



terraced houses. One of the houses is owned by the applicant, as too is land to the west side of the terrace.

The application relates to land extending to the west side and front of Underbank, the recently-constructed property on the end of the terrace. Underbank has habitable room windows at ground floor and first floor level that directly face the application site. The site falls down steeply to the east, and is bounded to the north and west by open land.

The site is located within the Urban Boundary.

## **2. Relevant Planning History**

- 2006/556**     Erection of dwelling  
Refused by Committee for oversupply reasons.
- 2008/140**     Erection of 2-storey dwelling over B1 business unit  
Refused for four reasons relating to housing policy, visual amenity, neighbour amenity and highway safety.
- 2009/109**     Live-work unit, comprising detached 2-storey house over 76sq m basement B1 business space  
Refused for three reasons including housing policy, visual amenity and neighbour amenity.

## **3. The Proposal**

Following refusal of application 2009/0109 the applicant has attempted to overcome the previous reasons for refusal. Most particularly :

- further evidence that the land has been use as garden and, consequently, constitutes previously developed land;
- the business element of the scheme has been deleted;
- the siting of the house has also been revised to improve the light and outlook from the neighbouring property;
- clarification has been provided over the extent of the proposed domestic curtilage of the house and its relationship with the neighbour in terms of access requirements; &
- further soft-landscaping is proposed.

The application now seeks permission for the erection of a 2-storey detached house to measure 9.4m x 9.25m in area, over a garage towards its south-west, constructed in stone under a slate roof. The ground floor level of the proposed house would be approximately 0.5 metres higher that of the adjacent house, separated from it by 6.6+ metres. The orientation of the dwelling has been revised from that of the earlier refusal to increase separation from the neighbour.

The proposed house would have little in the way of private garden space, but a first-floor balcony projecting from its northwest elevation and extensive windows in its

south west elevation, giving outlook over the adjacent open land. A 1.5m high fence and beech hedge is proposed down the party-boundary with Underbank. The extensive area to the front of the proposed house and Underbank is in part to be hard-surfaced, enabling vehicles associated with the proposed house to enter and exit the site without the need to use the roadway immediately in front of Underbank.

The application is accompanied by a Ground Condition Report indicating there to be within 25m of the site an area that may be affected by coal mining activity and within 250m potentially infilled land. However, it concludes that the site is not 'contaminated land' within the meaning of the Environmental Protection Act 1990.

#### **4. Policy Context**

##### **National**

PPS1 Sustainable Development  
PPS3 Housing  
PPG13 Transport

##### **Development Plan**

###### Regional Spatial Strategy for the North West (2008)

DP1-9 Spatial Principles  
RDF 1 Spatial Priorities  
L 4 Regional Housing Provision  
L 5 Affordable Housing  
RT 2 Managing Travel Demand  
RT4 Management of the Highway Network  
EM1 Environmental Assets

###### Rossendale District Local Plan (1995)

DS1 Urban Boundary  
DC1 Development Control  
DC4 Materials

##### **Other Material Considerations**

Draft RSS Partial Plan Review of the RSS  
LCC Parking Standards  
RBC Core Strategy  
RBC Interim Housing Policy Statement (July 2008)

#### **5. CONSULTATIONS**

##### LCC Highways

No objection

##### RBC Environmental Health

There are no Environmental Health observations in relation to contaminated land.

## 6. REPRESENTATIONS

To accord with the General Development Procedure Order the application has been publicised by way of a site notice posted on 02/02/10 and 23 neighbours were notified by letter of 20/1/10.

Three objections have been received on the following grounds :

- Residents have had enough applications for development recently (with the care home and industrial units).
- There is no need for the proposed dwelling, which has been turned down twice before.
- The proposal will spoil their outlook.
- The proposed house will remove the open aspect enjoyed by occupiers of Underbank and result in overbearing and overlooking.
- The proposed house has no real garden.
- The proposed access cuts across the garden belonging to Underbank.

## 7. ASSESSMENT

The main considerations of the application are : 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; & 5) Highway Safety.

### Principle

The site lies within the Urban Boundary of Rising Bridge, wherein the Council seeks to locate most new development. Bus services run along the nearby Rising Bridge Road. To this extent the proposal is considered acceptable in principle and to accord with Policy DS1 of the Local Plan.

### Housing Policy

PPS3 sets out Government guidance on a range of issues relating to the provision of housing. Paragraph 3 states that : *“One of the roles of the planning system is to ensure that new homes are provided in the right place and at the right time, whether through new development or the conversion of existing buildings. The aim is to provide a choice of sites which are both suitable and available for housebuilding. This is important not only to ensure that everyone has the opportunity of a decent home but also to maintain the momentum of economic growth”*.

Paragraph 8 goes on to say : *“It is an essential feature of the plan, monitor and manage approach that housing requirements and the ways in which they are to be met, should be kept under regular review. The planned level of housing provision and its distribution should be based on a clear set of policy objectives, linked to measurable indicators of change...Reviews should occur at least every five years and sooner, if there are signs of either under or over-provision of housing land”*.

The Regional Spatial Strategy for the North West (published September 2008) sets a target of 4,000 new homes to be provided to the period 2021 within Rossendale. Of these, at least 65% should be on previously developed land. The proposal will not assist in meeting this target.

The Interim Housing Policy Statement (July 2008) amplifies upon the housing policies of PPS3, the Regional Spatial Strategy and the Council's LDF Core Strategy. As

Rising Bridge is not a Regeneration Priority Area or a Main Development Location the proposal should be assessed against 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; and
4. Residential schemes would not undermine the focus for most residential development to be in the main development locations and regeneration priority areas where the sustainability of the proposals can be demonstrated; or
5. Proposals are for solely affordable and/or special needs housing.

Previously the LPA has questioned whether the site constitutes previously developed land. The applicant has since provided information to support their claim that the land is brownfield. In light of the further information it is considered that a refusal on the grounds that the land is Greenfield could not be substantiated. The proposal is not required to make a contribution to affordable housing as the proposal is for no more than 4 dwellings. The proposed development is considered appropriate in terms of density and will not undermine the focus for most residential development to be in the main development locations and regeneration priority areas.

#### Visual Amenity

PPS1 states that good design should contribute positively to making places better for people : *“Design which is inappropriate in it’s context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”* PPS3 similarly seeks design of high quality.

The orientation of the building, although not in line with the existing properties, would not be unduly prominent or intrusive. The design and facing materials are considered appropriate for the most part. Pitch-faced local stone and natural blue-grey slate are to be used. A condition is proposed that will ensure balustrades do not project beyond the south west facing elevation. The amount of hardstanding to the front has been significantly reduced and replaced by lawned areas.

It is considered that the overall scheme is appropriate taken in context with the environment and neighbouring residential uses and would not detract from the character of the wider area.

#### Neighbour Amenity

There will be no windows in the elevation of the proposed building facing the side-windows of Underbank. The separation distance between the two properties has been increased to 6.6 metres at the nearest point, a distance of no less than 9 metres directly in front of the habitable room windows of the adjacent property.

These distances have increased from those proposed under the previous refusal, and all but one of the windows of the neighbouring property facing on to the application site serve rooms containing another opening. The proposed dwelling is offset from those windows.

On balance, whilst not according fully with the Council's spacing standards, the separation distances as stated in the Council's Alterations & Extensions SPD cannot be rigidly applied. It is considered that the proposed house will not cause such an unacceptable loss of light and outlook to the immediate neighbor to warrant refusal of the application. Likewise, the manner in which the area to the front of the proposed house and Underbank is now to be treated is considered acceptable.

#### Highway Safety

LCC (Highways) considers that proposed parking, turning and access arrangements are adequate and has no objection to the scheme. Accordingly, the scheme is considered acceptable in highway safety terms.

### **8. Summary Reason for Approval**

The proposed development is considered acceptable in principle within the Urban Boundary and, subject to the conditions, will not unduly detract from visual and neighbor amenity, or highway safety. The scheme would therefore accord with PPS1 / PPS3 / PPG13, Policies DP1-DP9 / L4 / RT2 / RT4 / EM1 of the Regional Spatial Strategy and Policies DS1 / DC1 / DC4 of the Rossendale District Local Plan.

### **9. RECOMMENDATION**

That planning permission be approved subject to conditions.

#### **Conditions**

1. The development hereby permitted shall be begun before the 9 April 2011.  
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act and accord with extant permissions for the site.
2. Notwithstanding what is shown on the submitted drawings, balustrades on the south-west elevation shall be between jambs (and not project beyond the face of the wall). The development shall otherwise be carried out in accordance with the submitted drawings, unless otherwise required by the conditions below.  
Reason: To ensure the development is of satisfactory appearance and complies with the approved drawings, to accord with Policy DC1 of the Rossendale District Local Plan.
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, 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 unless an application for planning permission has first been submitted and approved for it.

Reason: To avoid alterations/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 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 hereby permitted, 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. Any trees or plants which within a period of five years of substantial completion of the development 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 & neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

6. The garages hereby permitted shall only be used for purposes incidental to the use of the dwellinghouse and shall not be used for any trade or business purposes.

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

- 7 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 neighbours in accordance with Policy DC1 of the Rossendale District Local Plan.

<b>Contact Officer</b>	
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