

Application No: 2008/0009	Application Type: Full Application
Proposal: Retrospective Consent for double garage	Location: Land to rear of 11 Dale Street, Stubbins
Report of: Development Control Manager	Status: For Publication
Report to: Development Control Committee	Date: 19 th February 2008
Applicant: Mr A Barlow	Determination Expiry Date: 29/02/2008
Agent: No agent	

REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
More than 3 objections received	<input checked="" type="checkbox"/>
Other (please state)	

APPLICATION DETAILS

1. The Site

1.1 This is a retrospective application. As such the application site is formed by a detached double garage surrounded by hardstanding, on a vacant piece of land to the rear of 11 Dale Street, accessed from Industrial Street, Stubbins. The land is located between the River Irwell and an access road serving the rear of the properties in the row, and a mill to the end of the row. To the west of the hardstanding is a group of mature trees, to the east, a unkempt single detached garage surrounded by mature trees. There are numerous garages in the locality, mainly located to the west of the row.

2. Relevant Planning History

2.1 No previous history. The existing garages do not appear to have benefited from planning consent, however, it is likely that they are now lawful by reason of their construction over four years ago.

3. The Current Proposal

3.1 The applicant seeks retrospective consent to retain the existing double garage. The garage measures 5.9 metres high, with a depth of 5.9 metres, reaching a height of 2.5 metres with a pitched roof. The external elevations are pebble dash to the sides, with a wooden pediment to the front and a corrugated roof.

3.2 The garage is located to the rear of 11 Dale Street.

4. Policy Context

4.1 National Planning Guidance

4.2

PPS1 - Sustainable Development
PPG25 - Flood Risk

4.2 Development Plan Policies

Regional Spatial Strategy for the North West

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Policy 7 - Parking

Policy 24 - Flood Risk

Rossendale District Local Plan (Adopted 1995)

DS1 - Urban Boundary

DC1 - Development Control

DC2 - Landscaping

DC4 - Materials

4.3 Other Material Planning Considerations

Lancashire County Council Parking Standards

5. CONSULTATIONS

5.1 INTERNAL CONSULTATIONS

Confirmation has been received that the land is not owned by Rossendale Borough Council .

5.2 EXTERNAL CONSULTATIONS

Environment Agency –It would appear that the position of the garage is such that there is still an easement alongside the bank top and enforcement action may not be necessary. Our flood risk enforcement section will inspect the site and ultimately determine whether any action is necessary.

Lancashire County Council
Highways –.No highway comments.

6. REPRESENTATIONS

6.1 The application was originally submitted under planning reference 2007/495, registered on 24/09/2007. The application however, did not contain a Design and Access Statement, and thus was made invalid in accordance with the Council's Validation Policy until a Design and Access Statement was submitted. Prior to the applications invalidation on 23/10/2007, three objections had been received, objecting to the application on the following grounds:

- Impact on visual amenity.
- The garage limits parking spaces for neighbouring properties.
- Possible that the applicant is selling cars from the site.
- The construction will obstruct future essential environmental, safety and flood defence work.
- The applicant demolished a dry stone wall to the rear of the property, resulting in the loss of an important micro-habitat for plants, small mammals and invertebrates including butterflies.
- The garage blocks the views of river and fields on the other side of the riverbank.

6.2 The applicant submitted a Design and Access Statement and the application was registered on 07/01/2008. Neighbours were reconsulted on the application, and as the application had been given a new application number (2008/009) legally, the Council could not accept the initial objections. A site notice was posted on 10/01/2008 as shown on the site plan. Thirty four neighbours were notified by letter on 29/01/2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

As a result of the second consultation period 3 notifications of objection have been received objecting to the proposal on the same grounds as listed above.

7. REPORT

7.1 The main considerations of the application are the impact of the development in close proximity to the River Irwell, and the impact of the development on visual amenity, residential amenity, and highway safety. The application is located in the Urban Boundary, where the Council seeks to locate most new development. The principle of the development within this area is accepted.

7.2 The garage is in a prominent position on an area of open land to the rear of Dale Street. Prior to the erection of the double garage the area of land is believed to have been vacant, casually used by local residents for the parking of motor vehicles, and walking dogs. There has not been a planning consent for the area of land to which the application relates to be used for the parking of motor vehicles. There are numerous garages and examples of extended gardens to the rear of Dale Street, it is considered therefore that the principle of garages in the area is acceptable. The size and design of the garage is considered not to

be inappropriate for a double garage and its construction has not resulted in a significant loss of hard or soft landscaping to the area. The rear of the site currently benefits from recently planted shrubs, and the mature trees located either side of the garage are not affected by the scheme. Objections have been raised regarding the loss of visual amenities associated with the site, however, it is considered that if the garage had not been erected, the previous use of the land for the casual parking of motor vehicles would not have ceased. This previous use did not significantly increase the visual amenities of the site. It is considered that the objections relate more to the loss of a view than the loss of the specific area to which the garage relates; The loss of a view, however, is not a material planning consideration. Taking the previous use of the site as a vacant area of land used for the parking of motor vehicles, the location of the land within the Urban Boundary, the existence of numerous other garages in the area and the acceptable size of the garage, the scheme is considered acceptable in terms of visual amenity.

- 7.3 The garage is located on the opposite side of the road that runs along the rear of Dale Street. All properties in the row benefit from a rear yard. As such the separation distances from the garage to nearest existing dwelling habitable rear windows is approximately 11 metres. This is considered an acceptable distance that would not cause a loss of light, or outlook due to the single storey height of the garage. There are no windows in the garage, as such there is no impact on the privacy of neighbouring dwellings. It is considered that the development has not resulted in an increase in noise to the area as the site was previously used for the parking of motor vehicles. Objections have been received regarding the loss of a view as a result of the garage. As stated earlier, however, the loss of a view is not a material planning consideration. The scheme is considered acceptable in terms of residential amenity.
- 7.4 Dale Street is a row of terraced dwellings directly fronting a highway. On street parking predominates the area, resulting in a cluttered street scene dominated by motor vehicles. The use of the site to the rear of Dale Street for the parking of motor vehicles is believed to have come about because of the need for additional parking spaces, which couldn't be accommodated on Dale Street. As such, the erection of the garage is considered not to be detrimental to highway safety as it does not increase on street parking associated with Dale Street. Objections have been raised with regards to the loss of off road parking for other users of the site, however, it is considered that it does not necessarily follow that due to this, highway safety is detrimentally affected. The size of the garage is adequate to accommodate two vehicles. The siting of the garage would enable cars to reverse into the garage, however, this is not essential as the road is lightly trafficked. The scheme is considered acceptable in terms of highway safety.
- 7.5 The application was brought about as a result of a complaint received from the Council's Enforcement Department, that the applicant was trading motor vehicles from the garage. Investigations are ongoing. No substantial evidence has been accumulated that would support this claim. It is considered that it would not be appropriate to permit the selling of motor vehicles in this area. The granting of permission for the garage within this application would not give the applicant the right to carry a business use from the site. This shall be highlighted in the form of a condition.

- 8 A further objection was raised with regards to the impact that the garage would have on the ability of future essential environmental, safety and flood defence work. The Environment Agency have been consulted on the application and have not objected to the scheme, stating that there is still an easement alongside the bank top. Environmental Health will enforce against the applicant, if they deem it necessary. It is considered, however, that as there is no formal objection from the Environment Agency, that the scheme would not cause undue harm to the River Irwell, or its bank, and would not restrict access to the riverbank for essential maintenance.

8. HUMAN RIGHTS

- 8.1 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.

10. RECOMMENDATION(S)

That Committee be minded to approve the application.

11. REASONS FOR APPROVAL

The proposal would not harm the visual amenity of the surrounding area, nor would it harm the residential amenity of the occupiers of adjoining properties and would not be detrimental to highway safety. The proposed development has been considered against saved policies DS1 – The Urban Boundary, DC1 – Development Criteria and DC4 – Materials of the Rossendale Local District Plan

12. CONDITIONS

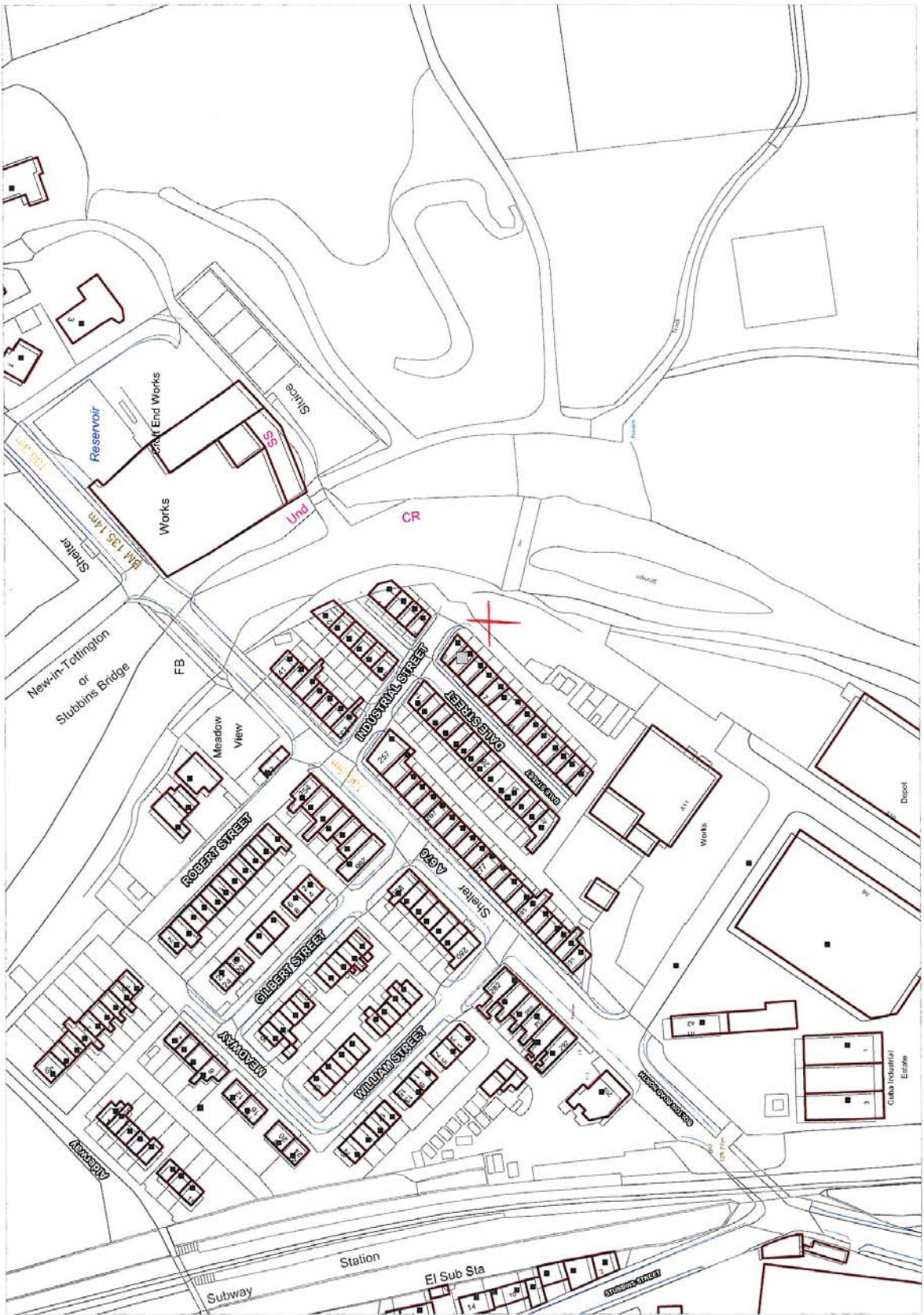
1. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance.

2. The garage hereby permitted shall only be used for purposes incidental to the enjoyment of a dwelling house, including the parking of cars. The garage shall not be used for any trade or business purposes.

Reason: In order to safeguard the residential amenity and character of the area and in accordance with the criteria of Saved Policies DC1 – Development Criteria and DC4 - Materials of the adopted Rossendale District Local Plan.

Contact Officer	
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Asterway

of Anglen
bins Bridge

BM 135.4 m

Reservoir

Works

Cross End Works

FB

Meadow
View

ROBERT STREET

MEADWAY

GILBERT STREET

WILLIAM STREET

INDUSTRIAL STREET

DALE STREET

A676

Shelter

SS

Und

CR

Issues

Range

Issues

Tack

Subway

Station

El Sub Sta

STANBURY STREET

ROAD ROAD

BM 129.27 m

Cuba industrial

Works

4.10