

Application Number:	2011/0111	Application Type:	Full
Proposal:	Erection of Detached Dwelling	Location:	Land to rear of 16 Dalesford, Haslingden
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12 th July 2011
Applicant:	Mr N Sheikh	Determination Expiry Date:	17 th May 2011
Agent:	Neil Pike Architecture Ltd		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input checked="" type="checkbox"/>
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.

1. RECOMMENDATION(S)

Approve subject to conditions detailed at point 11 of this report.

APPLICATION DETAILS

2. SITE

The applicant resides in a large detached split-level dwelling situated to the west side of Dalesford, a residential cul-de-sac comprising of dwellings of varying designs/ridge heights.

The applicant's property fronts to Dalesford and is constructed of natural stone with white-rendered elements, under a pitched tile roof. Though appearing 1-storey as viewed from the front,

the land to the rear falls away steeply. As a result of the slope on the site the 2-storey building to the rear has a ridge-height which is no higher than that of the 1-storey building to the front.

To the north side of the house there are 4 large conifers within the applicant's side-garden, behind which the land falls away steeply to the applicant's extensive rear garden. Immediately to the rear of the applicant's house there is a patio area, a rockery then stepping down to a relatively level grassed area, beyond which the garden then slopes steeply down again. The rear garden is bounded by mature trees and planting, including large mature conifers, except for a 6m wide gap midway along its northern boundary, where there is a view through to the neighbouring garden.

At No.14 is a detached 2-storey brick dwelling. Immediately behind No 14 is 10 Dalesford, another house, which is located at a lower level. No 14 and No 10 both have windows facing towards the applicant's property, in the case of the former the conifers in the side-garden limiting the outlook/providing privacy for the neighbour. From the rear corner of the house at No.14 runs along the northern boundary past No.10 a mature hedge. There are no immediate neighbouring properties to the north and west sides of the rear garden, however from the garden area the house at No.10 can be seen, but not the houses to the south of it.

The application relates to the side and rear garden of the applicant's property. The site lies within the Urban Boundary of Haslingden as designated in the Rossendale District Local Plan.

3. RELEVANT PLANNING HISTORY

There have been no previous applications for development of the rear garden in the manner now proposed, however Members may re-call a recent application for permissions to extend/alter the existing house at No 16.

4. THE PROPOSAL

Permission is sought for the erection of one detached dwelling in the rear garden of No.16. The dwelling would be split-level, 2-storeys in height to the south, west and east elevations and 3 storeys in height to the north, making use of the steeply sloping nature of the garden. The proposed house would also have living accommodation within the roofspace. As initially proposed there was to be a roof-terrace at ground floor level running along the entire length of the north elevation and a balcony on the south elevation. There would be an attached garage to face southwards, with an additional car parking space provided by creating a level platform to the side.

The proposed dwelling would be accessed via a drive formed through the side-garden on the north side of the applicant's house, resulting in removal of 3 of the conifers near the road frontage, although the boundary hedge would remain. Due to the steeply sloping nature of the land to the north of No.16, the new drive would entail construction of a retaining wall to be backfilled and levelled to provide the road. At its highest point the retaining wall would measure approximately 2 metres.

Amended plans have been received moving the proposed access drive further away from the properties to the north. The decking running along the length of the north elevation has been reduced so as to diminish loss of privacy to No.10's garden area. The balcony originally proposed on the south elevation (facing towards No.22) has also been removed.

5. POLICY CONTEXT

National Planning Guidance
PPS1 – Delivering Sustainable Development

PPS3 – Housing
PPS9 - Biodiversity and Geological Conservation
PPG13 – Transport
PPS 23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS 25 – Flood Risk

Regional Spatial Strategy Policies

North-West of England Plan – Regional Spatial Strategy to 2021

DP1-9 Spatial Principles
RDF 1 Spatial Priorities
L 2 Understanding Housing Markets
L 3 Existing Housing Stock and Housing Renewal
L 4 Regional Housing Provision
L 5 Affordable Housing
RT 1 Integrated Transport Networks
RT 2 Managing Travel Demand
RT 3 Public Transport Framework
RT 9 Walking and Cycling
EM 1 Integrated Enhancement and Protection of the Region’s Environmental Assets
EM 2 Remediating Contaminated Land
EM 3 Green Infrastructure

Saved Policies of the Rossendale District Local Plan

DS1 – Urban Boundary
DC1 – Development Criteria
DC4 – Materials
E4 - Trees

Other Material Planning Considerations

RBC Submitted Core Strategy DPD (2010)
RBC 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)
LCC Parking Standards

6. CONSULTATION RESPONSES

LCC (Highways)

No objection. Recommends a condition to ensure the new driveway is constructed of a bound porous material, so debris does not get dragged onto the highway

LCC (Ecology)

A bat survey may be required dependent on the type of trees to be felled. Request a condition that tree felling, vegetation or clearance works that may affect nesting birds is avoided between March and August inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections. Also recommend a condition to ensure replacement planting.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 12 April 2011 and 10 neighbours were notified by letter on 25 March 2011.

Seven objections have been received. The following issues were raised:

- At 4 storeys the property is oversized, and the floor plans are not consistent with the elevational drawings.
- Loss of privacy and impact of noise on No.22 Dalesford due to size of house and the facilities provided within, and light intrusion from car headlights.
- Loss of privacy/security to house and garden of No.4 Whitecroft Close.
- A sewage failure approximately three years ago may have made land unstable. The land was backfilled in 1966 and therefore has never been a solid construction.
- Dalesford has a history of troubles with the road; the works will cause further problems and disruption.
- The steep driveway may force cars to park on Dalesford during the winter which would create highway safety problems.
- Disruption due to construction works.

8. REPORT

The main considerations of the application are: 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity, 5) Highway Safety; 6) Ecology

Principle

The site is located within the Urban Boundary where the Council seeks to locate most new development.

Housing Policy

The application site is located within the Urban Boundary of Haslingden, wherein the Council's Interim Housing Policy Statement (May 2010) indicates new residential development will be encouraged where the proposed development:

- uses existing buildings/previously developed land or is for a replacement dwelling(s),
- makes an essential contribution to the supply of affordable housing (as summarised within the Policy),
- will be built at a density of between 30 and 50 dwellings per hectare
- Proposals are for solely affordable and/ or supported housing as defined in the Glossary.

In relation to the above criteria the land is not considered to be previously developed, however as this is only for one dwelling it would not be contrary to the policy which allows the release of Greenfield sites for less than five dwellings subject to an acceptable design. There would be no requirement for the dwelling to be affordable in accordance as only one dwelling is proposed. The proposed density is considered acceptable.

The IHPS indicates that "It is unlikely that support will be given to backland development, unless it can be demonstrated that consideration has been given to the following criteria:

- i) The proposal will not adversely affect the character of that part of the settlement
- ii) The proposal will not adversely affect the amenity of neighbouring residential properties
- iii) That suitable access and parking can be provided." Whilst the proposal entails Backland Development this arrangement has been permitted adjacent in respect of No 10 & No 14 Dalesford.

It is considered that proposal will accord with the above criteria providing it is considered acceptable in relation to the proceeding sections of this report.

Visual Amenity

The proposed house is fairly substantial in size. However, it would not be prominent from public vantage points. In addition the relatively newer properties on Dalesford, and particularly No.10

which is sited to the rear of No.14 demonstrate that dwellings of differing sizes and designs can be sited off the road without having an unduly detrimental impact on the street scene or character of the area. That the house makes use of the fall in the land to provide a three storey side elevation is not uncommon in the area; similar design solutions are found on No.16 Dalesford and No.10 and 14 Dalesford. The applicant proposes materials of facing brickwork and roofing tiles. The use of such materials would not be out of character with the area where there is a variety of building materials

It is considered that the loss of three conifers adjacent to Dalesford would not cause significant harm to the street scene. The retaining walls to the access ramp would not appear unduly prominent or obtrusive subject to the existing hedging being retained and as further planting is possible to reduce its impact near to the proposed junction. The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

Window to window separation distances with neighbouring properties are satisfactory and, in addition, the mature boundary treatments will ensure privacy and other amenities neighbours could reasonably expect is maintained. There is a gap in the boundary treatment to the north and it is considered appropriate that this is infilled with planting.

Of greater concern than the building has been the driveway, by reason of the level/proximity of activity to neighbours it will bring and the appearance of the associated retaining wall. As amended, I am satisfied that the high hedge on the party-boundary has a sufficiently good chance of surviving that it will not unduly detract from the amenities of residents at No 10. With respect to the house at No 14, there is a window in the side elevation that would face the driveway and, due to its levels, it would be possible to see into this window. Amended plans have moved the driveway somewhat further away from the window. To reduce the impact on the neighbour at No.14.

Highway Safety

There is no objection from the Highway Authority. I note the concerns raised by objectors and local residents that lack of access to the property in the winter could cause further parking on Dalesford. However, the proposed driveway is of a gradient considered to be acceptable by the Highway Authority and common within Rossendale. I do not consider that a refusal on this basis could be substantiated at appeal. The scheme is considered acceptable in terms of highway safety.

Ecology

The loss of the three conifers isn't considered to cause a significant impact on ecology, and replacement planting can be accommodated on the site which is of greater wildlife value.

9. CONCLUSION

To approve subject to the conditions at point 11 of this report.

10. REASONS FOR APPROVAL

The scheme is considered acceptable in principle within the Urban Boundary and, subject to conditions, will 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/ PPS9 / PPG13, Policies RDF1 / L4 / L5 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, Policies DS1 / DC1 of the Rossendale District Local Plan, and the Council's Interim Housing Policy Statement (May 2010).

11. 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 K52903, K52904 received by the LPA on the 10 May 2011 the drawings numbered K592 (site location plan), P113/05/K529/05 and K529/06 received 22 March 2011 and K529-0/02 Rev A received 23 June 2011, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.
Reason: To ensure that the development complies with the approved plans and for the avoidance of doubt.
- 3) Prior to commencement of development samples of all external materials to be used in the elevations of the development and the retaining walls hereby permitted shall be submitted to the Local Planning Authority for their prior approval in writing. The development shall be constructed in accordance with materials approved and shall not be varied unless otherwise first agreed in writing by 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) 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 works 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 adopted Rossendale District Local Plan.
- 5) Prior to the commencement of development on site, a landscaping scheme, including details of boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for protection of trees during construction shall be adhered to. The fencing/walls/hardstanding shall be implemented prior to first occupation of the development; and the approved planting scheme shall be implemented in the first planting season following first occupation of the development; any materials, trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless the Local Planning Authority has otherwise agreed in writing.
Reason: In the interests of visual amenity and in accordance with Policy DC1 of the adopted Rossendale District Local Plan.
- 6) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending or revoking and re-enacting that Order) no extensions, alterations or outbuildings shall be carried within the terms of Classes A, B and E of Part 1 of Schedule 2 without the prior consent of the Local Planning Authority.
Reason: In the interests of visual and neighbour amenity and to accord with Policy DC1 of the Adopted Rossendale District Local Plan.
- 7) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed

in accordance with the approved plans and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the increased risk of flooding, in accordance with Policy DC1 of the Rossendale District Local Plan.

- 8) No development shall take place until an investigation of the site has been undertaken to ascertain whether the site is affected by slope instability. The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The brief shall include the Local Planning Authority's stipulations as to the methodology of the investigation and the points at which and the depth of which any survey of the site is to be taken. The results of the investigation shall be provided to and approved in writing by the Local Planning Authority and shall include a scheme for any necessary remedial measures and drainage provision. The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive. No development shall take place until the Local Planning Authority have approved a scheme for remedial measures. The approved remedial measures 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 slope is fully stabilised and to ensure the successful development of the site, in accordance with Policy DC1 of the Rossendale District Local Plan.