

**TITLE: 2006/047 PROPOSED ANCILLARY BUILDING AND GARAGE**

**AT: 21 FAIRHILL, HELMSHORE**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE: 8<sup>th</sup> MARCH 2006**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT: MS S ALDERSON**

**DETERMINATION EXPIRY DATE: 30<sup>TH</sup> MARCH 2006**

### **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, 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.

### **Site and Proposal**

The applicant seeks approval for the construction of an ancillary building and detached garage within the grounds of the existing dwellinghouse at the above location. The proposal site is a residential area within the Urban Boundary.

### **Relevant Planning History**

#### **2005/675 Proposed Workshop Extension and Garage**

The applicant has previously applied for permission for identical buildings to be constructed, but for one of the buildings to be used as a workshop. The planning application was refused on the grounds that the creation of a workshop within a largely residential area would be incongruous in the area and would have a significant detrimental effect upon neighbour amenity should the applicant run a business from this location. It was not considered at this time that the buildings were unacceptable,

but that the proposed use would be out of place within the locality. The application was refused on 18<sup>th</sup> January 2006

### **Notification Responses**

Neighbours were notified by means of a letter to which there were 5 objections and a petition with 69 signatories.

The following Issues were raised:

- The proposed development is detached from the existing house and therefore is not an extension of the existing dwelling.
- The density of buildings already on the site is too high.
- The added loss of light which a new building would cause to 28 Fairhill.
- The inappropriateness of a workshop within a residential location.
- The development would take up most of the remaining floor area of the plot.
- Increased traffic in the area.
- Doubt over the future intended use of the building and the possibility that it could be converted into a separate dwelling in the future.

### **Consultation Responses**

Lancashire County Council Highways

No Objections

Helmshore Residents Association

No reply

### **Development Plan Policies**

Rossendale District Local Plan (Adopted 1995)

Policy DS1 (Urban Boundary) states *"the Council will seek to locate most new development within a defined boundary - the urban boundary - and will resist development beyond it unless it complies with Policies DS3 and DS5."*

Policy DC1 (Development Criteria) of the Rossendale District Local Plan

The policy states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy DC4 (Materials) of the Rossendale District Local Plan states that *local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of*

*local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or, in appropriate cases, with good quality substitute slates.*

Policy 1 (Development Framework) of the Joint Lancashire Structure Plan states that *development will be located primarily in the principle urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving: a) the efficient use of buildings, land and other resource; b) high accessibility for all by walking, cycling and public transport with trip intensive uses focussed on town centres; c) a balance of land uses that helps achieve sustainable patterns of development; d) accelerated rates of business development in the regeneration priority areas; e) appropriate development at Blackpool airport, ports and regional investment sites; f) urban regeneration including priority re-use or conversion of existing buildings and then use of brownfield sites; g) enhanced roles for town centres as development locations and public transport hubs; h) rural regeneration; i) a high quality built environment.*

#### Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 (General Policy) of the Joint Lancashire Structure Plan states that: Development will be located primarily in the principal urban areas, main towns, key service centres (market towns) and strategic locations for development and will contribute to achieving:

- a) the efficient use of buildings, land and other resources;
- b) high accessibility for all by walking, cycling and public transport, with trip intensive uses focussed on town centres;
- c) a balance of land uses that helps achieve sustainable development;
- d) accelerated rates of business development in the regeneration priority areas;
- e) appropriate development at Blackpool airport, ports and regional investment sites;
- f) urban regeneration, including priority re-use or conversion of existing buildings, and then use of brownfield sites;
- g) enhanced roles for town centres as development locations and public transport hubs;
- h) rural regeneration;
- i) a high quality built environment.

Other development to meet an identified local need or support rural regeneration outside principal urban areas, main towns, key service centres (market towns) and strategic locations for development will be acceptable in principle.

Policy 5 (Development outside of principal urban areas, main towns and key service centres (market towns)) of the Joint Lancashire Structure Plan states that: Development outside of the principal urban areas, main towns and key service centres (market towns) will be of a scale and nature appropriate to its location and will mostly take place in villages and other settlements identified in local plans/local development frameworks.

Development will support rural and urban regeneration by meeting an identified local need for housing or community services or by providing for local employment

opportunities that maintain, or strengthen and diversify the local economy, including farm diversification and sustainable tourism development

### Other Material Planning Considerations

Planning Policy Guidance Note 1

### **Planning Issues**

The proposal site is within the Urban Boundary and therefore the development is in accordance with Policy DS.1 of The Rossendale District Local Plan.

The issues raised by neighbours regarding the loss of light is not upheld as it is not considered that a single storey extension would impact significantly on any of the neighbouring properties.

Neighbour objection letters noted the reasons why the proposal was to be classed as an extension, as the proposal is for two free standing detached buildings. The buildings are within five metres of the existing dwelling and therefore are classed as an extension.

The previous application detailed the use of one of the buildings as a workshop, which it was considered would be incongruous to the existing conditions in the area. In this application the applicant does not propose to run any public service or business from the address, and solely intends to use the buildings for private use ancillary to the enjoyment of the existing dwelling house. Whilst the concerns of the neighbours are recognised regarding the use of the building as a business, it is considered that this can be controlled by condition. The nearby residents were also concerned that the workshop element of the proposal could be changed into a separate dwelling in the future. This again can be managed by imposing adequate conditions.

The previous refusal of planning permission related to the proposed use of the buildings and not the buildings themselves. The materials to be used for the development are thought to be in keeping with the principal building and others in the locality and therefore would be in accordance with Policy DC.4 of The Rossendale District Local Plan.

It is considered that the issues regarding the use of the building as commercial, or possibly residential can be addressed by imposing adequate controls, which would ensure that the development does not have a significant effect upon neighbour amenity or impact upon existing conditions in the area, in accordance with Policy DC.1 of The Rossendale District Local Plan

### **Recommendation**

That the application is conditionally approved.

### **Conditions**

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.

2. The buildings hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 Fairhill.  
Reason: In the interests of neighbour amenity and for the avoidance of doubt.
3. At no time shall any part of the development hereby permitted be occupied as a separate dwelling or be used as a commercial premises.  
Reason: In the interests of clarity and because such use would require further assessment by the local planning authority as to its impact upon the residential amenity of the locality.

**Local Plan Policies**

DS1  
DC1

**Joint Lancashire Structure Plan Policies**

Policy 1

ALL DIMENSIONS ARE TO BE CHECKED ON SITE

ANY DISCREPANCIES ARE TO BE REPORTED TO THE ARCHITECT BEFORE ANY WORK COMMENCES

THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY DIMENSIONS WORK TO FIGURED DIMS ONLY

THIS DRAWING HAS BEEN PRODUCED FOR THE PURPOSES OF OBTAINING PLANNING AND BUILDING CONTROL APPROVAL NO OTHER LICENCES ARE IMPLIED OR GRANTED. THIS IS NOT A FULL WORKING DRAWING.

THE CLIENT IS REQUIRED TO NOTIFY ALL NEIGHBORS 21 DAYS BEFORE COMMENCEMENT OF WORKS IN ACCORDANCE WITH THE PARTY WALL ACT 1996.

THE CLIENT IS REMINDED TO APPOINTMENT OF A PLANNING SUPERVISOR UNDER THE CDM REGULATIONS \*IF REQUIRED

