

<b>Application Number:</b>	2011/549	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of one detached dwelling	<b>Location:</b>	Land adj to 'Ashfield', Vicarage Lane, off Haslingden Road, Rawtenstall,
<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>	Middleton Surfacing Ltd	<b>Determination Expiry Date:</b>	4 January 2012
<b>Agent:</b>	Mr Karl Zaldats		

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**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

**YES**

Name of Member: Councillor McInnes  
Reason for Call-In: Unacceptable size, scale and proportionality of the scheme.

**3 or more objections :**

**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 condition set out in Section 9 of the report.

## APPLICATION DETAILS

### 1. SITE

The application relates to a broadly rectangular plot of land to the south east of 'Ashfield'. The site itself is relatively flat but at a lower level to 'Ashfield'. There was previously a large garage on the site which has been removed, leaving only a small timber shed.

The site is accessed via a short sloping private access rising from Melia Close. This access also serves the residential properties of Highfield and Overdale, both large detached properties with frontages on Haslingden Road.

Overdale and Highfield are at a lower level to the application site. Overdale is set away from the boundary with the site by approximately 13m and Highfield by 16m although Highfield has a garage approximately 3m from the site boundary. There is a wall with steel fence a top of approximately 2m between the driveway of Overdale and the application site. The building of Overdale is set at a lower level than the driveway and the ground floor kitchen looks out onto the retaining wall which supports the parking area. The first floor dormers look towards the site and are set away from the boundary by approximately 18m.

There is a public right of way which runs along the eastern boundary of the site, providing a pedestrian access to Whittaker Park. To the other side of this path are the rear gardens of 2 and 4 Melia Close.

The site is within the Urban Boundary of Rawtenstall, as designated within Policy 1 of the adopted Core Strategy DPD as illustrated on the LDF proposals map 2011.

### 2. RELEVANT PLANNING HISTORY

2000/272 Redevelopment of garage site with a 2-storey dwelling with attached double-garage to the east with bedroom over and a sunroom extension to the west with a balcony over  
Approved

2005/267 Erection of detached house (renewal of 2000/272)  
Approved

2010/119 Erection of one dwelling (time limit extension for 2005/0267)  
Approved - requires commencement by 23 April 2013

2011/407 Erection of one detached dwelling

The applicant sought permission for the erection of a detached dwelling, with accommodation over 2 floors and also in the hipped-roofs. The property was to be large in scale with 5 bedrooms, all with en-suite facilities, a double garage, large open plan kitchen area and lounge.

The main bulk of the property was approximately 17m in length (NW to SE) and 11m wide (SW to NE) and 10m to ridge. The double garage was to extend at a 45 degree angle to the NE of the property by 10.5m at the furthest point and

would be 5.5m wide. The roof over the garage and bedroom 3 was to be 6.5m to ridge sloping down at each side to a height of 3.5m joining a canopy roof of a lesser angle. The single storey family room was to extend from the west of the property by approximately 6m and is 5m wide.

The property was to be constructed of a 'fairfaced' brick with stone detail under a slate roof with clay ridge tiles.

Of greatest concern to me was how this proposal would impact on occupiers of the neighbouring residential properties on the south side.

The gable of the proposed house was to be separated by approximately 15.5m from the rear of the dwelling at Overdale (and slightly less than this from the proposed central projection with chimney stack). The submitted drawings showed that the proposed dwelling was to have a slab-level 2.5m higher than the dwelling at Overdale. The dwelling at Highfield is at a similar level as Overdale but its windows would not so obviously give outlook towards the proposed house.

The Council's Alterations and Extensions to Residential Properties SPD states (in paragraph 2.1) :

*The separation distances between dwellings is an important consideration to maintain adequate privacy distances and at the same time avoid overbearing relationships and undue loss of light and outlook, as such the Council will seek to ensure that extensions:*

- *Maintain a minimum distance of 13m between a principal window to a habitable room in one property and a two storey blank wall of a neighbouring property*

*The above standards will need to take into account any significant change in levels or new accommodation to be provided at a higher storey which may result in, for example principal windows to a single storey extensions having the same effect as a two storey extension. In this regard there should be an extra 3 metres of separation for each 2.5m or one storey of height difference in each of the above cases.*

It was concluded that the gable exceeds the scale of that of the standard 2-storey house and, having regard to its elevation above the dwellings fronting Haslingden Road and separation distance, would result in the proposed dwelling detracting to an unacceptable extent from the amenities neighbours could reasonably expect to enjoy. The impact of the proposed dwelling will be materially greater than would result from implementation of the extant permission; the gable of that dwelling would be both smaller and more obviously to the rear of outbuildings in the grounds of the neighbouring properties than to the rear of the dwelling at Overdale.

Accordingly, this application was Refused for the following reason :

1. The proposed dwelling is of a siting/scale/level that would result in it detracting from the amenities neighbours could reasonably expect to enjoy, most particularly by reason of an overbearing impact and loss of light/outlook for residents of Overdale and Highfield. It is considered that the development is contrary to the principles of good design of PPS1 / PPS3, Policies DP7 / EM1 of the Regional Spatial Strategy (2008), and Policy DC1 of Rossendale District Local Plan (1995).

### 3. THE PROPOSAL

This application is a re-submission of the above proposal, with the following amendments :

- The building has been shifted 2m further away from the party-boundary with Overdale and Highfield, enabling planting along the southern boundary with Overdale.
- The applicant has removed the ground and first floor bay windows on the west elevation closest to, and enabling outlook towards, Overdale.
- The garage would have one large door rather than two smaller doors.
- The boundary wall to be erected adjacent to the public footpath on the east side has been reduced in height and a railing would make up the rest of the height.

### 4. POLICY CONTEXT

#### National

PPS1 Sustainable Development  
PPS3 Housing  
PPG13 Transport

#### Development Plan

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

DP1-9 Spatial Principles  
RDF1 Spatial Priorities  
L 4 Regional Housing Provision  
L5 Affordable Housing  
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 and Supported Housing  
Policy 8 Transport  
Policy 9 Accessibility  
Policy 17 Rossendale's Green Infrastructure  
Policy 23 Promoting High Quality Design & Spaces  
Policy 24 Planning Applications Requirements

#### Other Material Planning Considerations

## 5. CONSULTATION RESPONSES

### LCC Highways

No Objection but wishes that the double-garage have one door rather than two in order to ease the turning of vehicles that are garaged and that the planting proposed on the southern boundary not interfere with the visibility of the driver of a car exiting the proposed drive.

### Electricity North West

No Objection. It requests the applicant contact them if the application is approved as the development is adjacent to Electricity North West operational land or electricity distribution assets.

## 6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 11/11/11 and 8 neighbours were notified by letter on 10/11/11.

Two letters of objection have been received, raising the following concerns :

- Overdevelopment of the site - the same design has already been refused
- Topography means that the development will be domineering / obtrusive
- Separation distances are unacceptable particularly window to window and should be greater because of the topography on the site if loss of privacy/light/outlook of neighbours is to be avoided
- Impact upon Monkey Puzzle trees in the curtilage of Overdale
- The provision of utilities (gas, water, electricity) and foul water disposal - there are ownership and legal controls in place that only the owner of Ashfield could link into Overdale's drainage system
- Possible obstruction and discomfort caused during the build

## 7. ASSESSMENT

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

### Principle

The proposed dwelling will be within the Urban Boundary, and as permission exists for its residential development, this proposal is considered to be acceptable in principle.

### Housing Policy

Policy 3 asserts that the largest number of additional houses will be built in the Rawtenstall area. The existing permission does not require that house be 'affordable'. The development is therefore considered acceptable in terms of Housing Policy.

### Visual Amenity

The scheme would not be entirely in-keeping with the surrounding properties due to the scale, design and facing materials of the proposed dwelling. However, the dwelling will not form a

prominent feature of the street-scene, though still visible to the public from Melia Close through a gap in the built-development fronting it and from the public footpath to the east side of the site. Being mindful also that the surrounding properties (on Haslingden Road and Melia Close) are of varying scale/ design/facing materials, I do not consider the application would warrant refusal for this reason alone.

### Neighbour Amenity

As previously, the 2-storey gable of the proposed property facing to the south has a width of approx 8.5m, eaves height of approx 8.5m in height and hipped-roof rising to a ridge-height of approx 10m. It possesses no windows. The scale of the gable is increased by a central projection from it of 2-storeys, with chimney stack rising to a height of approx 8.5m. However, the applicant has agreed that the previously proposed 2-storey bay on the rear elevation near to the party-boundary, and enabling outlook towards Overdale is now to be omitted (an amended drawing showing this will be displayed at the meeting).

Due to the repositioning of the building further from the southern boundary there is now scope for planting to 'soften' the development and this gable is separated by approximately 17.5m from the rear of the dwelling at Overdale (and slightly less than this from the central projection with chimney stack). The submitted drawings show that the proposed dwelling will have a slab-level 2.5m higher than the dwelling at Overdale. The dwelling at Highfield is at a similar level as Overdale but its windows will not so obviously give outlook towards the proposed house.

Whilst the proposed gable continues to exceed the scale of that of the standard 2-storey house, having regard to the levels compared with the dwellings fronting Haslingden Road the separation distance between habitable room windows in the rear extension of Overdale and the two storey blank wall of the proposal should be 16m. The separation distance now proposed is 17.5m.

I am mindful that the impact of the proposed dwelling will be materially greater than would result from implementation of the extant permission (2010/119); the gable of that dwelling would be both smaller and more obviously to the rear of outbuildings in the grounds of the neighbouring properties than to the rear of the dwelling at Overdale. However, I consider the amendments made to the scheme the subject of Application 2011/407 to have now tipped the balance in favour of the current proposal as the resulting building will now accord with the separation distances the Council normally requires and windows that could have allowed view most obviously towards Overdale have been omitted.

### Access/Parking

The proposal will not add significantly to the traffic using the local highway network.

The Highway Authority has not raised any objection to the scheme. The concern it expressed about the ease with which cars exiting the double-garage would be able to turn and exit the site in forward gear has been addressed by provision of a large door rather than 2 smaller doors (an amended drawing showing this will be displayed at the meeting).

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

The proposed development is appropriate in principle within the Urban Boundary and, subject to the proposed conditions, will not unduly detract from visual and neighbour amenity or

highway safety. The development has been considered most particularly in light of PPS1/PPS3/PPG13, Policies RDF1/L4/L5/RT2/RT4/EM1 of the Regional Spatial Strategy, and Policies 1/ 3 / 4 /23 / 24 of the Council's Core Strategy DPD.

## 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. Prior to the commencement of development a sample of the brick to be used shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken with the approved bricks and the other facing materials shall be as stated on the application form and approved drawings and shall not be varied unless otherwise 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
3. 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 protect the amenities of neighbours and to avoid overdevelopment of the site in accordance with PPS1/PPS3, Policy RDF2/EM1 of the Regional Spatial Strategy, and Policy 24 of the adopted Core Strategy DPD 2011.
4. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of landscaping/boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, to include details of existing boundary planting to be retained and any necessary measures for the protection of planting. Any fences/walls/gates/hard-surfaced areas forming part of the approved scheme shall be completed prior to first occupation of the building hereby permitted and any new planting shall be undertaken in the first planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority.  
Reason : To protect visual and neighbour amenity, in accordance with Policies 1 & 24 of the adopted Core Strategy DPD 2011.
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 safeguard the amenities of neighbours, in accordance with Policy 24 of the adopted Core Strategy DPD 2011