed, in accordance with the approved details,

before the use hereby approved is commenced and shall thereafter be retained at all times.

Reason: In order to safeguard the appearance of the building and the surrounding area, in accordance with policy DC.1 of the Rossendale District Local Plan.

Background Documents

PPG2 (Greenbelts)

Rossendale District Local Plan (Adopted April 1995)