

**TITLE:** PLANNING APPEAL RESULT  
Application 2004/321 – 73 HOLLAND AVENUE  
RAWTENSTALL, BB4 8JJ.

**TO/ON:** DEVELOPMENT CONTROL COMMITTEE  
06 September 2005.

**BY:** Bryan Beardsworth

**STATUS:** For Publication.

1. PURPOSE OF THE REPORT  
To inform Committee members of the result of the appeal.
2. RECOMMENDATION  
That the report be noted.
3. CORPORATE AIMS  
Quality service, better housing , the environment, regeneration and economic development, confident communities.
4. RISK  
n/a
5. SERVICE DELIVERY/PERFORMANCE MANAGEMENT ISSUES  
The councils decision has **not** been upheld.
6. IMPLICATIONS ARISING FROM THE REPORT

|                       |   |                     |   |
|-----------------------|---|---------------------|---|
| LA21/Environment      | * | IT                  |   |
| Human Rights Act 1998 | * | Land and Property   | * |
| Equalities Issues     |   | Personnel           |   |
| Community Safety      |   | Legal               |   |
| Financial             |   | Partnership Working |   |

**LA21/Environment** implications are considered to be the effect of the proposals on the local environment.

**Human Rights Act 1998** implications are considered to be Article 8 which relate to the right to respect for private and family life, home and correspondence. Additionally, Article 1 of Protocol 1 relates to the right of peaceful enjoyment of possessions and protection of property.

The relevant **Land and Property** implications were considered in the Officer's Report.

7. WARDS AFFECTED  
Cribden

8. CONSULTATIONS  
The appeal was advertised by individual letters to all parties who made representations upon the planning application

9. REPORT

2004/321 – This planning application was received on 11 May 2004 and related to an application for erection of a two storey rear extension at 73 Holland Avenue, Rawtenstall.

The application was refused on the 17 June 2004 for the following reason:-

**(i)** The proposed two storey extension would look materially out of place on the rear of this terraced block which is currently characterized by an open and uninterrupted rhythm of rear garden space. The extension would have an enclosing and dominating impact on number 75 Holland Avenue thereby compromising residential amenity. For these reasons the proposed development does not accord with policy DC1 of the Rossendale District Local Plan which states that developments should not "be detrimental to existing conditions in the surrounding area".

This resulted in an appeal being lodged and dealt with under the written representations method. The Inspectorate wrote informing the Council of its decision that the appeal was **allowed**.

For further information on the details of this report, please contact: Mr B Beardsworth extension 167.