

|                            |   |                                   |                                      |
|----------------------------|---|-----------------------------------|--------------------------------------|
| <b>Application Number:</b> | 2011/406  | <b>Application Type:</b>          | Full                                 |
| <b>Proposal:</b>           | Change of use of garage building to residential with single storey side extension to east elevation | <b>Location:</b>                  | Land adj to 143 Todmorden Rd, Bacup, |
| <b>Report of:</b>          | Planning Unit Manager   | <b>Status:</b>                    | For Publication                      |
| <b>Report to:</b>          | Development Control Committee   | <b>Date:</b>                      | 13 December 2011                     |
| <b>Applicant:</b>          | Hartley Planning and Development  | <b>Determination Expiry Date:</b> | 19 December 2011                     |
| <b>Agent:</b>              | Mr Oliver Stafford  |                                   |                                      |

|                         |                              |                   |              |
|-------------------------|------------------------------|-------------------|--------------|
| <b>Contact Officer:</b> | Rebecca Taylor               | <b>Telephone:</b> | 01706-238640 |
| <b>Email:</b>           | Planning@rossendalebc.gov.uk |                   |              |

**REASON FOR REPORTING**

Tick Box

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member:

Reason for Call-In:

**3 or more objections :** **YES**

**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. |

---

## APPLICATION DETAILS

### 1. SITE

Located to the NE side of The Flowers public house, the site has a frontage to Todmorden Road (A681), but takes its access from an unadopted/unmade track to the rear which is also used by the public house, nearby garages and 143-149 Todmorden Road.

The site is at a lower level than the main road and the terraced houses opposite. It is broadly rectangular and (excluding the access track) measures approximately 10m x 11m. It is occupied by a vacant garage building, which measures approximately 5.5m x 7.5m x 4.5m in height. The building has the appearance of a lock-up garage, with roller shutter door in its front elevation (which faces towards the pub). It has a slated roof, with chimney stack, and walls that are either of stone or render.

The area to the front of the building is now covered by grass, with a fir tree off-set from the garage entrance.

To the other side of the access track is a garage colony, beyond which runs the River Irwell, amidst a wooded area

The site lies in Countryside, approximately 300m outside the Urban Boundary of Bacup, Two of the houses in the terrace on the opposite side of the main road (142/144 Todmoden Road) are listed buildings. The fir tree within the site is not protected by a TPO.

### 2. RELEVANT PLANNING HISTORY

2006/422 Demolition of existing building and erection of one dwelling  
Refused at Committee for the following reasons:

1. The proposed development is located outside of the defined Urban Boundary, wherein Policy 1 of the Structure Plan and Policy DS1 of the Local Plan seek to concentrate development. Furthermore, the proposed development is not appropriate development for a Countryside Area and is, thus, contrary to Policy 5 of the Structure Plan and Policy DS5 of the Local Plan.
2. The proposed development would contribute towards an inappropriate excess in housing-supply provision, contrary to Policy 12 of the adopted Joint Lancashire Structure Plan and the Rossendale BC Housing Position Statement (August 2005). In this instance the case has not been advanced to warrant an exception to policy being made.
3. The submitted scheme will not provide the proposed dwelling with safe and satisfactory access and in-curtilage parking facilities. Most particularly, the proposed garage is not to be fronted by a drive and parking on/obstruction of the poorly –surfaced single-track road which is likely to occur will inconvenience others wishing/entitled to make use of this shared-access, contrary to the criteria of Policy DC1 of the adopted Rossendale District Local Plan.
4. The proposed dwelling would detract unacceptably from the character and appearance of the area. Most particularly, the bulk of its 3-storey construction

will be very evident from the sides and rear, the building pressing close to these boundaries of the plot, and the dormer proposed on the rear roof-plane is such an unsympathetic/untraditional feature. Thus, it is considered that the proposed development is contrary to the criteria of Policy DC1 of the Rossendale District Local Plan.

### 3. THE PROPOSAL

The applicant seeks permission for the conversion of the existing building, and its extension to the east side, to form a residential property with two bedrooms.

The application is accompanied by documentation indicating the building to have been marketed as a garage/workshop for 2 years without success.

The Agent has provided information which states the extension to the property would extend the size of the existing building by 25%. The extension would be the full width of the building (7.5m) and project from the SW elevation by 2.5m, thereby displacing the roller-shutter door and fir tree. It is to be constructed of stone and slate to match the current materials of the building. The height of the roof of the original building would not be altered, the front roof-plane to be extended down over it, with the chimney stack on the rear roof-plane to be retained.

The principal elevation of the dwelling created would face towards The Flowers (to the SW), although a triple-pane window would be formed in the NW elevation and a smaller window opening would be created in the SE elevation. To the front elevation (west) the extension would cover the stone door frame. This elevation would have a central single doorway, a double sliding doorway and a single window. In the NE facing roof plane there would be a single roof light.

Extending from the front elevation to the existing boundary wall along Todmorden Road would be a 2m high timber post and panel fence. There would be an inward opening gate within the fence accessing a small area of outdoor private amenity space / bin storage area.

To the front of the building the ground would be surfaced with 'consolidated limestone' to provide an area of 10m x 2.5m for parking of 2 cars.

### 4. POLICY CONTEXT

#### National

PPS1 Sustainable Development  
PPS3 Housing  
PPS5 Historic Environment  
PPS7 Rural Development  
PPG13 Transport  
PPS 25 Flood Risk

#### Development Plan

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

DP1-9 Spatial Principles  
RDF1 Spatial Priorities  
RDF2 Rural Areas  
L 4 Regional Housing Provision

RT2 Managing Travel Demand  
RT4 Management of the Highway Network  
EM1 Environmental Assets

RBC Core Strategy DPD (2011)

Policy 1 General Development Locations and Principles  
Policy 2 Meeting Rossendale's Housing Requirement  
Policy 3 Distribution of Additional Housing  
Policy 4 Affordable & Supported Housing  
Policy 8 Transport  
Policy 16 Preserving & Enhancing the Built Environment  
Policy 23 Promoting High Quality Designed Spaces  
Policy 24 Planning Applications Requirements

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)  
RBC Conversion and Re-Use of Existing Buildings in the Countryside SPD (2010)

**5. CONSULTATION RESPONSES**

LCC Highways

No Objections but raise the following concerns :

The two parking spaces provided will be difficult to manoeuvre into and out of due to the width of the private access road. Also the widths of the parking spaces are narrow and I would recommend a width of 3m to allow for car doors to open fully. Although there is a significant distance from the public highway I would ask that the driveway is surfaced in a bound porous material to ensure that no loose material is dragged into the highway and causes a potential danger to highway users.

Environment Agency

No Objection. The EA is satisfied that the propose development will not be at an unacceptable risk of flooding. Prior consent for the development would need to be sought from the EA (a letter has been sent to the agent).

LCC Archaeology

No Objection

**6. REPRESENTATIONS**

To accord with the General Development Procedure Order two site notices was posted on 04/11/11 and 13 neighbours were notified by letter on 28/10/11.

Five letters have been received (3 letters of objection and 2 commenting on the planning application) raising the following concerns and including the following comments:

- Impact upon views from neighbouring properties
- Impact upon nearby listed buildings
- Impact upon the character of the Countryside
- Proposed Materials would not be in-keeping with surrounding properties

- Impact upon the view from neighbours
- Would object if became more than one storey as it would then be a blot on the landscape and block out views
- Undesirable plot for a house
- Concerns over the size of the parking area
- Increase in traffic on Todmorden Road

## 7. ASSESSMENT

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

### Principle

Application 2006/422 proposed erection of a house on this site on the grounds that this was not appropriate in principle within the Countryside. There is not the same presumption against conversion of an existing building.

PPS7 states that the re-use of buildings in the Countryside will be supported where the building is appropriately located and suitable for conversion. Re-use of buildings for commercial uses will usually be preferable but residential conversions may be more appropriate in some locations.

Policy 1 of the adopted Core Strategy DPD states that as part of the Council's overall development approach:

*The Council will seek to enhance the quality and sustainability of places and individual developments by taking into account the following criteria when preparing LDF documents and considering individual planning applications:*

- *Make best use of under-used, vacant and derelict land and buildings*

In this instance the garage has been marketed for a period of 2 years with no interest confirmed by the estate agent and access to the building is not good for an employment use.

The submitted scheme involves not only the conversion of the existing building but its extension in a manner that will increase the floor area of the building by approximately 40% and its volume by approximately 20%. This level of enlargement is rather more than normally considered appropriate as part of a scheme of conversion. However, in this instance I do not consider it inappropriate as it will not erode the essentially open and rural character of the Countryside - the extension will not diminish the rural character of the building and the building will continue to form a small element of the existing ribbon of built-development fronting Todmorden Road at this point.

### Housing Policy

Policy 2 of the adopted Core Strategy DPD state that residential development on previously developed land should be prioritised and the net housing requirement will be achieved by supporting the reuse and conversion of appropriate buildings for housing.

This application relates to previously developed land. As the proposal is for the creation of one residential unit there is no need for it to be provided as 'affordable' housing. Although to be in the Countryside, the site is located near a main road along which run bus services, making the proposal sustainable in terms of accessibility. Thus, the proposal accords with housing policy.

### Visual Amenity

The height of the building would not be altered and the chimney stack would be retained. The footprint of the building would be enlarged to accommodate the single storey extension to the west elevation. The property is partially screened from view along Todmorden Road by an existing stone wall and Due to the level of the site being approximately 1.8m below that of Todmorden Road the existing building is little seen in the street-scene or from the terraced houses opposite (including the Listed Buildings approximately 40m away). As the proposal entails no increase in roof height this will remain the case.

The extension/alterations to the building will be more evident from the unadopted/unmade track to the rear but, in my view, would not unduly detract from the character and appearance of the building. As the existing walls are a mix of stone and render I do not consider it inappropriate for the extension to have a rendered finish. The proposed timber windows and doors are considered acceptable. I am concerned that the 'consolidated limestone' chosen as the material for surfacing of the parking area is not altogether appropriate, but this matter can be addressed by way of a condition.

I am satisfied that the removal of this fir would not cause undue harm to the visual amenity of the area.

Due to the separation distance (approximately 40m) between the site and the listed buildings further east along Todmorden Road and the set back position of the single storey building the scheme would have no impact upon the character or setting of the Listed buildings.

The scheme is considered acceptable in terms of its impact for the street-scene, Listed Buildings and the Countryside.

### Neighbour Amenity

The proposal will not cause significant detriment for any neighbours, the building being largely hidden from view from the terraced houses on the opposite side of the main road and the intended extension/alterations not resulting in a significant loss of privacy, light or outlook for existing residents. Nor will the proposal cause significant detriment for the adjacent public house.

### Access/Parking

The size of the dwelling is such that it will not add significantly to traffic on the local highway network.

The Highway Authority has not raised objection to the scheme. However, it has expressed concern about the intended surfacing of the parking spaces and the difficult to manoeuvre cars into the intended parking spaces such is their width and that of the access road. These concerns have not prompted it to recommend refusal of the application as the access-point is so far from the public highway. Conditions are proposed to address the matter of surface-treatment of the parking area and to ensure boundary treatments do not unnecessary/unacceptably impede vehicles moving to and from them.

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

The development is not considered inappropriate in principle and, subject to the conditions, will not detract to an unacceptable extent from the essentially open and rural character of the Countryside, nearby Listed Building and the street-scene, neighbour amenity or highway

safety. It is considered that the development is in accordance with PPS1/PPS3/PPS5/PPS7, Policies DP1-DP9 / RDF1 / RDF2 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, Policies 1 / 2 / 3 / 4 / 8 / 16 / 23 / 24 of the adopted Core Strategy DPD 2011, and the Council's Conversion and Re-Use of Existing Buildings in the Countryside SPD (2010).

## 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. The development shall be carried out in accordance with the amended drawing date stamped 02/12/11 and design and access statement dated stamped 24/10/11, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.  
Reason: To ensure the development complies with the approved plans and to protect visual and neighbour amenity, in accordance with Policy 24 of the adopted Core Strategy DPD 2011
3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application forms and approved drawings and shall not be varied unless first agreed in writing by the local planning authority.  
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the adopted Core Strategy DPD 2011
4. Notwithstanding the provisions of Classes A, B, C & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or revocation and re-enactment of it, there shall be no extension or outbuilding erected within the curtilage of the property hereby permitted without the submission and approval of an application for Planning Permission.  
Reason: To accord with Countryside policy and protect visual and neighbour amenity, in accordance with PPS1/PPS3/PPS7, Policy RDF2/EM1 of the Regional Spatial Strategy, and Policies 1/ 24 of the adopted Core Strategy DPD 2011.
5. Notwithstanding what is shown on the approved drawings, prior to the commencement of development a scheme of boundary treatment and of the parking facilities to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of boundary treatment and of the parking facilities to be provided within the site shall be implemented prior to first occupation of the dwelling, unless otherwise first agreed in writing by the Local Planning Authority. Thereafter the parking facilities provided shall be kept freely available for use as such and, notwithstanding the provisions of Classes A, of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or revocation and re-enactment of it, there shall be no alteration to the height or form of boundary treatments adjacent to the parking area without the submission and approval of an application for Planning Permission.  
Reason : In the interests of highway safety, in accordance with Policies 8 & 24 of the adopted Core Strategy DPD 2011.
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 and 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 24 of the adopted Core Strategy DPD 2011