

<b>Application Number:</b>	2011/299	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 1-storey outbuilding	<b>Location:</b>	Millbrook House, Mill Lane, Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	13 September 2011
<b>Applicant:</b>	Mr David White	<b>Determination Expiry Date:</b>	22 August 2011
<b>Agent:</b>			

<b>Contact Officer:</b>	Paul Talbot	<b>Telephone:</b>	01706-238637
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**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**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.

	<b>RECOMMENDATION(S)</b>
	Approval, subject to the conditions detailed in Section 9 of the report.

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## APPLICATION DETAILS

### 1. SITE

The application relates to the north west corner of the garden of a recently-built house off Mill Lane. The land here forms the front garden of the applicant's property and is for the most part hard-surfaced, although there are 2 mature conifer trees within it.

The land is bounded on the north side by a 1.8m high fence constructed on top of a stone retaining wall (together having a height of 3.4m), beyond which is the rear garden of a residential property fronting Todmorden Road.

To the east of the applicants garden is a 1.5m high fence, beyond which is the extended garden of another residential property fronting Todmorden Road. To the west of it is a high retaining wall supporting the rear garden of that neighbours property.

The application site lies within the Urban Boundary of Bacup, as designated in the Rossendale District Local Plan.

### 2. RELEVANT PLANNING HISTORY

2003/740     Erection of 1 no dwelling (Outline)  
Approved 10/02/04

2004/725     Erection of 1 no dwelling (Reserved Matters)  
Approved 22/11/04 – subject to a number of conditions, in particular removal of permitted development rights.

### 3. THE PROPOSAL

The applicant seeks permission for the erection of an L-shaped building in the front garden, to be used as a shed and sun lounge.

The building would be 7.5m in length and 7.5m in width with a depth of 4m and height of 4.2m to the ridge. To be constructed with a stone front and rendered sides and rear, under a slated roof, it is to have clear-glazed windows which overlook the applicant's own garden and an obscure-glazed window in the east elevation.

The applicant has confirmed that the building will be constructed 0.6m from the 3.4m high retaining wall/fence on the party-boundary with 6 Greave Terrace. The Applicant advise that the land to accommodate it is to be lowered slightly with the result that "*The top of the roof on the outbuilding will be beneath the fence line and therefore will not be seen from 6 Greave Terrace and have no impact upon the ground floor views or cause any loss of light.*"

### 4. POLICY CONTEXT

#### National

PPS1     Sustainable Development

PPS3     Housing

## **Development Plan**

### **Regional Spatial Strategy for the NW of England (2008)**

DP1-7 Spatial Principles  
RT2 Managing Travel Demand  
RT4 Management of the Highway Network  
EM1 Environmental Assets

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

DS1 Urban Boundary  
DC1 Development Criteria  
DC4 Materials

## **Other Material Planning Considerations**

RBC Submitted Core Strategy DPD (2010)  
RBC Alterations & Extensions to Residential Properties SPD (2008)

## **5. CONSULTATION RESPONSES**

### **RBC (Property Services)**

No objection in respect of drainage issues.

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order a press notice was published on the 1/07/11, a site notice was posted on 11/07/11 and 11 neighbours were notified by letter on 28/06/11.

Three letters have been received, making objection for the following reasons :

- Property maintenance
- Proposal affects property value
- Potential business use of the building
- Proposal affects drainage

## **7. ASSESSMENT**

The main issues to consider are: 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking.

### **Principle**

The application site is located within the Urban Boundary of Bacup and, as such, the proposed development is acceptable in principle.

### **Visual Amenity**

The Council's SPD states that "*Garden structures will not normally be allowed to the front of domestic properties*".

Whilst this outbuilding would be located to the front of the applicant's house is served off a private drive and it will sit behind and at a lower than the houses fronting Todmorden Road. Accordingly, the proposed outbuilding will not form a prominent and intrusive feature in the street-scene.

Although the submitted drawings indicate that the 2 mature conifers in the applicants front garden are to be retained, they will be very close to the outbuilding. However, the conifers do not have the protection of a Tree Preservation Order and their loss would not cause significant harm to visual amenity.

So long as the outbuilding is constructed of the facing materials indicated it will be acceptable in terms of visual amenity.

### Neighbour Amenity

The outbuilding will not unduly detract from the amenities of any neighbours, so long as it is used for incidental domestic purposes by the residents of Millbrook House. It will be screened from neighbouring properties to the north by the existing retaining wall / fence. For occupiers of the house to the west side of the applicants own house it would be viewed against the backdrop of the high retaining wall/fence. The window in the east elevation is to be obscure-glazed, thereby preventing outlook from it across the extended garden it would otherwise have outlook over.

In relation to the neighbour comments, the Council's Drainage Engineer has raised no objection and concerns expressed by objectors about potential impact on the values of neighbouring houses and property maintenance do not give reason to refuse the application.

### Access/Parking

The proposed outbuilding will occupy part of the area of hardstanding to the front of the applicant's house. However, the Highway Authority has no objection to the proposal as sufficient off-street parking to serve the dwelling will remain.

## **8. SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate in principle within the Urban Boundary and would not unduly affect visual and neighbour amenity or highway safety. Therefore, it is considered that the proposed development is in accordance with PPS1 / PPS3, Policies DP1-7/RT2/RT4/EM1 of the Regional Spatial Strategy and Policies DS1/DC1 of the Rossendale District Local Plan.

## **9. CONDITIONS**

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. Notwithstanding the stated scale, the development shall be carried out in accordance with dimensions stated on the submitted drawings received on 27 June 2010 and at a level to ensure its roof-ridge does not exceed the height of the existing fence on the party-boundary with 6 Greave Terrace, unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: To ensure the development complies with the approved plans and avoids undue harm to visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.

3. All facing materials to be used for construction of the outbuilding hereby permitted shall accord with those stated on the application form and the window in the east elevation shall be obscure-glazed and remain as such.  
Reason: To ensure the development complies avoids undue harm to visual and neighbour amenity, in accordance with Policy DC1 of the Rossendale District Local Plan.
  
4. The outbuilding hereby permitted shall only be used for purposes incidental to the enjoyment of the dwellinghouse as such, 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.
  
5. 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 protect the amenities of neighbours, in accordance with Policy DC1 of the Rossendale District Local Plan.