

Application No: 2009/409	Application Type: Full
Proposal: Erection of two-storey detached dwelling	Location: 5 Park Crescent Haslingden
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 5 October 2009
Applicant: Mr Douglas Slack	Determination Expiry Date: 19 October 2009
Agent: Plans 4 Building	

REASON FOR REPORTING **Tick Box**
Outside Officer Scheme of Delegation
Member Call-In
 Name of Member:
 Reason for Call-In:

More than 3 objections received X

Other (please state)

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.

APPLICATION DETAILS

1. SITE
 Park Crescent is a short narrow cul-de-sac, within a residential area to the south of Haslingden Town Centre, and serves just over a dozen dwellings.

The application relates to a site of irregular shape which is to the rear of 3 and 5 Park Crescent. No 3 is a semi-detached house of stone/slate construction and No 5 is a

detached bungalow of stone/render/slate construction, over a garage accessed directly from the cul-de-sac head via a door in the gable. No 5 is in the same ownership as the application site.

The application site slopes down from the bungalow at No 5, comprising of an unmaintained grassed area of land, to which there is presently no vehicular access. On its south-west and south-east sides the site is bounded by unmaintained open space.

2. RELEVANT PLANNING HISTORY

2008/476 - Erection of two storey detached dwelling

This application sought permission for the erection of a 3-bedroomed split-level dwelling on the site with associated parking and landscaping. The dwelling was to be 1-storey as viewed from the north and 2-storey as viewed from the south, with a hipped-roof.

To measure 7.5m in width and 8.6m in depth, with a height of 6.8m, it was to have rendered walls and a tiled roof. The roof of the proposed dwelling would not have exceeded the height of the cills of the windows in the rear elevation of the bungalow at No 5. The dwelling was to be sited 11.22 metres from the gable of the house to the east (No 22) and 10.45 metres from the bungalow at 5 Park Crescent.

The garage serving No 5 was to be retained and an additional parking space to be provided to its rear. The proposed dwelling was to be provided with 2 off-street parking spaces accessed via a steeply-sloping drive running directly in front of the garage door to the garage at No 5.

On 1/9/08 this application was Refused for 4 reasons:

1. It has not been demonstrated that the site was entirely the domestic curtilage of 5 Park Crescent and, consequently, the erection of a new dwelling was contrary to PPS3 / Joint Lancashire Structure Plan Policy 12 / the Council's Interim Housing Policy Statement (July 2008).
2. By reason of its siting, size, design and materials the proposed dwelling would detract to an unacceptable extent from the character and appearance of the area.
3. The proposed dwelling would not have separation distances from all neighbouring properties that complied with the Council's Alterations and Extensions to Residential Properties SPD (June 2008) and most particularly would have unduly affected occupiers of 22 Park Crescent.
4. The proposal would create a drive off the turning head of Park Crescent which would run immediately adjacent to the garage at 5 Park Crescent and be too

steep, and would add further traffic on a narrow road with much on-street parking, to the detrimental of highway safety.

3. THE PROPOSAL

The applicant now seeks permission for the erection of essentially the same size/design as previously proposed. However, to address the above reasons for refusal the submission differs in the following respects:

1. Further information has been provided with regards to the use of the land as garden curtilage.
2. The facing materials now proposed are stone and slate to match the bungalow at 5 Park Crescent.
3. The proposed dwelling has been moved so as to be 13 metres from the gable of the house at No 22.
4. It is now proposed that the garage at No 5 cease to be used as such, 4 parking spaces and a turning-head be provided to the rear of the existing bungalow (to meet the needs of its occupiers and the new dwelling), with the drive connecting to Park Crescent having a gradient not exceeding 1/10.

4. POLICY CONTEXT

4.1 National Planning Guidance

PPS1 – Delivering Sustainable Development
PPS3 - Housing

4.2 Regional Spatial Strategy Policies

DP1 -9 Spatial Principles
RDF 1 Spatial Priorities
L 4 Regional Housing Provision
L 5 Affordable Housing
RT 2 Managing Travel Demand
RT 4 Management of the Highway Network
EM 1 Environmental Assets

4.3 Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials

4.4 Other Material Planning Considerations

DFT Manual for Streets
4NW Draft Partial Review of the RSS
LCC Parking Standards
RBC Core Strategy
RBC Interim Housing Policy Statement (July 2008)

5. CONSULTATION RESPONSES

LCC (Highways)

No objection

6. Notification Responses

To accord with the General Development Procedure Order a site notice was posted on 08/09/09 and the relevant neighbours were notified by letter on 03/09/09

Seven letters of objection have been received from local residents and also an objection from Cllr Gladys Sandiford. The following points are raised:

- Would exacerbate parking problems
- Street lighting would be inadequate
- Traffic and amenity problems during construction phase
- Garage of No.5 is adjacent to access area
- Subsidence/unstable land
- Loss of privacy
- Over intensive development of the site
- Dwelling would be incongruous
- Damage could be caused to neighbours property
- The application is contrary to the Council's Interim Housing Policy Statement July 30th 2008
- There are flooding issues on the land

7. Planning Issues

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Housing Policy
- 3) Visual Amenity
- 4) Neighbours Amenity
- 5) Access/Parking

Principle

The application site lies within the Urban Boundary of Haslingden and is reasonably accessible by public transport. It is therefore considered that the proposed development accords with Policy DS1 of the Rossendale District Local Plan.

Housing Policy

Since determination of Application 2008/476 the Joint Lancashire Structure Plan has been superseded by the Regional Spatial Strategy. The current application is accompanied by additional information to substantiate that the application site constitutes previously developed land by virtue of being part of the domestic cartilage of No 5

The Council's Interim Housing Policy 2008 reflects the housing allocation of the latest RSS and does not preclude residential development within the Urban Boundary of Haslingden providing the proposal accords with the following criteria:

1. It uses existing buildings/previously developed land or is for replacement dwellings; and
2. It makes an essential contribution to affordable housing; and
3. It is built at a density of no less than 30 dwellings per hectare; OR
4. It is for solely affordable and/or special needs housing.

The applicant has provided additional information in relation to the lawful use of the land, including evidence of title, photographs and a history of the previous owners and their use of the land. It is considered that, on the balance of probabilities, the land has lawful use as a garden. Accordingly, criterion 1 is met.

As the scheme is for one dwelling only there is no affordable housing requirement and the proposed density is acceptable.

Having regard to the above the proposal is considered acceptable in terms of housing policy

Visual Amenity

The proposed dwelling will not form a prominent feature of the street-scene.

There are a number of house types in the locality, including both bungalows and houses. To reflect the topography of the application site the dwelling proposed is to be split-level. It is to be constructed with stone/slate to match the existing bungalow at No 5.

Accordingly, it is considered that the proposal will not detract to an unacceptable extent from the street-scene or from the character and appearance of the area in general.

Neighbour Amenity

The separation distance from the gable of the house at No.22 has been increased from 11.2 metres to 13 metres. This distance complies with the minimum distance as stated within the Council's SPD and, therefore, there would be no undue loss of light or outlook for this neighbour. Their privacy will not be unduly affected as the only window in the proposed dwelling that will face them is to be obscure-glazed.

As previously stated, the applicant owns the bungalow at No 5. As the proposed dwelling is to have a hipped-roof with a height that does not exceed the cill height of the bungalows windows its occupiers will not experience an unacceptable loss of light/outlook/privacy.

The proposed dwelling does not run behind the house at No 3 and it is elevated above the level of the application site to a greater extent than the bungalow at No 5. The

proposed dwelling is to possess a window in its north gable, to serve a landing. It is considered appropriate to require by condition that it is obscure-glazed.

Access/parking

Park Crescent is a short cul-de-sac of restricted width and its turning-head is of a size which does not meet current standards. However, the traffic generated by one more dwelling is not considered likely to make exacerbate existing traffic problems so long as the proposal does not add to on-street parking. At the present time the bungalow possesses only one off-street-parking space (the garage).

As the existing garage under the bungalow at No 5 is to be de-commissioned there will no conflict between a vehicle backing from it and vehicles passing between Park Crescent and the new dwelling. Both the bungalow and the proposed dwelling will possess off-street parking for 2 cars, with the facility for those cars to turn and exit to Park Crescent in forward gear via a drive of acceptable gradient.

The Highway Authority has raised no objection to the current proposal. The application is considered acceptable in terms of highway safety.

Other Matters

Concerns have been raised from objectors relating to:

Flooding

Damage to neighbouring properties

The stability of the land and that the land has historically had problems with subsidence.

Inadequate street lighting

In response it is considered that the site does not lie within a Flood Risk Zone. On submission of a Building Regulations application, the applicant would have to resolve any stability issues that may be prevalent to the site.

Any damage caused to other properties by the development would be a civil matter that is not material to the determination of this application.

The Highways Authority have not raised concern regarding street lighting.

Accordingly the above do not affect the case officer recommendation.

Summary Reason for Approval

The proposal is considered acceptable in principle within the Urban Boundary of Haslingden, accords with housing policy and would not result in unacceptable detriment to visual & neighbour amenity or highway safety. It is therefore considered that the proposal accords with the provisions of PPS1/ PPS3 /PPG13, Policies DP 1-9 / L4 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, Policies DS1 / DC1 / DC4 of the Rossendale District Local Plan, and the Council's Interim Housing Policy Statement (July 2008).

Recommendation

That permission be granted, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
- 2 The development shall be carried out in accordance with plans dated 24 August 2009, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.
Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.
- 3 Prior to the commencement of development samples of the facing materials to be used in the elevations and roof of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and shall not be varied without the prior written permission of the Local Planning Authority.
Reason: To ensure a satisfactory appearance to the development and to accord with Policy DC1 of the Rossendale District Local Plan.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, as amended, or any order amending or revoking and re-enacting that Order, no development contained within Classes A-E of Part One, Schedule Two of that Order shall be carried out without the prior written approval of the Local Planning Authority.
Reason: To avoid additions to the building or the erection of outbuildings that will detract to an unacceptable extent from visual or neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
- 5 Prior to commencement of development hereby permitted, details of the construction/surface finish/ drainage of the access road, parking and turning facilities shown on the approved drawings shall be provided to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the building hereby permitted, unless otherwise first agreed in writing by the Local Planning Authority, and these areas shall thereafter be kept freely available for use for the parking and manoeuvring of vehicles. Furthermore, prior to first occupation of the dwelling hereby permitted the garage under the bungalow at 5 Park Crescent shall cease to be accessible to vehicles and not thereafter used by vehicles.
Reason: In the interests of highway safety and to accord with Policy DC1 of the Rossendale District Local Plan.
6. Notwithstanding the details shown on the submitted drawings or the application forms, prior to the commencement of development a scheme of landscaping/ boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include : the location of all existing trees and hedgerows on the site and shall specify those that are to be retained and the measures to be taken to protect them during construction of the development; the planting proposed; the areas to be hard-surfaced; the fences/walls/gates to be erected; and any changes of ground-level proposed.

Reason: In the interests of visual & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan .

- 7 All hard landscaping, gates, walls, fences in the approved scheme of landscaping/boundary treatment shall be implemented prior to the first occupation of the dwelling, unless the Local Planning Authority gives written consent to any variation. All planting in the approved scheme of landscaping/boundary treatment shall be implemented in the first planting season thereafter, and any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation.

Reason: In the interests of visual amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

8. Notwithstanding what is shown on the approved plans, the window in each gable shall be obscure-glazed and remain as such.

Reason: In the interests of neighbour amenity in accordance with Policy DC1 of the Rossendale District Local Plan.

9. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am to 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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