

Application No: 2010/353

Application Type: Full

Proposal: Erection of Split Level Dwelling, comprising of Garage with Living Accommodation above

Location: Land at Bridge End Close Helmshore

Report of: Planning Unit Manager

Status: For Publication

Report to: Development Control Committee

Date: 18 October 2010

Applicant: Mr & Mrs Howe

Determination Expiry Date:
. 31 August 2010

Agent: Hartley Planning & Development Associates

REASON FOR REPORTING

Tick Box

Member Call-In

Name of Member:

Reason for Call-In:

3 or more 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

The application relates to a vacant plot of land situated in a residential area.

Situated on the inside of a curve in Bridge End Road, the site measures approximately 12.5 metres wide at its entrance reducing to approximately 9 metres to the rear, 29m in depth, and is bounded by 2m high timber fencing. Within the site there are significant changes in level - the land rises to the north and the east. Two trees are located just beyond the south-eastern boundary, their canopies in part extending over the site.

The site sits between the two-storey stone & render house on lower land to the south-east (6 Bridge End Close) and a more modern stone bungalow on higher land to the north-west (1 Ogden Drive).

The site lies within the Urban Boundary as designated in the Rossendale District Local Plan.

2. RELEVANT PLANNING HISTORY

1989/0413 Erection of 1 Dwelling

Approved

The applicant's assert that this is extant by virtue of a material start having been made. Photographs and affidavits have been provided.

1998/420 Construction of Singe Detached Dwelling and Detached Garage

Refused

1999/180 Erection of 1 no detached dwelling

Refused due to the cramped relationship with, and potentially damaging effect on the structural integrity of, the adjacent bungalow

2007/515 Erection of three storey dwelling

Withdrawn

2008/0041 Erection of two storey dwelling

Withdrawn

3. THE PROPOSAL

The application seeks permission for the erection of a detached split-level dwelling with two floors of living accommodation over a garage.

The dwelling would be set back approximately 10m from the road, with a depth of 10.5m and a width of 6.5m. The building would have a gable facing towards the road and a ridge-height of 7.7m. It would be constructed with artificial-stone and tiles. Hardstanding is proposed to the front of the garage to allow for parking of another car and turning. The existing boundary treatment to the front would be removed.

Amended plans have been received to correct inconsistencies in the originally submitted drawings in respect of intended window openings.

4. POLICY CONTEXT

National

PPS1 Sustainable Development
PPS3 Housing
PPG13 Transport

Development Plan

Rossendale District Local Plan (1995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials
E6 Ground Instability

Other Material Planning Considerations

Regional Spatial Strategy for the North West & its Evidence Base
LCC Parking Standards
RBC Emerging Core Strategy (2009)
RBC Interim Housing Policy Statement (May 2010)
RBC Strategic Housing Land Availability Assessment (2009)
RBC Strategic Housing Market Assessment (2009)
RBC Affordable Housing Economic Viability Assessment (2010)

5. Consultation Responses

LCC (Highways)

Due to curvature of the road it has concerns about the adequacy of visibility at the access point. In the absence of an extant permission it would recommend refusal of the application for this reason.

If a previous permission for erection of a dwelling on the site is still capable of being implemented it would advise as follows:

The garage is acceptable and the parking area and turning facility, although slightly small, would be adequate.

As well as a Traffic Regulation Order to restrict parking on the road adjacent to the site, it would recommend provision of a "SLOW" road marking and a vehicular crossing to the site to the appropriate standard.

LCC Archaeology

No comments.

RBC Environmental Health

Request standard contaminated land condition.

6. Notification Responses

To accord with the General Development Procedure Order the application has been publicised by way of a site notice posted on 13/07/10 and letters sent to the relevant neighbours on 12/07/10. Neighbours were re-notified on the 12/08/10 as a result of amended plans being received in relation to window openings.

Six objections have been received, raising the following points of concern:

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- The house is too big for the size of the plot;
- Its construction would cause neighbouring properties loss of daylight and sunlight to front and rear, loss of privacy, and loss of all light to an en-suite bathroom window;
- There would not be a large enough area to park three vehicles within the site whilst allowing for turning;
- Vehicles exiting the site will exacerbate existing problems on a busy road, and affect a footway at a point where it would become dangerous to use;
- The above is further complicated by being sited opposite the river side walkway which is used extensively;
- The land is unsuitable for building and earth-moving within the site may undermine the foundations of 1 Ogden Drive;
- Noise and disruption
- The plans are not accurate

7. Planning Issues

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

- 1) Principle
- 2) Housing Policy
- 3) Visual Amenity
- 4) Neighbour Amenity
- 5) Access/Parking
- 6) Land Stability

Principle

The site lies within the Urban Boundary of Haslingden. It is located in a sustainable location, being close to existing bus routes. To this extent the proposal accords with the principles of sustainability and policy DS1 of the Local Plan.

Housing Policy

The application site is located within the Urban Boundary/Main Development Location of Haslingden/Helmshore. Within this area the Interim Housing Policy Statement (May 2010) states new residential development will be encouraged provided that it accords with the following criteria:

1. It uses existing buildings/previously developed land; and
2. It makes an essential contribution to affordable housing; and
3. It is built at a density between 30 and 50 dwellings per hectare (where appropriate the higher density of 50 dwellings per ha will be expected); or
4. It is solely for affordable and/or special needs housing.

It is therefore appropriate to consider the application in relation to these criteria :

1. It is unclear as to whether the land is previously developed.
2. The scheme being for only one dwelling is not required to provide affordable housing;
3. The proposal is not considered to be of inappropriate density.

Although the application may not fully accord with the IHPS in that the site does not constitute previously developed land, permission has previously been granted for erection of a dwelling upon it (that may still be capable of implementation). Furthermore, the application is very similar to one approved by Committee at its meeting in April, which proposed erection of 2 detached houses at Highfield Park (2010/0064). In that instance the application site formed one of the few remaining parcels of land within a large site allocated in the Local Plan for residential development that was still un-development. The same can be said of the current application site. Accordingly, I do not consider a refusal of this application for one house could be substantiated on appeal.

Visual Amenity

Given the various sizes, designs and house types in the area, the proposed house is considered to be of a scale/form that will not unduly harm the character of the area. This is aided by the set back position of the house so that it is roughly in line with the adjacent properties, and the ridge height, which would result in a stepped appearance with the immediately adjacent properties so that it would not be unduly prominent or obtrusive.

The proposed dwelling would be constructed with facing materials that are appropriate to the area. Bin storage can be adequately accommodated to the rear of the building. A suitable scheme of landscaping and boundary treatment could be secured via a condition, which would detail measures to protect trees during construction. The scheme is considered acceptable in terms of visual amenity.

Neighbours Amenity

There are no habitable room windows in the side elevation of the bungalow at 1 Ogden Drive. Consequently, there would be no significant loss of light, privacy or outlook for this property. As the house at 6 Bridge End Close is at an angle to the proposed dwelling there would not be a significant loss of light, outlook or overbearing for its occupiers. The submitted drawings show opening windows are to be provided in the side elevation facing No.6. This is a concern, despite them being secondary windows. To preserve the privacy of the neighbour, it is considered that these windows should be the subject of a condition to ensure that they are obscure glazed and non-opening. On this basis the scheme is considered acceptable in terms of neighbour amenity.

Access/Parking

The Highway Authority consider that the proposed garage, parking and turning facilities would be acceptable to meet its requirements for off-street parking.

The curvature of Bridge End Close does give it concern about the intervisibility of drivers of vehicles on the highway and seeking to exit the site. However, it acknowledges that this has not precluded permission previously being granted for erection of a dwelling on the site and that the current proposal is an improvement upon that previously approved.

Most particularly the current layout pulls the access-point slightly further from the boundaries with neighbouring properties and allows vehicles to turn round and re-enter the Highway in a forward gear. Furthermore, it has set out more stringent requirements for works within the highway which the Applicant must fund if they wish

to implement the current scheme. The Applicant has indicated that they are willing to accept Conditions / enter into a S.106 Obligation to ensure the Highway Authority's requirements are met. On this basis it is considered that the scheme is acceptable in Highway Safety terms.

Land Stability

Objection has been raised from the neighbour at 1 Ogden Close with regard to the potentially damaging impact the scheme would have on the stability of their home.

Whilst Application 1999/180 was refused in part due to the potentially damaging impact of the development on the adjacent bungalow, it is considered that such problems in respect of the current scheme are surmountable. A condition is recommended requiring the applicant submit details of the proposed buildings foundations, and other works necessary, to ensure the stability of the neighbouring property is not adversely affected.

8. Summary Reason for Approval

The site is located within a sustainable location within the Urban Boundary of Haslingden, a Main Development Location. It is considered that the proposed development would not undermine the Council's housing strategy, or 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, and Policies DS1/ DC1 of the Rossendale District Local Plan.

9. RECOMMENDATION

That permission be granted subject to the applicant entering into a Section 106 obligation that addresses LCC Highway's concerns and the Conditions below .

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 the amended plans numbered 20812/20 and 20812/21 dated 29 July 2010, unless otherwise required by the conditions below.
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, to accord with Policy DC1 of the Rossendale District Local Plan.

- 4) Notwithstanding what is shown on the approved drawings, the windows to be sited to the east elevation shall be obscure glazed and non-opening, unless otherwise first agreed in writing by the Local Planning Authority.

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

- 5) Prior to commencement of development a scheme of landscaping/boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include full details of trees/shrubs to be planted, those existing that are within/bounding the site and the measures for their protection during the course of construction, boundary walls/fences/gates, and hard-surfaced external areas. Any boundary walls/fences/gates and hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of the dwelling, unless otherwise first agreed in writing by the Local Planning Authority. Any trees or shrubs forming part of the approved scheme shall be planted in the first available planting season thereafter, and any that are removed, die or become seriously damaged or diseased within five years of planting shall be replaced with others of the same species/size in the next available planting season, unless otherwise first agreed in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity and in accordance with the 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 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.

- 7) The permitted house shall not be occupied until its associated garage, parking and turning facilities have been completed and made available for use. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) such provision shall be retained and kept available for use as such thereafter.

Reason: To ensure the satisfactory development of the site in the interests of highway safety, and to comply with Policy DC1 of the Rossendale District Local Plan.

- 8) No development shall take place until the Local Planning Authority have approved a scheme for remedial measures. No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority that provides full details of the proposed building's foundation design, and of other works necessary, to ensure the stability of 1 Ogden Close will not be adversely affected. The approved scheme shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is first brought into use.

Reason: To ensure the stability of neighbouring properties is not adversely affected by the development, to accord with Policies DC1/E6 of the Rossendale District Local Plan.

- 9) The house hereby permitted shall be constructed at finished floor level 102.267, as stated on the approved drawing numbered 20812/20, and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure the satisfactory development of the site in the interests of visual and neighbour amenity, and to comply with Policy DC1 of the Rossendale District Local Plan.
- 10) At no time shall any planting or boundary treatments within 1 metre of the footway to Bridge End Close be to a height greater than 1 metre, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure that adequate sight lines are maintained, in the interests of highway safety and to comply with Policy DC1 of the Rossendale District Local Plan.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) no enlargement of a dwelling-house nor the provision of any building or enclosure within the curtilage of the dwelling house permitted by Class A and E of Part 1 of Schedule 2 of that order shall be allowed without prior written consent of the Local Planning Authority.
Reason: In order that the Local Planning Authority may exercise control over any proposed future extensions and in the interests of neighbour and/or visual amenity, to comply with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
Name	R. Elliott
Position	Planning Officer
Service / Team	Development Control
Telephone	01706 238639
Email address	planning@rossendalebc.gov.uk