

Application Number:	2012/381	Application Type:	Full
Proposal:	Erection of outbuilding in rear garden	Location:	35 Doals Gate, Weir
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18 September 2012
Applicant:	Mr S Dobney	Determination Expiry Date:	1 October 2012
Agent:			

Contact Officer:	Paul Talbot	Telephone:	01706-238637
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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	<input type="checkbox"/>
Member Call-In Name of Member: Reason for Call-In:	<input type="checkbox"/>
3 or more objections received	<input type="checkbox"/> 3 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.

1. RECOMMENDATION

That the application be approved subject to the Conditions set out in Section 10 of the Report.

2. SITE

The application relates to land within the rear garden area of a semi-detached house on Doals Gate. The rear garden is enclosed by a 1.5m timber fence. Within it is a decked area attached to the house, resulting in the garden being on two levels. Towards the southern boundary of the rear garden is a timber shed, screened to a large degree from the properties to the south by the neighbours own garages. At the end of the applicant's rear garden is to be seen a recently-constructed concrete hardstanding.

The site is within the Urban Boundary of Weir as designated within Policy 1 of the adopted Core Strategy DPD illustrated on the Proposals Map.

3. RELEVANT PLANNING HISTORY

None since construction.

4. THE PROPOSAL

The applicant seeks permission to erect a single-storey outbuilding on the recently-constructed concrete hardstanding at the end of the rear garden. It is the applicant's intention to use it as a garden shed and DIY workshop.

The building would be 4.8m in width, 3.5m in depth and 3.5m in height, constructed with brick and concrete roof tiles to match the adjoining dwelling. It would have two windows and an entrance door facing the applicant's own house, and no other openings.

The building requires permission due to its height adjacent to the boundary. The applicant has indicated that the existing timber shed would be removed.

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 7 Requiring Good Design

Development Plan

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles

Policy RT2 Managing Travel Demand

Policy RT4 Management of the Highway Network

Policy EM1 Environmental Assets

Rosendale Core Strategy DPD (2011)

AVP 2: Strategy for Bacup, Stacksteads, Britannia and Weir

Policy 1 General Development Locations and Principles

Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

6. CONSULTATION RESPONSES

RBC Environmental Health

No objection subject to conditions controlling the use of the building to prevent excessive noise/dust/fumes.

United Utilities (Water)

No objection.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 13/08/12 and 8 neighbours were consulted by letter on the 16/08/12.

Four letters have been received from local residents objecting to the proposal for the following reasons :

- Use of the building
- Foundations & materials of construction
- Size of proposed building
- Loss of light & view
- Land drainage
- Noise nuisance

8. ASSESSMENT

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

Principle

The proposed development is within the Urban Boundary and is therefore acceptable in principle.

Visual Amenity

The building is located at the rear of the property and would not be visible in the street-scene. Having regard to its intended use (for purposes incidental to the dwelling), and the applicants intention to remove the existing timber shed, it is not considered to be unduly large. Its design and facing materials are also considered acceptable.

The building is considered acceptable in terms of visual amenity.

Neighbour Amenity

Four letters of objection have been received commenting particularly on the lack of foundations, size of the building, drainage issues and the building's intended use.

The latter can be the subject of a condition. Although brick/tile construction reduces the likelihood of noise and disturbance disturbance for neighbours resulting from use as a DIY workshop, I concur with the view of the Council's Environmental Health Unit that a condition should be imposed to prevent excessive noise/dust/fumes.

There is no concern about the intended foundations. However, a condition is recommended to ensure the development does not result in surface-water run-off to neighbouring properties.

Having regard to the siting/size/design/facing materials of the proposed outbuilding, and the height of the boundary fence and surrounding planting and outbuildings in neighbouring rear gardens, I am satisfied that there will not be an unacceptable loss of light outlook or privacy for any neighbour.

Access/Parking

The proposal will not add significantly to traffic on the local highway network or need for off-street parking at the property.

9. SUMMARY REASON FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to the conditions, it is considered that it will not result in unacceptable detriment to visual & neighbour amenity or highway safety. The proposal is considered to accord with the National Planning Policy Framework (2012), Policies 1 / 24 of the Council's adopted Core Strategy DPD (2011) and Alterations & Extensions to Residential Properties SPD (2008).

10. RECOMMENDATION

That the application be permitted subject to the following conditions.

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 drawings date stamped 14/08/2012 unless otherwise required to comply with the conditions below or 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 or neighbour amenity, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).
3. Prior to commencement of construction of the building hereby permitted details of the surface-water drainage system to be provided shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented.
Reason: To ensure the development does not result in surface-water run-off to neighbouring properties, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).
4. The building hereby permitted shall be used for purposes incidental to the enjoyment of the dwellinghouse as such, and not for the purposes of trade or business or generating dust &/or noise disturbance for neighbours, and the existing timber shed shall be removed within 2 months of commencement of use of the building hereby permitted.
Reason: To ensure the development avoids undue harm to neighbour amenity, in accordance with Policy 24 of the RBC 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 ensure the development avoids undue harm to neighbour amenity, in accordance with Policy 24 of the Council's Core Strategy DPD (2011).