

<b>Application Number:</b>	2012/0077	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of No.1 dwelling	<b>Location:</b>	Land adjacent to 'Ashfield' Vicarage Lane, Haslingden Road, Rawtenstall, BB4 6QX
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12/06/2012
<b>Applicant:</b>	Mr P Shaw	<b>Determination Expiry Date:</b>	04/05/2012
<b>Agent:</b>	Walsh Architects		

<b>Contact Officer:</b>	Rebecca Taylor	<b>Telephone:</b>	01706 252580
<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"/>
<b>Other (please state):</b>	N/A

## 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 consider the report below and be minded to 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 on the site which has been removed, leaving only a small timber shed.

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

2000/272 Redevelopment of garage site with a 2-storey dwelling with attached double-garage to the east with bedroom over and a sunroom extension to the west with a balcony over - Approved

2005/267 Erection of detached house (renewal of 2000/272) – Approved

2010/119 Erection of one dwelling (time limit extension for 2005/0267) - Approved - requires commencement by 23 April 2013

2011/407 Erection of one detached dwelling

The applicant sought permission for the erection of a detached dwelling, with accommodation over 2 floors and also in the hipped-roofs. The property was to be large in scale with 5 bedrooms, all with en-suite facilities, a double garage, large open plan kitchen area and lounge.

The main bulk of the property was approximately 17m in length (NW to SE) and 11m wide (SW to NE) and 10m to ridge. The double garage was to extend at a 45 degree angle to the NE of the property by 10.5m at the furthest point and would be 5.5m wide. The roof over the garage and bedroom 3 was to be 6.5m to ridge sloping down at each side to a height of 3.5m joining a canopy roof of a lesser angle. The single storey family room was to extend from the west of the property by approximately 6m and is 5m wide.

The property was to be constructed of a 'fairfaced' brick with stone detail under a slate roof with clay ridge tiles.

Of greatest concern to me was how this proposal would impact on occupiers of the neighbouring residential properties on the south side.

The gable of the proposed house was to be separated by approximately 15.5m from the rear of the dwelling at Overdale (and slightly less than this from the proposed central projection with chimney stack). The submitted drawings showed that the proposed dwelling was to have a slab-level 2.5m higher than the dwelling at Overdale. The dwelling at Highfield is at a similar level as Overdale but its windows would not so obviously give outlook towards the proposed house.

The Council's Alterations and Extensions to Residential Properties SPD states (in paragraph 2.1):

*The separation distances between dwellings is an important consideration to maintain adequate privacy distances and at the same time avoid overbearing relationships and undue loss of light and outlook, as such the Council will seek to ensure that extensions:*

- *Maintain a minimum distance of 13m between principal window to a habitable room in one property and a two storey blank wall of a neighbouring property*
- *The above standards will need to take into account any significant change in levels or new accommodation to be provided at a higher storey which may result in, for example principal windows to a single storey extensions having the same effect as a two storey extension. In this regard there should be an extra 3 metres of separation for each 2.5m or one storey of height difference in each of the above cases.*

It was concluded that the gable exceeds the scale of that of the standard 2-storey house and, having regard to its elevation above the dwellings fronting Haslingden Road and separation distance, would result in the proposed dwelling detracting to an unacceptable extent from the amenities neighbours could reasonably expect to enjoy. The impact of the proposed dwelling will be materially greater than would result from implementation of the extant permission; the gable of that dwelling would be both smaller and more obviously to the rear of outbuildings in the grounds of the neighbouring properties than to the rear of the dwelling at Overdale.

Accordingly, this application was Refused for the following reason:

- The proposed dwelling is of a siting/scale/level that would result in it detracting from the amenities neighbours could reasonably expect to enjoy, most particularly by reason of an overbearing impact and loss of light/outlook for residents of Overdale and Highfield. It is considered that the development is contrary to the principles of good design of PPS1 / PPS3, Policies DP7 / EM1 of the Regional Spatial Strategy (2008), and Policy DC1 of Rossendale District Local Plan (1995).

#### 2011/549 Erection of one detached dwelling

This application was a re-submission of the above proposal (2011/407), with the following amendments:

- The building has been shifted 2m further away from the party-boundary with Overdale and Highfield, enabling planting along the southern boundary with Overdale.
- The applicant has removed the ground and first floor bay windows on the west elevation closest to, and enabling outlook towards, Overdale.
- The garage would have one large door rather than two smaller doors.

The boundary wall was to be erected adjacent to the public footpath on the east side has been reduced in height and a railing would make up the rest of the height.

Contrary to Officer Recommendation, Refused by Committee for the following reason:

1. The proposed dwelling is of a siting/scale/level that would result in it detracting from the amenities neighbours could reasonably expect to enjoy, most particularly by reason of an overbearing impact and loss of light/outlook for residents of Overdale and Highfield. It is considered that the development is contrary to the principles of good design of PPS1 / PPS3, Policies DP7 / EM1 of the Regional Spatial Strategy (2008), and Policy 24 of the adopted Core Strategy DPD 2011.

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

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This application seeks permission for the erection of No.1 dwelling. The dwelling would be 8.7m to ridge at the highest point and 5m to ridge. The property is roughly T-shaped positioned to the eastern side of the site.

The main bulk of the building is sited 10m from the eastern boundary of the site and a further 5m from the nearest point on the properties on Melia Close. There is a projecting 1.5 storey garage which would extend up to 2m from the site boundary with doors facing southwards towards the proposed entrance to the site. The garage is a double garage large enough for two vehicles with a generous driveway in front.

The main elevation facing towards Overdale and Highfield (southern) would be blank. Although the garage would face towards these properties and have a single dormer windows approximately 22m away and the single storey extension to the west elevation would have a glazed elevation facing towards Overdale approximately 27m away.

The northern elevation facing towards the boundary with Ashfield has three small windows and a door at ground floor serving the kitchen and utility room.

The western elevation is relatively heavily fenestrated with a single storey extension glazed to the west and south. The windows closest to the southern boundary form part of a two storey semicircular bay. The first floor window towards the northern boundary is also curved.

The eastern elevation facing towards the rear of properties on Melia Close has the main entrance door with canopy at ground floor and a triple window and two windows at first floor. The windows in this elevation are also curved.

The materials will be a mix of brick, stone and render to be agreed with the LPA following grant of planning approval.

The scheme has been amended by the applicant/agent to address the reasons for refusal of the previous application (2011/0549).

- The building has been shifted 2m further away from the western boundary of the site so the footprint is more generally in line with the outbuildings at Highfield
- The ridge height has been reduced by 1.3m with the roofslope being reduced from 35 degrees to 30 degrees
- The applicant has replaced the bay windows on the west elevation closest to Overdale, with reduced projection curved windows.
- The garage roof has been hipped.

## **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

Section 10 Meeting the challenge of climate change, flooding & coastal change

### **Development Plan**

#### Regional Spatial Strategy (2008)

DP1-9 Spatial Principles

RDF1 Spatial Priorities

L 4 Regional Housing Provision

L5 Affordable Housing  
RT2 Managing Travel Demand  
RT4 Management of the Highway Network  
EM1 Environmental Assets

#### Core Strategy DPD (2011)

Policy 1 General Development Locations and Principles  
Policy 2 Meeting Rossendale's Housing Requirement  
Policy 3 Distribution of Additional Housing  
Policy 4 Affordable and Supported Housing  
Policy 8 Transport  
Policy 9 Accessibility  
Policy 17 Rossendale's Green Infrastructure  
Policy 23 Promoting High Quality Design & Spaces  
Policy 24 Planning Applications Requirements  
Policy 24 Planning Application Requirements

#### **Other Material Planning Considerations**

RBC Alterations and Extensions to Residential Properties SPD

### **6. CONSULTATION RESPONSES**

LCC Highways – No Objections but has the following comments:

- Concerns over the visibility of vehicles exiting the driveway
- Recommend the adjacent hedge is reduced to 0.9m to improve the visibility of vehicles leaving the driveway
- The length of the garage is 5.4m which may not be long enough to accommodate some of the longer vehicles as well as other items which are often stored in a garage. As there is space for three vehicles in the driveway I do not object to this issue but would recommend that the size of the garage is amended.

#### United Utilities

No objection, but requests the applicant contact them if the application is approved.

#### Electricity North West

No Objection. It requests the applicant contact them if the application is approved as the development is adjacent to Electricity North West operational land or electricity distribution assets.

### **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 raising the following comments:

- Unacceptable size and scale
- Disproportionate appearance and not in-keeping with surrounding properties
- The proposal would block out light and reduce privacy to properties on Melia Close
- Insufficient space to turn a car in the driveway
- Impact on the views enjoyed by properties on Melia Close
- Increase in noise levels
- The proposed room above the garage impacting upon privacy to the rear of properties on Melia Close

- Concerns of noise and dust pollution during construction as well as obstruction to the public footpath
- The road condition as a result of construction works
- Overbearing relationship with neighbouring properties caused by the bulk, scale and elevated position of the building compared to Overdale. It would be dominant on the site.
- Overdevelopment of the site
- Impact on Privacy, outlook and privacy to Overdale
- Topography means that the development will be domineering / obtrusive
- Separation distances are unacceptable particularly window to window and should be greater because of the topography on the site if loss of privacy/light/outlook of neighbours is to be avoided
- Impact upon Monkey Puzzle trees in the curtilage of Overdale. The plan is not clear what would happen to the existing trees
- The provision of utilities (gas, water, electricity) and foul water disposal - there are ownership and legal controls in place that only the owner of Ashfield could link into Overdale's drainage system

## 8. ASSESSMENT

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

- 1) Principle
- 2) Housing Policy
- 3) Visual Amenity
- 4) Neighbour Amenity
- 5) Access/Parking

### Principle

The proposed dwelling will be within the Urban Boundary, and as permission exists for its residential development, this proposal is considered to be acceptable in principle.

### Housing Policy

Policy 3 asserts that the largest number of additional houses will be built in the Rawtenstall area. The existing permission does not require that house be 'affordable'. The development is therefore considered acceptable in terms of Housing Policy.

### Visual Amenity

As this proposal is an amendment to the previous planning application 2011/549 much of the same assessment applies. The scheme would not be entirely in-keeping with the surrounding properties due to the scale and design of the proposed dwelling. The facing materials are to be agreed if planning permission is granted. Although larger than the approved dwelling some of the bulk has been removed from the scheme compared with the previously refused planning application (2011/549). This includes reduction of the chimney stack, lowering of ridge height and change to roof slop.

The dwelling will not form a prominent feature of the street-scene, though still visible to the public from Melia Close through a gap in the built-development fronting it and from the public footpath to the east side of the site. Being mindful also that the surrounding properties (on Haslingden Road and Melia Close) are of varying scale/ design/facing materials, I do not consider the application would warrant refusal for this reason alone.

### Neighbour Amenity

The proposed southern gable has been reduced to be more in line with a standard two storey property (8.7m), having regard to the levels compared with the dwellings fronting Haslingden Road

the separation distance between habitable room windows in the rear extension of Overdale and the two storey blank wall of the proposal should be 16m. The separation distance proposed is 18m and therefore the proposed dwelling would accord with the separation distances the Council normally requires.

I am mindful that the impact of the proposed dwelling would still be greater than would result from implementation of the extant permission (2010/119); the gable of that dwelling would be both smaller and more obviously to the rear of outbuildings in the grounds of the neighbouring properties than to the rear of the dwelling at Overdale. This scheme has positioned the footprint of the proposed dwelling more in line with these outbuildings than the previous scheme (2011/549).

The bay windows east and west elevations would be 18m plus from windows of nearby properties. Considering the natural line of sight from these windows there would be limited ability to overlook the property of Overdale and would not substantiate reason for refusal alone.

The scheme is in accordance with the Councils Policy for separation distances. Due to the position, design and separation of the proposed dwelling from neighbouring properties it is considered the dwelling would not cause undue harm to privacy, sunlight received and outlook of nearby properties and therefore is acceptable in terms of neighbour amenity.

#### Access/Parking

The proposal will not add significantly to the traffic using the local highway network.

The Highway Authority has not raised any objection to the scheme although it is considered necessary to condition that the adjacent hedge is no more than 0.9m in height. 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 scheme is considered acceptable in terms of access/parking.

### **9. SUMMARY OF REASONS 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, Policies RDF1/L4/L5/RT2/RT4/EM1 of the Regional Spatial Strategy, and Policies 1/ 3 / 4 /23 / 24 of the Council's Core Strategy DPD.

### **10. 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 drawing numbered 12.05.01A date stamped 09/03/12 and the amended drawing numbered 12.05.01D received 10/05/12, 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. Prior to the commencement of development a samples of the facing and roofing materials to be used shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken with the approved facing materials and shall not be varied 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 2011

4. 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.

5. 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.

6. 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