

**TITLE: APPLICATION 2005/580  
ERECTION OF DETACHED HOUSE (PLOT1)  
ROSEHILL WORKS, ROSEHILL STREET, CRAWSHAWBOOTH**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE - 6 DECEMBER 2005**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT : BARNETT CONSTRUCTION**

**DETERMINATION EXPIRY DATE : 5 DECEMBER 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.

### **Background**

On 17 November 2003 Outline Permission was granted for the residential redevelopment of the site occupied by commercial premises located to the rear of the terraced-houses 790-804 Burnley Road (2003/610).

On 19 November 2004 Reserved Matters Approval was granted for the erection of 8 houses on the site (2004/626).

With work on the implementation of the approved scheme on-going, permission was sought and obtained earlier this year for a change in the house-type and outbuilding to be erected on Plot 8 (2005/364).

Complaint was subsequently received that the dwelling being erected on Plot 1 did not accord with the approved plans for it. When the site was inspected this proved to be the case.

## **Proposal**

Permission is now being sought to regularise the dwelling being constructed on Plot 1. The house itself does not differ from that previously permitted in terms of its size/design/facing materials. However, its attached garage differs in that it will stand to the side of the house and have a hipped-roof, rather than project to the rear of the house and have a pitched-roof.

The resulting garage will stand no nearer the rear yard-wall of the terraced houses fronting Burnley Road than previously permitted (4.25m), but the house itself will be 6.25m from the neighbours yard-wall rather than 7m. The resulting building will stand 5.8m from the carriageway of Higher Booths Lane rather than 3.8m, and be angled slightly more to this road and the terraced-houses fronting Burnley Road.

The applicant advises that the construction of the house was begun with a greater setback from Higher Booths Lane as result of the wish of the Council's Highway Engineers for a 2m wide footway to be constructed along the frontage to Plot 1.

## **Notification Responses**

Letters have been received from the occupiers of four of the houses fronting Burnley Road. Two indicate that this variation will not result in greater detriment for them, but have objection to the development of the site as a whole (due to its density/layout/traffic).

The other two letters object additionally on the basis of the particulars of this application. Namely, that the proposed house is too big to be so near to existing houses and diminishes light to/outlook from the dining-room/lounge windows and rear-yards of 794/796 Burnley Road. The occupier of No 294 also considers the changes to greatly affect their privacy.

## **Development Plan Policies**

### Rossendale District Local Plan (Adopted 1995)

- DS1 - Urban Boundary
- DC1 - Development Control
- DC2 - Landscaping
- DC4 - Materials
- T6 - Pedestrians

### Joint Lancashire Structure Plan (Adopted 2005)

- Policy 1 - General Policy
- Policy 5 - Development Outside of Principal Urban Areas, etc
- Policy 7 - Parking
- Policy 12 - Housing Allocation
- Policy 21 - Lancashire's Natural & Man-Made Heritage

## **Other Material Planning Considerations**

- PPS1 - Sustainable Development
- PPG3 - Housing
- PPG13 - Transport
- LCC Parking Standards
- RBC Housing Position Statement

## **Planning Issues**

This application is being reported to Committee at the request of a Councillor.

As the application will result in no increase in the number of dwellings erected on the Rosehill Works site the main issues to consider are : 1) Neighbour Amenity; 2) Townscape; & 3) Access/Parking.

#### NEIGHBOUR AMENITY

The resulting dwelling will impinge on the light to/outlook from slightly different properties than would construction of the permitted dwelling, but will affect no greater number of the neighbouring dwellings and to no greater extent than the previously approved dwelling. The amended siting of the garage, and hiping of its roof, is a marginal improvement on the previously permitted scheme.

In terms of privacy it is acknowledged that by reason of the change in angle the resulting dwelling as built its occupiers will be able to look marginally more easily into the rear yards of certain of the terraced-houses fronting Burnley Road from a first-floor bedroom window in the rear elevation. However, I do not consider this change constitutes a significant additional detriment to neighbours such that there would be justification to refuse planning permission.

#### TOWNSCAPE

By setting the dwelling slightly further back from Higher Booths Lane it will impinge to slightly less extent upon the character and appearance of the area.

#### ACCESS/PARKING

The incorporation of a footway across the frontage of Plot 1 is welcomed by the Council's Highway Engineers, and will enable residents of the Rosehill Works Site to make their way to/from Burnley Road without walking in the carriageway of Higher Booths Lane.

#### **Summary of Reasons**

The proposed development will not contribute towards an inappropriate excess in housing-supply provision in contravention of Policy 12 of the adopted Joint Lancashire Structure Plan and, subject to conditions, is not considered likely to result in unacceptable detriment for neighbours, highway safety, visual amenity or any other material planning consideration.

#### **Recommendation**

That permission be granted subject to the following 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: In the interests of the visual amenity of the area in general and in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*
2. Within 28 days of the date of this decision notice a scheme of landscaping and boundary treatment has been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail which may have previously been submitted. The scheme shall indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped.  
*Reason: In the interests of the amenity of the area, in accordance with the*

*criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

3. All hard-landscaping and boundary walls and fences forming part of the approved scheme shall be completed prior to first occupation of the dwelling hereby permitted. All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building, and any trees or shrubs in the approved scheme which within a period of 5 years of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
*Reason: In the interests of the amenity of the area, in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.*

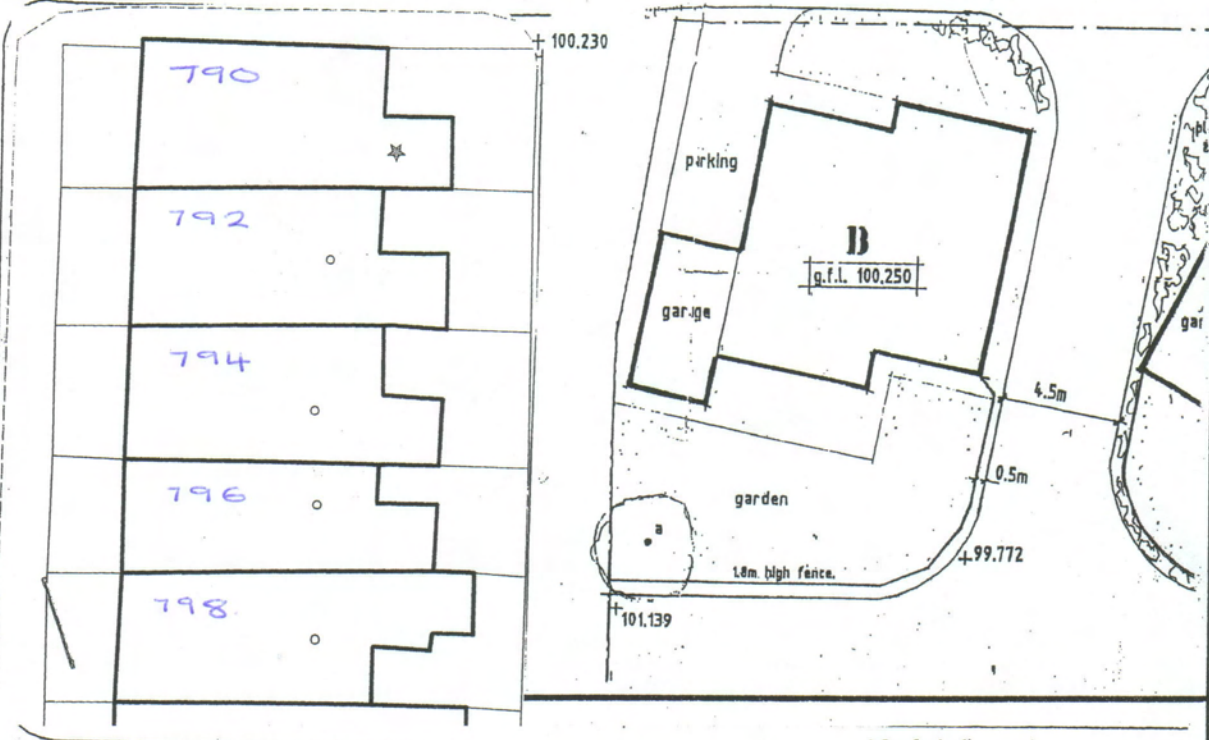
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development shall be carried out on the site within the terms of Classes A, B, C, D, E and G, of Part 1 of Schedule 2 to the Order, without the prior consent of the Local Planning Authority.  
*Reason :To ensure the Local Planning Authority retain control over the amount of development that takes place, in the interests of amenity in accordance with Policy DC1 of the Rossendale District Local Plan.*

5. Prior to first occupation of the dwelling hereby permitted Higher Booths Lane, from its junction with Burnley Road to the western most point of the site, shall be brought up to standards suitable for adoption by the Highways Authority (and incorporate the pavement indicated on the approved drawings) in accordance with the Highways Act 1980 (Private Streetworks) at the developers own cost.  
*Reason : In the interests of highway safety and policy DC1 of the Rossendale District Local Plan.*

**Please Note :** This permission requires works within the highway. Before any such works are started you must contact Rossendale Borough Council's Highway Engineers, quoting the planning application number.



**PLOT 1 - PREVIOUSLY PERMITTED SITING**



Burnley Road

**PLOT 1 - SITING FOR WHICH PERMISSION IS NOW SOUGHT**

