



TITLE:	2005/411 – TWO STOREY REAR EXTENSION 5 IVY GROVE, RAWTENSTALL
TO/ON:	DEVELOPMENT CONTROL COMMITTEE - 6 SEPTEMBER 2005
BY:	TEAM MANAGER - DEVELOPMENT CONTROL

APPLICANT: MR J SHERIDAN

DETERMINATION EXPIRY DATE: 30 AUGUST 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

This application relates to a mid-terraced house of stone construction, with slate roof. Whilst a number of the other houses in the terrace still possess a 1-storey outbuilding projecting the length of the rear yard, that at 5 Ivy Grove has been removed at some time in the past. There is now within its rear yard a timber shed, screened in large measure from the dwelling to each side and private road to the rear by yard-walls of approx 1.6m in height.

Proposal

Permission is sought to erect a two storey rear extension of 2.4m in width. At ground level the extension will project the length of the rear yard - 4.7m - and will contain a kitchen. At first-floor level it will project by 2.8m and will contain a bathroom. The extension would

stand on the party boundary with 7 Ivy Cottage. There would be a door & window to the kitchen, and window to the bathroom, facing towards the party boundary with 3 Ivy Cottage, at a distance of 2.1m from the boundary. The extension will have a white-rendered finish and a tiled roof.

Relevant Development Control History

In June 2005 permission was refused by Officers for the same development as now proposed on the grounds that the extension would result in an unacceptable loss of amenity for occupiers of both 3 and 7 Ivy Grove by reason of overbearing and visual intrusion (2005/237).

Consultation Responses

None

Notification Responses

Letters of objection have been received from the residents of 7 houses in the vicinity (ie Ivy Grove and Prospect Road), together with a petition bearing 32 names against the proposal. They object on the following grounds :

- Loss of privacy
- Loss of light
- Unduly dominant/Out of keeping
- Adversely affect drainage of neighbouring properties
- Diminish security/surveillance of each others properties
- Precedent
- Devalue properties

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

Policy DC1 (Development Criteria) states that “...*all applications for planning permission will be considered on the basis of the following criteria : 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 DC4 (Materials) 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*”.

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 - General Policy

Other material considerations

PPS1 - Sustainable Development

Planning Issues

In dealing with this application the principal issue to consider is the impact of the proposal upon the amenities of neighbours.

As previously stated, the Council refused permission for the same development earlier this year. With this re-submission the applicant's agent has submitted a number of photographs of 2-storey extensions elsewhere and in an accompanying letter states "*...there are countless examples of two storey extensions all over the Rossendale area not to mention the country as a whole. In certain instances planning permission has been refused on the basis of right to light. The modest size of the extension has acknowledged this potential effect upon the neighbour and to compound this sympathetic approach to design my client visited the neighbour to whom this extension would affect with a set of plans and talked at length about the extension. She was completely satisfied that the extension would not have an overbearing affect upon the amenity her rear elevation/yard offered.*"

I do not consider there would be reason to refuse a proposal to construct a 1-storey extension to the rear reflecting in siting/design that which previously existed at 5 Ivy Grove and is still to be seen at other properties in the immediate vicinity.

However, I remain of the view that the 2-storey element of the submitted proposal will result in unacceptable detriment for occupiers of the dwelling to each side. Most particularly, the proposed extension will cause significant overbearing and loss of light/outlook. That the extension is not to be constructed with facing materials which accord with Policy DC4 will only serve to add to the intrusive appearance of the extension. That the bathroom window is side-hung means it will cause an unnecessary and unacceptable loss of privacy for occupiers of 3 Ivy Grove (although this could be easily remedied). None of the mid-terraced houses fronting Ivy Grove and Prospect Road presently possess a 2-storey rear extension. To permit the proposed development would set an undesirable precedent.

Contrary to the agent's statement regarding the views of immediate neighbours, I would advise that a letter of objection has been received from the occupier of the dwelling to each side.

Recommendation

That planning permission is refused.

Reasons

The proposed extension is contrary to Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 & Policy DC4 of the adopted Rossendale District Local Plan by reason of its siting and size in relation to neighbouring properties. Most particularly, it will cause significant detriment to the amenities occupiers of 3 and 7 Ivy Grove could reasonably expect to enjoy by reason of its overbearing impact, loss of light/outlook and visual intrusion.