

Application No: 2009/453	Application Type: Full
Proposal: Erection of detached garage with roof terrace above	Location: Roughlee House, Lenchfold, Cloughfold
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 14 December 2009
Applicant: Mr A Morton	Determination Expiry Date: 3 December 2009
Agent: None	

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

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

Roughlee House is situated in the area of Countryside to the south of the settlement of Waterfoot.

It comprises of a large 2-storey detached house, of traditional design and stone/slate construction. It sits within extensive grounds, with a detached barn to its south side, which is used for incidental residential purposes. Its front garden is bounded by stone walls with grand gated entrance. There are numerous trees and hedgerows both surrounding and within the site.

It is reached by means of a narrow single-access track extending from Cowpe Road, which continues to its north side, giving access to 3 neighbouring houses to its rear (ie on the rising land to the west side). This track is a Public Footpath.

2. RELEVANT PLANNING HISTORY

None

3. THE PROPOSAL

The applicant seeks permission to construct a detached triple-garage to be sited to the front of the house, with its back dug into the rising bank within the garden and the doors set within an existing high wall that faces towards the access-track. The land between the garage side and track is already hardstanding.

The garage would measure 7.5m x 9.5m, with a flat-roof to be used as a roof-terrace. The roof-terrace can be accessed without steps due to the rising land that bounds it towards the rear but, in the interests of safety, will have a 1m high balustrade. The new elements of exposed wall will be constructed with stone to match the existing materials and the three garage doors will be of timber.

The applicant has stated that the garage would be used for storage of vehicles that he restores as a hobby, and not for any business purpose.

4. POLICY CONTEXT

National Planning Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPG24	Planning and Noise

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9	Spatial Principles
RDF1	Spatial Priorities
RDF 2	Rural Areas
RT2	Managing Travel Demand
RT4	Management of the Highway Network
EM1	Environmental Assets

Rossendale District Local Plan (1995)

- DS5 Development outside the Urban Boundary and Green Belt
- DC1 Development Criteria
- DC4 Materials

Other Material Planning Considerations

- 4NW Draft Review of RSS
- LCC Parking Standards
- LCC Landscape Strategy for Lancashire
- RBC Alterations and Extensions to Residential Properties SPD

5. CONSULTATION RESPONSES

LCC (Highways)

No objection.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 15/10/09 and six neighbours were notified by letter on 13/10/09.

Four objections have been received from neighbouring properties. They object on the grounds of:

- The landscape surrounding the application site has recently been modified and a large tree has been removed.
- The garage and roof terrace will further detract considerably from the unspoilt nature of the area and erode the natural beauty of the area which is all seen from a public footpath.
- The approval will encourage extra traffic flow through the narrow track shared by all properties at Lench Fold Clough.
- The garage and the area in front of it may become an open, floodlit motorcycle garage to support a motorcycle course.
- The garage will not solve and possibly worsen the existing parking issues in the communal area to the rear of Roughlee House.
- The potential of further construction on the terraced area created above the garage.
- The development will cause increased noise in the area.

7. PLANNING ISSUES

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

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

Principle

Both national and local planning policies seek to protect the intrinsic character and appearance of the countryside and, wherever possible, ensure that development enhances local distinctiveness.

The site of the proposed garage is located within the curtilage of the applicants property and its use is to be incidental to the enjoyment of the dwellinghouse as such. Certain out buildings could be erected within the site that would not require planning permission. Accordingly, I do not consider there is objection in principle to the proposed development, although it is necessary to assess whether it is of appropriate siting/size/design/materials to avoid unacceptable harm (see section below).

Visual Amenity

The footprint/volume of the proposed building is not small. However, I am satisfied that the garage and its associated balustrade will not form an unduly prominent or intrusive feature as viewed from the public footpath or the countryside in general.

The bulk of the garage will be underground and that part which is not will be significantly screened by existing planting and boundary treatments. The use of natural stone for the exposed elevations and timber for the garage doors are considered to be sensitive to the character and appearance of the countryside.

Due to its siting, and design, largely within the existing landscape, it is considered that the development would not detract to an unacceptable extent from the essentially open and rural character of the countryside. There is a mature tree relatively close to the garage site; it is considered that a condition is necessary to ensure this tree is protected during the course of the development.

Neighbour Amenity

Due to its siting well away from neighbouring houses it would not have a detrimental impact upon the light/outlook/ privacy of any neighbours. Although objectors have expressed concern about the intended use of the garage the applicant has stated that it would be used for incidental residential purposes and not for business. It is considered appropriate to attach a condition to ensure this is the case in respect of the proposed garage and existing outbuilding.

Highway Safety

The scheme would not result in the loss of any of the existing off-street parking facilities and would not generate the need for further parking spaces. There has been no objection from the Highways Authority.

8. SUMMARY REASON FOR APPROVAL

The proposed development would not result in a disproportionately large addition to the existing dwelling and, having regard to its siting/size/design/materials, would not detract to an unacceptable extent from the essentially open and rural character of the countryside, neighbour amenity or highway safety. It is therefore considered that the proposal accords with PPS1 / PPS7, Policies DP1-9 / RDF2 / EM1 of the Regional Spatial Strategy, Policies DS5 / DC1 of the Rossendale District Local Plan, and the Council's Alterations and Extensions to Residential Properties SPD.

9. RECOMMENDATION

Approve subject to conditions.

10. CONDITIONS/REASONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the drawing dated 08 October 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. All materials to be used in the elevations and roof of the proposed development shall be as stated on the approved application forms and plans.
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy DC1 of the Rossendale District Local Plan.
4. The garage hereby permitted, and the existing outbuilding, shall only be used for purposes incidental to the enjoyment of the dwellinghouse as such, including the parking of cars/motorbikes and not for any trade or business purposes.
Reason : In the interests of the visual and neighbour amenity, in accordance with Policy RDF2 / EM1 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.
5. Notwithstanding the details shown on the submitted drawings, 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 before development commences. 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.
Reason : In the interests of visual amenity, in accordance with Policy RDF2 / EM1 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan.
6. 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 and 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 neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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