

<b>Application Number:</b>	2012/423	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of single storey rear extension	<b>Location:</b>	2 Lee Road Stacksteads Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	16 October 2012
<b>Applicant:</b>	Mrs M Crompton	<b>Determination Expiry Date:</b>	19 October 2012
<b>Agent:</b>	Paolo Boscolo Architects		

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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input type="checkbox"/>
<b>3 or more objections received</b>	<input type="checkbox"/> <b>3 Objections received</b>
<b>Other (please state):</b>	<input type="checkbox"/>

## 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 Permission be granted subject to the Conditions set out in Section 11.

## 2. SITE

The application relates to an end terrace stone and slate built property on Lee Road, a residential Street. To the rear the property currently has a white rendered single storey extension under a flat roof. The extension has openings in each elevation and projects from the rear of the property by 3.5m and spans half the width of the rear elevation.

### 3. 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 to 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.

#### **2006/326** Change of use to garden area & erection of private parking for vehicles relating to 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.

Beyond the extension there is a flattened piece of land in the applicant's ownership that recently gained retrospective planning permission for a detached garage in the south western corner. This area provides off street parking for the applicant's property.

To the north of the property there is an area used for car parking which is bounded by a timber fence. Between the fence and the property the applicant has a small paved area that falls outside the red edge and is not within the same ownership.

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).

**2011/625**     Erection of detached double garage (retrospective)

Approved by Development Control Committee with the following condition attached.

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.

#### **4. THE PROPOSAL**

The applicant seeks permission for the erection of a single storey rear extension.

The single storey element of the extension spans the full width of the rear of the property, which is 5.3m, and would replace the existing rear extension. The extension would project from the rear of the original property by 3.5m, a similar projection to the existing extension. There would be a window in the side elevations. Across the rear of the extension there would be a set of patio doors.

The extension would be constructed of materials to match the existing property.

#### **5. POLICY CONTEXT**

**National Planning Policy Framework (2012)**

Section 7            Requiring Good Design

**Development Plan**

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

Policy DP1	Spatial Principles
Policy RT2	Managing Travel Demand
Policy RT4	Managing the Highway Network
Policy EM1	Environmental Assets

Rossendale Core Strategy DPD (2011)

Policy 1 General Development Locations & Principles

Policy 8 Transport

Policy 24 Planning Application Requirements

AVP 2 Strategy for Bacup, Stacksteads, Britannia and Weir

**Other Material Planning Considerations**

RBC Alterations & Extensions to Residential Properties SPD (June 2008)

**6. CONSULTATION RESPONSES**

Environment Agency

No Objection

The applicant should be made aware that the River Irwell adjoining the site is a designated Main River and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior written Consent of the Environment Agency.

Request a Note for Applicant is stating :

The Environment Agency has a right of entry to the River Irwell by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act.

**7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 05/09/12 and 6 neighbours were notified by letter on 05/09/12.

Six letters of support have been received including the following comments:

- The extension would be an improvement to the property
- The stone extension which would replace the rendered extension is considered an improvement
- The extension is in character with the existing property most particularly the materials proposed
- The extension would not be detrimental to any neighbours
- The extension would be more inkeeping as the existing extension stands out

Three letters of objection have been received raising the following concerns:

- Although there is an existing window in the same location the proposed window would enable views directly into the kitchen effecting privacy
- The new building may be built over existing drainage systems and access to these. Would like to oppose the proposal until these matters are looked into further.
- Concerns over access of construction machinery due to the narrow and low height of the access point
- Concerns that the Environment Agency legislation has not been complied with
- The number of planning applications submitted since 2004 results in the applicant's of 2 Lee Road reaching their 'volume limit'.
- The attached neighbour feels that the extension is situated on the neighbours boundary wall

In direct response to the neighbour objections above:

- The issue of drainage is a matter for building control and not planning
- The Environment Agency have been consulted and the comments are included in this report
- The window is considered in the neighbour amenity assessment of this report
- Construction machinery is considered in the access/parking assessment of this report
- 'Volume Limit' is not applicable to this scheme. Development in the Countryside/Green Belt have restrictions on their scale and this may be what the objector was referring to.
- No evidence has been submitted to demonstrate the development would be built on land not under the applicant's ownership. No action has been taken on the extension that is currently in place.

## **8. ASSESSMENT**

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

### Principle

The application site is within the defined Urban Boundary and, as such, the development is acceptable in principle.

### Visual Amenity

The proposed extension would be constructed of materials to match the existing property and would replace the existing extension that currently draws the eye due to the white finish.

The proposed extension would be in scale with the existing house and would appear subservient to it by virtue of its position/size/design. The extension would be visible in the street scene and from other properties in the terrace. However, the existing fence to the north side of the site would partially screen it from Lee Road and it would not detract unduly from the character of the area, particularly considering the existing extension.

There would be limited outdoor amenity space available within the original property cartilage as a result of the proposed extension. However, as the applicant owns adjacent land to the rear which can be used for incidental residential purposes, I would not recommend refusal of the application on the basis of lack of amenity space.

The scheme is considered acceptable in terms of visual amenity.

### Neighbour Amenity

The extension would cross the 45 degree line when taken from the habitable room window of 2a Lee Road, the attached house. However the existing extension currently impacts upon the light received to this neighbours window by crossing to 45 degree line to a similar extent.

The extension would not reduce the privacy currently enjoyed by this neighbour. The window proposed in the southern elevation of the extension is in the same position as a window of the existing extension and, consequently, will not affect the current relationship between properties in terms of privacy.

The scheme is considered acceptable in terms of neighbour amenity.

### Access/Parking

The proposed scheme does not affect the current parking requirement as the number of bedrooms remains unchanged. The access/parking arrangements are unaltered. Accordingly, the scheme is considered acceptable in terms of access/parking.

Neighbours have raised concern with access to the property during the construction phase. The area in which the neighbours refer to is owned by the applicant and considering the scale of the proposed development any disturbance is likely to be small/of limited duration. Nevertheless, it is considered appropriate to attach a condition limiting construction hours.

## 10. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle in the Urban Boundary and, subject to the conditions, would not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with Section 7, Policies RT2/RT4/EM1 of the Regional Spatial Strategy, and Policies 1 & 24 of the adopted Core Strategy DPD.

## 11. RECOMMENDATION

Approve with 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 numbered 02 Rev A and 05 Rev A both date stamped 31/08/2012, 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.
3. All materials to be used in the elevations of the proposed development shall be as stated on the submitted planning application forms and match in colour, form and texture to the material of the existing property, 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.
4. Any demolition works, ground contamination/remediation works or construction works associated with the development hereby approved shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays, and shall not take place on Sundays, Good Friday, Christmas Day or Bank Holidays, unless first agreed in writing by the Local Planning Authority.  
Reason: To safeguard the amenities of neighbours, in accordance with Policy 24 of the RBC Core Strategy (2011).