

<b>Application Number:</b>	2011/595	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 2-storey rear extension	<b>Location:</b>	119 Haslingden Old Road, Rawtenstall
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	24 January 2012
<b>Applicant:</b>	Mr P Woodward	<b>Determination Expiry Date:</b>	27 January 2012
<b>Agent:</b>			

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

**Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member: Cllr Gledhill

Reason for Call-In: There is good precedent for similar extensions and therefore I am supportive of the proposal.

**3 or more objections received**

**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>
Refusal, as per the reason outlined in the report.

## APPLICATION DETAILS

### 1. SITE

The application relates to a mid-terraced 2-storey house, of stone/slate construction, situated on the north side of Haslingden Old Road. The rear elevations of the properties have been rendered/painted, their long/narrow gardens bounded to the rear by the playing fields of St James -The-Less RC Primary School.

Separating the applicant's rear garden from the neighbour to the west (No 121) is a 1.5m wall topped with vegetation which increases its height a further 0.5m. This neighbouring house has a 2-storey rear extension standing off the party-boundary by approximately 3m and projecting out by 3.5m. To the east (No 119) the neighbouring house projects to the rear 1.1m beyond the rear elevation of the applicant's house and has a 1-storey extension that stands approximately 3m from the party-boundary.

The property is within the Urban Boundary of Rawtenstall as designated within Policy 1 of the adopted Core Strategy DPD (2011).

### 2. RELEVANT PLANNING HISTORY

2011/451     Erection of 2-storey rear extension  
Refused 08/11/2011

The application was refused for the following reason:

"The proposed development by reason of its size, height and design would cause an unacceptable loss of light and outlook to neighbours. Accordingly, the application is contrary to the provisions of PPS1 / PPS3, Policy EM1 of the Regional Spatial Strategy for the North West of England, Policy DC1 of the Rossendale District Local Plan and the Council's Alterations and Extensions to Residential Properties SPD."

By way of background, to support the earlier application, the agent made the following comments :

*"The applicant, and myself are concerned that the proposal may not obtain planning permission even though the properties at 121 and 123 have almost identical rear extensions, which are in fact larger than the one proposed. We would see this as a **precedent** being set in the area. Numbers 125 and 127 also have rear extensions in the same location as the one proposed, however these are single storey, but have a large adjoining roof structure. We would be concerned if the rule were set for one and not for another, rendering the applicant the only house on this row unable to extend at the rear. The 45 degree rule is fine when it is looked at on a semi detached type house, however is un-workable on a row of terraced houses. If a 45 degree line was drawn from each nearest window on houses each side of an application house, you would end up with an extension centrall to the applicant house of about 2m wide x 2m deep, which is pointless. One house will suffer, as can be seen on 121 and 123.*

*Terraced houses such as the one the applicant has were built in a time when the needs of the occupants were very different than those of occupants of today. The applicant is a single man, who has seen the potential of this house, based on those adjacent to his house. To be told that he is the only owner that can't have what his neighbours have seem very*

*unfair and unjust.*

*If you review terraced houses in Rossendale, almost 90% would have rear extensions which would not comply to the 45 degree rule.”*

### 3. THE PROPOSAL

The applicant has made a re-submission of the earlier application which seeks permission for a 2-storey rear extension that is to be constructed in rendered blockwork under a grey slated roof.

The extension would project out by 3.5m and be 2.6m in width, with a height to ridge of 7m. Its west elevation will run along the party-boundary with No 121, whilst its east elevation will be 2.1m from the party-boundary with No 117.

It is intended to accommodate a kitchen on the ground floor and bathroom on the first floor, the former to be illuminated by a glazed door in the rear elevation and the latter by a window in the rear elevation.

### 4. POLICY CONTEXT

#### National

PPS1 Sustainable Development  
PPS3 Housing

#### Development Plan

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

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 8 - Transport  
Policy 24 - Planning Application Requirements

#### Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

### 5. CONSULTATION RESPONSES

None.

### REPRESENTATIONS

6. To accord with the General Development Procedure Order a site notice was posted on the 14/12/11 and two neighbours were notified by letter on 08/12/11.

Letters of objection have been received from the owners of 117 and 121 Haslingden Old Road which make the following summarised points:

- Loss of light/privacy/outlook
- Impact on rear elevation of 117 Haslingden Old Road

- The extension would result in parking problems

## 7. **ASSESSMENT**

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

### Visual Amenity

The terrace comprises of 9 houses, two with 2-storey rear extensions and more than this with 1-storey rear extensions.

Whilst the proposed extension would be visible from the school grounds, it will appear subservient to the main dwelling and have a design/facing materials that will ensure it does not detract to an unacceptable extent from the character and appearance of the area.

This application is similar to the existing two storey extension at 121 Haslingden Old Road. The extension would be constructed in materials that would match the existing and as such, is acceptable in terms of visual amenity.

### Neighbour Amenity

Two letters of representation have been received citing a loss of light/outlook/privacy for occupiers at 117 and 121 Haslingden Old Road.

The submitted plans indicate that there would not be an unacceptable loss of light/outlook to 117 Haslingden Old Road as the extension would not cross the 45 degree line projected from the neighbours windows, as referred to in the Council's approved SPD.

In relation to the neighbour at 121 Haslingden Old Road, the extension is positioned on the party-boundary with this neighbour. Given the close proximity of the proposed extension it would not accord with the Council's SPD as it would cross the 45 degree line projected from the neighbours windows, as referred to in the Council's approved SPD. As such, the proposed extension will result in an unacceptable loss of light/outlook for this neighbour.

The applicant says that the extension they propose is similar to that at No 121 in terms of its dimensions. This is indeed the case. However, it was constructed long before the Council adopted its Alterations & Extensions to Residential Properties SPD. Rather than setting a precedent for the proposed extension I consider its existence will result in certain ground and first floor windows of No 121 having restricted light/outlook as they will be within the 'tunnel' between two extensions that fail to comply with the SPD.

As such, the proposal is considered unacceptable in terms of neighbour amenity.

## 8. **REASON FOR REFUSAL**

The proposed development, by reason of its siting/size/design, would cause an unacceptable loss of light and outlook to neighbours, most particularly occupiers of 121 Haslingden Old Road. Accordingly, the application is contrary to the provisions of PPS1 / PPS3, Policy EM1 of the Regional Spatial Strategy for the North West of England (2008), Policies 1 / 24 of the Council's Core Strategy DPD (2011) and its Alterations and Extensions to Residential Properties SPD (2008).