

**TITLE: 2005/320 - DEMOLITION OF EXISTING CONSERVATORY & ERECTION OF TWO SEMI-DETACHED HOUSES (OUTLINE)
1 PARROCK DENE, TODMORDEN ROAD, SHARNEYFORD**

TO/ON: DEVELOPMENT CONTROL COMMITTEE - 6 SEPTEMBER 2005

BY: TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT: MR J FORD

DETERMINATION EXPIRY DATE: 19TH JULY 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.

Background

Consideration of this application was deferred at the August meeting in order that a Councillor may speak on the matter.

Site

The applicant occupies a semi-detached house forming part of the sporadic development strung out along Todmorden Road, in the open countryside to the north of Bacup. The house possesses a conservatory that projects out into the sizeable side-garden.

Proposal

The applicant seeks permission for the demolition of the conservatory and outline permission for the erection of two semi-detached properties on the above plot. The applicants have requested that the proposed siting of the dwellings be formally considered as part of this application. The matters of design/external appearance/landscaping/access are reserved for later consideration.

The site falls outside of the Urban Boundary as defined by the Rossendale District Local Plan.

Relevant Planning History

In May 2005 permission was refused by Officers for essentially the same development as now proposed on the grounds that the proposed dwellings :

- 1) Where inappropriate within the Countryside;
- 2) Would cause an unacceptable loss of amenity for residents of 254 Todmorden Road;
- 3) Would contribute unacceptably to housing over-supply.

(Application No 2005/209)

Notification Responses

The resident of 254 Todmorden Road, the house immediately to the west of the application site, has objected to the proposed development on the grounds that it would result in a loss of light to the two gable windows to their living room..

Consultation Responses

LCC (Highways) has no objection to the proposal so long as each of the proposed dwellings will have the facility for a minimum of 2 cars to parking and turn clear of the highway..

RBC Forward Planning objects to the proposal referring to Policy C1 of the Rossendale District Local Plan and Policy 12 of the Joint Lancashire Structure Plan.

RBC Drainage Engineers have no objection, subject to satisfactory drainage.

Environment Agency has no objection.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

Policy DS5 (Development Outside the Urban Boundary & Green Belt) states that *".....development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings"*.

Policy DC1 (Development Criteria) 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"*.

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 12 - Housing Provision

It stipulates the annual average rates for future housing provision for Rossendale is 220 houses per year between 2001 and 2006, and then 80 house per year between 2006 and 2016. In each district, priority will be given to the re-use or conversion of existing buildings,

and then the use of previously developed land at locations listed in Policies 2, 3 and 4 in preference to greenfield land.

Other Material Considerations

PPS1 - Sustainable Development
PPG3 - Housing
PPS7 - Rural Areas
PPG13 - Transport

LCC Parking Standards

Rossendale BC Housing Policy Position Statement

Approved by Executive Committee 17 August 2005, it reads as follows :

“Applications for residential development in Rossendale will be refused, on housing land supply grounds, in all but the following limited circumstances:

- a) In any location where the proposal is a like for like replacement of an existing residential dwelling resulting in no net gain in dwelling numbers and which conforms to relevant policies of the development plan and other material considerations; or*
- b) The proposal will positively contribute to the urban regeneration of the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative areas or the Rawtenstall Town Centre Masterplan (Area Action Plan); and*
- c) The proposal will not harm the character of the adjoining areas such as conservation areas and the setting of listed buildings; and*
- d) The proposal will assist the regeneration of the site; and*
- e) The proposal meets an identified local housing need.”*

Other Material Planning Considerations

Planning Issues

In dealing with this application the principal matters to consider are :

- 1) Principle; 2) Housing Policy; 3) Neighbour Amenity; & 4) Highway Safety.

PRINCIPLE

The location for the proposed development is outside of the Urban Boundary. The proposed development is classed as an inappropriate use for a site in the Countryside and is, therefore, contrary to Policy 1 of the Structure Plan and Policy DS5 of the Local Plan.

Whilst the proposed development is to take place within the residential curtilage of 1 Parrock Dene and thus classed as classed as ‘brownfield’ land in terms of Annex E of PPG3 (Housing), the location for the proposed development is not considered ‘sustainable’, as it has no access to a bus service and would create a reliance on the car, contrary to PPS1 (General Principles).

HOUSING POLICY

LCC (Planning) has previously recommended refusal of a number of planning applications for new housing development in accordance with Policy 12 of the Structure Plan. At its meeting on 17/8/05 the Executive Committee accepted the contention that the Council will over-shoot its housing allocation unless the

circumstances in which permissions are now granted are limited to those set out in the Housing Position Statement it received. This application does not accord with the exceptions set out in the Position Statement.

The proposed development will result in a net gain in the number of dwellings within the Borough and is not located within the Bacup, Stacksteads and Britannia Housing Market Renewal Initiative Area. Accordingly, the application is recommended for refusal on the grounds that it will contribute unacceptably to housing over-supply.

NEIGHBOUR AMENITY

The siting of the two proposed houses has been amended slightly to create a distance of 3 metres between the proposed houses and No. 254 Todmorden Road. Although there is a larger distance between the two properties, it is still considered that the proposed development will have a significant adverse impact upon the amenity of the occupiers of the neighbouring property, most particularly in terms of the loss of light to/outlook from the living room served by the two gable windows.. As a result of the new siting of the proposed dwellings, which will be closer No. 1 Parrock Dene, there will be a adverse impact upon the amenity of the occupiers of 1 Parrock Dene, in terms of loss of light, although it has to be said that it is the applicant who occupies this property.

HIGHWAY SAFETY

Having regard to the speed of traffic on Todmorden Road (A681) at this point, the Highway Authority's wish for each of the dwellings to have the facility for 2 cars to both park and turn clear of the highway case be appreciated. The proposed siting for the dwellings will enable this facility to be provided in the case of only one. Accordingly, the application is also recommended for refusal on highway safety ground.

Recommendation

That planning permission be refused for the following reasons:

Reasons

1. The proposed development is not an appropriate use for a site outside of the Urban Boundary and is inappropriate development within a Countryside Area, and thus contrary to Policy 1 of the adopted Joint Lancashire Structure Plan and Policy DS5 of the adopted Rossendale District Local Plan.
2. The proposed development would by virtue of its relationship to No. 254 Todmorden Road in particular have (i) an unreasonably enclosing and overbearing impact and (ii) lead to a material loss of light, outlook and privacy to this property to the detriment of residential amenity. To this extent the proposal does not accord with Policy 1 of the Structure Plan and the criteria of Policy DC1 of the Local Plan.
3. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). Insufficient justification has been advanced to otherwise warrant the grant of permission for the proposed development.