

<b>Application Number:</b>	2013/145	<b>Application Type:</b>	Full
<b>Proposal:</b>	Variation of condition 2 of planning approval 2012/0077 to alter the design of the approved dwelling	<b>Location:</b>	Land adjacent to 'Ashfield', Vicarage Lane, Rawtenstall
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	28/05/2013
<b>Applicant:</b>	Mr P Shaw	<b>Determination Expiry Date:</b>	7/06/2013
<b>Agent:</b>	Walsh Architects		

<b>Contact Officer:</b>	Stephen Stray	<b>Telephone:</b>	01706-252420
<b>Email:</b>	<a href="mailto:planning@rossendalebc.gov.uk">planning@rossendalebc.gov.uk</a>		

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 checked="" type="checkbox"/> YES
<b>Other (please state):</b>	

## 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 Committee grant Planning Permission subject to the Conditions set out Section 10.

## 2. SITE

The application relates to a broadly rectangular plot of land to the south east of 'Ashfield'. The site itself is relatively flat but at a lower level to 'Ashfield'. There was previously a large garage and shed upon the site.

The site is accessed via a short sloping private access rising from Melia Close. This access also serves the residential properties of Highfield and Overdale, both large detached properties with frontages on Haslingden Road.

Overdale and Highfield are at a lower level to the application site. Overdale is set away from the boundary with the site by approximately 13m and Highfield by 16m although Highfield has a garage approximately 3m from the site boundary. There is a wall with steel fence a top of approximately 2m between the driveway of Overdale and the application site. The building of Overdale is set at a lower level than the driveway and the ground floor kitchen looks out onto the retaining wall which supports the parking area. The first floor dormers look towards the site and are set away from the boundary by approximately 18m.

There is a public right of way which runs along the eastern boundary of the site, providing a pedestrian access to Whittaker Park. To the other side of this path are the rear gardens of 2 and 4 Melia Close.

The site is within the Urban Boundary of Rawtenstall, as designated within Policy 1 of the adopted Core Strategy DPD as illustrated on the LDF proposals map 2011.

### **3. RELEVANT PLANNING HISTORY**

2012/0077      Erection of one dwelling

Approved with conditions – See report attached for background information

### **4. THE PROPOSAL**

The house permitted by Planning Permission 2012/0077 is substantially complete. This application seeks permission for the variation of condition 2 of that permission, to alter the design of the approved dwelling.

The application has been submitted in response to the commencement of enforcement action and seeks retrospective consent to regularise development undertaken that is not in accordance with the approved plans submitted for 2012/0077.

In support of the application the applicant outlines the following changes, with reasons for them :

- Some roof pediments are removed (from the permitted scheme) for economic reasons and to make the elevations less busy.
- Bow windows swapped for bays at ground floor level and removed all together at first floor. This is to improve build ability
- Lean to over the rear bay/bow window to allow what would have been different parapet designs to look more aesthetically pleasing
- Some window fenestrations amended e.g single bedroom 3xno glass doors swapped for French doors with sidelights and Juliet balconies
- Internal alterations including attic store to be a bedroom
- Roof lights added to get more natural light into upper levels

### **5. POLICY CONTEXT**

#### **National Planning Guidance**

National Planning Policy Framework (2012)

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

#### **Development Plan**

Core Strategy DPD (2011)

## Other Material Planning Considerations

RBC Alterations and Extensions to Residential Properties SPD (2008)

## 6. CONSULTATION RESPONSES

### LCC Highways

No Objections - retains the same comments as previously (given in the report attached), notwithstanding the fact that the number of bedrooms has increased from 4 to 5.

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order two site notices were posted on **16/03/12** and **9 neighbours notified by letter on 15/03/12.**

Three letters of objection have been received, making the following comments :

- The application should be referred to committee for consideration due to the alterations made
- Impact on privacy
- Removing of the bow windows and replacement with doors and balcony over the ground floor sun room leads to overlooking
- Seeks increased planting on the boundary between Waverly and the proposal.
- The build relates to the sizes already agreed and recorded.

## 8. 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

Permission exists for erection of a house on the site. Accordingly, this proposal for variation of the design is considered to be acceptable in principle.

### Visual Amenity

As 2012/0077 has been approved, the key consideration is whether the changes now sought are acceptable in visual amenity terms.

In this respect, it is noted that the detailing that can be seen on site is slightly different to the submitted plans as the windows to the dressing room are smaller than shown on the submitted plans. The rooflight to the sun room also peaks above the parapet when compared to the elevation drawings submitted. However, it is considered these discrepancies are so minor as to not be of concern.

In respect of the more significant changes in the design, it is considered the changes are still modest and do not result in a net greater harm in respect of visual impact when compared to the plans approved. The most noticeable changes are the removal of the pediments on the side

elevation facing Melia Close and rear elevation, and changes in fenestration and introduction of a lean-to at ground floor on the rear elevation. Given the property is of modern design, and there are a mixture of styles in the locality, it is not considered these proposed changes would be inappropriate.

In addition, the introduction of a fence on the boundary between Overdale and the application site will be visible for the residents of Overdale and to an extent from Melia Close. The fence has been introduced in addition to the planting approved after discussion with the resident of Overdale to try and overcome overlooking concerns from that resident. Whilst not required for such purposes in the previous consent, it is considered that the fence will not be unduly prominent in the street scene, particularly if it steps down in height as it nears Melia close. The applicant has given verbal agreement to this amendment on the fence.

### Neighbour Amenity

It is the introduction of French windows, and Juliet balconies at first floor level which has provided the greatest concern from neighbours in respect of neighbour amenity. This is most particularly in relation to concerns of overlooking and impact on privacy based on the objections received.

In this respect, whilst it is acknowledged that the fenestration has changed, it is considered that as Juliet balconies will not provide the ability for the occupants to sit outside of the openings created, that overlooking will not be increased to an unacceptable extent from that approved by virtue of application 2012/077.

Moreover, Overdale, the closest property to the new house is at an oblique angle to the elevation the French windows are in, whilst the form of the balconies will still mean the opportunity for the occupiers of the new property to overlook Overdale is prevented. The applicant has also indicated a willingness to erect a fence to further mitigate against any potential overlooking in respect of Overdale. Finally, as indicated in the previously approved scheme, the distances between the properties is greater than that required in the Council's policy for separation distances.

For Highfield, the property is at an even more oblique angle and is further away in respect of window to window distances. A site visit also revealed significant screening in the garden of Highfield which further prevents the potential for overlooking.

In respect of Highbank and Waverly, the other properties which back on to the revised rear elevation, the distance from Waverly to the elevation of the new development is approximately 40 metres in respect of window to window distances whilst due to outbuildings Highbank cannot be overlooked and in any event the window to window distance is significantly greater than that required to meet the spacing standards of the Council's Alterations and Extensions Supplementary Planning Document.

In respect of the changes of bow to bay windows at ground floor level, again due to the distances involved and the angles of the relevant properties, these changes are not considered to result in an increase on neighbour amenity impact to an unacceptable degree.

### Access/Parking

The proposal will not add significantly to the traffic using the local highway network. Cars exiting the double-garage would be able to turn and exit the site in forward gear and there would be adequate off-street parking provision.

The Highway Authority has not raised any objection to the scheme, although it wishes a condition to ensure the hedge is no more than 0.9m in height adjacent to the access-point. On this basis the scheme is considered acceptable in terms of access/parking.

## 9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle within the Urban Boundary and, subject to the proposed conditions, will not unduly detract from visual and neighbour amenity or highway safety. The development has been considered most particularly in light of Section 6 & 7 of the NPPF and Policies 1/ 3 / 4 /23 / 24 of the Council's Core Strategy DPD.

## 10. RECOMMENDATION

That Permission is granted 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 elevations and floor plans shown on the amended drawings numbered 13.08.01A Rev A dated 02.05.13 and 12.06B Rev B dated 02.05.13, 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. Notwithstanding the provisions of Classes A, B, C & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any amendment or revocation and re-enactment of it, there shall be no extension or outbuilding erected within the curtilage of the property hereby permitted without the submission and approval of an application for Planning Permission.  
Reason: To protect the amenities of neighbours and to avoid overdevelopment of the site in accordance with PPS1/PPS3, Policy RDF2/EM1 of the Regional Spatial Strategy, and Policy 24 of the adopted Core Strategy DPD 2011.
4. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of landscaping/boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, to include details of existing boundary planting to be retained and any necessary measures for the protection of planting. Any fences/walls/gates/hard-surfaced areas forming part of the approved scheme shall be completed prior to first occupation of the building hereby permitted and any new planting shall be undertaken in the first planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any of the plants which are removed, die or becomes seriously damaged or diseased within 5 years shall be replaced by others of the same siting/size/species, unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: To protect visual and neighbour amenity, in accordance with Policies 1 & 24 of the adopted 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 safeguard the amenities of neighbours, in accordance with Policy 24 of the adopted Core Strategy DPD 2011

### **Notes for Applicant**

1. Standard Coal Authority Note