

Application Number:	2011/625	Application Type:	Full
Proposal:	Erection of detached double garage (retrospective)	Location:	Land to rear of 2 Lee Road, Stacksteads, Bacup, OL13 0EA
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	21 February 2012
Applicant:	Mrs M Crompton	Determination Expiry Date:	29 February 2012
Agent:	Walsh Architects		

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REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:
Reason for Call-In:

Cllr MacNae due to the visual impact of the development.

3 or more objections received **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.

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

APPLICATION DETAILS

1. SITE

The application relates to a roughly rectangular area of land to the rear of terraced houses 2, 2a, 4 and 4a Lee Road. The site is bounded by the River Irwell to the West, cemetery to the South and the curtilage of No.2 Lee Road (the applicant's property) to the north. To the east the rear gardens of terrace properties on Lee Road have their rear gardens backing onto the site. The rear gardens are relatively open with fencing separating them from the site.

The site is accessed through an opening in the terrace houses on Lee Road. The entrance runs underneath the first floor connection 4 and 4a. On the gate at the entrance to the application site there is a sign stating 'private access keep clear'.

There is a fish pond on the site which is to the east of the position of the garage which is subject to this application. The fish pond is on land raised above the level of the rest of the site.

The land is flattened with a large area of hardstanding surrounded by sections of lawn. At the time of the site visit on 06/01/2012 there was no paraphernalia on the site or vehicles parked externally to the garage. The garage was locked.

The site lies just inside the Urban Boundary of Stacksteads as designated in Policy 1 of the adopted Core Strategy (as illustrated by DS1 on the adopted Proposals Map 2011). The site to the south is Council owned and outside the urban boundary. There are no registered public footpaths running through the site.

2. RELEVANT PLANNING HISTORY

2002/379 - Construction of a single dwelling house with associated parking

Refused by Committee on 04/12/2003 for the following reasons:

1. By reason of its siting, orientation and spatial relationship to neighbouring residential property, the proposed development would represent an inappropriate, ill considered and poorly designed form of development which would be detrimental both to the amenities of occupiers of neighbouring dwellings and to existing conditions in the immediate locality. As such the proposal is contrary to Policy DC.1 of the Rossendale District Local Plan.
2. By reason of its narrow width and height restriction the proposed vehicular access would prevent access to the development by emergency service vehicles.

2003/603 - Construction of a single dwelling house with associated parking

Refused by Committee on 04/12/2003 for the following reasons:

1. There are sufficient residential planning permissions to meet the Borough Council's housing requirement to 2006 including further potential supply to last until 2020. The development is not required to meet the housing provision set by the adopted Lancashire Structure Plan (Policy 43), the Draft Joint Lancashire Structure Plan (Policy 12) and the Proposed Changes Draft Lancashire Structure Plan (Policy 12). The applicant has raised no special reasons or circumstances for overriding the

policy objections to this proposal.

2. The majority of the application site falls outside the urban boundary and within land that is designated as greenlands within the Rossendale District Local Plan. The application proposal is not needed for the purposes of agricultural, forestry or a use appropriate to a rural area; as such the proposal fails to comply with Policies DS1 , DS5 and E1 of the Rossendale District local Plan.

2006/0326 – Change of use to garden area & erection of private parking for vehicles relating to No.2 Lee Road

Refused by Committee on 13/06/2006 for the following reasons:

1. The proposed development would detract to an unacceptable extent from the residential amenities neighbours could reasonably expect to enjoy, most particularly by reason of loss of privacy and public amenity. Therefore, the proposed development is contrary to PPS1, Policy 1 of the adopted Joint Lancashire Structure Plan and the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

An enforcement notice was issued following planning refusal 2006/326. The breach of planning control as alleged in the notice was without the benefit of planning permission, the change of use of the land from a communal recreation area to residential curtilage consisting of private parking for vehicles, the erection of a fence and a garden shed.

The requirements of the notice were:

- To reinstate the land that has now been converted into a residential curtilage and private parking area to the condition it was in prior to the unauthorised development being carried out; and
- To remove the fencing bordering the river bank and the garden shed

Those with long-standing knowledge of the appeal site state that until 2003 the land was used for a mix of communal activities including parking of vehicles, socialising, hanging our washing to dry and as a children's play area. The inspector concluded that although the car parking element of the change of use had intensified a change of use had not occurred. This element of the appeal was upheld.

3. THE PROPOSAL

The applicant seeks retrospective permission for the erection of a detached double garage. The garage would be used for purposes ancillary to the residential property 2 Lee Road.

The garage is 6m wide and 8m in length with a double sized garage door facing NE & approximately 4m wide. The garage is 3.5m to ridge and 2.5m to eaves. The garage is sited towards the south western boundary of the site up to the boundary with the River Irwell and with a door facing north east.

It has a steel profile sheet pitched roof. The elevations are 'pebble-dash' rendered with a small amount of timber cladding on the elevation sections between the ridge and the eaves.

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

RBC Core Strategy DPD (2011)

AVP 2 Bacup, Stacksteads, Britannia and Weir
Policy 1 General Development Locations and Principles
Policy 8 Transport
Policy 23 Promoting High Quality Designed Spaces
Policy 24 Planning Application Requirements

Other Material Planning Considerations

Draft National Planning Policy Framework (2011)
RBC Alterations and Extensions to Residential Properties SPD (June2008)

5. CONSULTATION RESPONSES

LCC (Highways)

No Objections

6. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on the 06/01/12 and 4 neighbours were consulted by letter on the 04/01/2012.

Six objections have been received raising the following concerns (one letter was sent on behalf of two neighbours):

- The applicant has suggested a reason for the garage is as a result of break-ins but has provided no crime reference numbers or evidence of this
- The building may be used for commercial or other purposes
- The access to the site is inappropriate for all types of vehicles
- There is a public way on the site and vehicles accessing the site cause danger to users
- Vehicles accessing the garage causing disturbance to nearby neighbours by way of noise and vibration

7. ASSESSMENT

The main issues to be considered in the determination of this application are:

- 1) Principle
- 2) Visual Amenity

- 3) Neighbour Amenity
- 4) Access/Parking

Principle

Section 173(11) of the Town and Country Planning Act is states:

Where—

(a) an enforcement notice in respect of any breach of planning control could have required any buildings or works to be removed or any activity to cease, but does not do so; and

(b) all the requirements of the notice have been complied with,

then, so far as the notice did not so require, planning permission shall be treated as having been granted by virtue of section 73A in respect of development consisting of the construction of the buildings or works or, as the case may be, the carrying out of the activities

The enforcement appeal was upheld on the grounds that the inspector felt that no change of use has occurred on the site. The application site is therefore established as a site lawfully used for the parking of vehicles associated with 2 Lee Road. The site is within the urban boundary where development is directed. The garage would be used in conjunction with the parking of domestic vehicles on the site. The scheme is acceptable in principle.

Visual Amenity

At 8m in length, the garage is slightly larger than most domestic garages for which permission is sought. Considering the position of the garage positioned in the south western corner of the site and tucked into the raised area of land the garage does not appear oversized.

The materials are 'pebble-dash' render with a metal sheet roof. The building is not altogether in-keeping with surrounding stone/slate terraces and the prominent stone commercial buildings on the opposite side of the river. However, the garage is not prominent in the street scene. Although glimpses of the structure are possible through the opening in the terraces as the finish contrasts with the stone terraces.

However I do not object to the proposal based on the materials considering the unobtrusive siting of the garage and the limited viewpoints it is visible from in the street scheme. The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

Prior to the construction of the garage the site was used for the parking of vehicles, which accessed the site from Lee Street between No.4 and No.4a therefore there would be no additional disturbance from vehicular movements. Construction of the garage has not changed this therefore the garage does not unduly impact on light, outlook or privacy enjoyed by neighbouring properties on Lee Road. The scheme is therefore considered acceptable in terms of neighbor amenity.

Access/Parking

The area has been used for parking of vehicles and will be continued to be used as such. The existing access point to the off-street parking facilities is being retained. The applicant

has stated that the garage will be used as a domestic garage and not for business purposes.

A number of neighbours have concerns that the garage is being used for commercial uses or may become used for this purpose following the grant of planning approval. The Council has investigated this matter in the past. A condition will be attached to ensure the garage is not used for commercial uses.

LCC Highway Authority has no objections. The scheme is considered acceptable in terms of access/parking.

8. SUMMARY REASON FOR APPROVAL

The scheme is considered acceptable in principle within the Urban Boundary, subject to the 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/PPG13, Policies / RT2 / RT4 / EM1 of the Regional Spatial Strategy, Policies 1 & 24 of the Council's Core Strategy DPD (2011) and the RBC alterations and extensions SPD (2008).

9. CONDITIONS

1. The outbuilding hereby permitted shall be used by occupiers of 2 Lee Road for purposes incidental to the enjoyment of the dwellinghouse as such (including the parking of cars) and not for trade or business purposes.
Reason: To protect neighbour amenity and in the interests of highway safety, in accordance with Policy 24 of the adopted Core Strategy DPD 2011.