

Application Number:	2013/0207	Application Type:	Full
Proposal:	Erection of a detached house	Location:	69 Booth Road, Waterfoot, BB4 9BP
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	23 July 2013
Applicant:	Mr P Carter	Determination Expiry Date:	03 July 2013
Agent:	Hartley Planning and Development		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	YES - COUNCIL OWNED SITE
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Departure

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

To grant Permission subject to the Conditions set out in Section 10.

2. SITE

The site currently forms part of the generous curtilage of No.69 and is of a form and size in-keeping with numerous properties along Booth Road which occupy large linear plots.

The site lies partly within the Urban Boundary and Green Belt as designated by Policy 1 of the adopted Core Strategy DPD and illustrated on the Proposals Map 2011. The site is divided with an area approximately 15m x 6m in Urban Boundary closest to the highway and the rest of the site in Green Belt.

The applicant resides in a detached house of stone construction under a slate hipped roof, which is located to the South side of Booth Road. There is a driveway to front and side. The neighbour at No.71 also has a driveway to side so at present the applicant's property is approximately 16m for the neighbour at No.71 Booth Road. To the rear the garden is of a linear form with conifers planted along the boundary with No.71 and a 1.2m/1.4m on the boundary with No.67 although there are a number of trees in the garden of No.67 towards the southern boundary of the garden, near to the boundary with the applicant's property.

The section of Booth Road where the site is located has grass verges with tree planting at regular intervals along it. There is also a mature tree in the applicant's front garden which can be seen along the highway.

Nearby properties although not all the same house type possess similar features such as materials, roof shape, features and layout. Properties near to this site are predominantly of natural stone construction under slate roofs with ridge with chimney stacks. Most have stone surrounds to openings and bay windows. Properties are set back from the highway.

3. **RELEVANT PLANNING HISTORY**

No relevant planning history at the property

No.71 Booth Road

2013/0066 Alterations to existing garage to create a first floor and a pitched roof

Approved

4. **PROPOSAL**

The applicant seeks permission for the erection of a single detached dwelling.

The property would have a rectangular footprint with a single storey attached garage to front and a flat roof extension to rear with patio above. The building would measure 17.5m in length at its longest point and 7.5m in width. The height to eaves would be 4m with a ridge height of 6.5m to the front of the property but due to the levels this increases by 1m to the rear (5m eaves, 7.5m ridge).

The proposed dwelling would have no windows in the side elevations with the exception of a single obscured bathroom window at first floor facing towards No.71 Booth Road and a single roof light in the roof slope.

To the rear there would be two square openings at first floor and at ground floor there would be a fully glazed elevation to the conservatory/extension as well as a large window serving the lounge. Above the conservatory/extension there would be a raised patio.

To the front of the property would be a single storey attached garage which would project forward of the front elevation by 6m and be 3m in width. The garage would have a pitched roof over which would extend to provide a covered canopy area to the main entrance door, close to the boundary with No.71 Booth Road. At first floor there would be a triangular, triple panel window up to the eaves and a separate single window.

The roof would be blue slate with the property faced with natural stone at ground floor and then rendered above.

The vehicle access from Booth Road would be widened to accommodate off street parking for the proposed dwelling and alter the current parking arrangement at the applicant's property.

5. **POLICY CONTEXT**

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 9 Protecting Green Belt Land
- Section 10 Meeting the challenge of climate change, flooding & coastal change
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP3 Waterfoot, Cowpe, Lumb and Water
- 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 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- RBC Alterations & Extensions to Residential Properties SPD (2008)
- RBC 5 year Housing Land Supply Report 2012-2017 (2012)

6. **CONSULTATION RESPONSES**

LCC (Highways)

No Objection

The proposed 3 bedroom property requires 2 off street parking spaces and these are provided in the garage and on the driveway.

The driveway should be constructed in a bound porous material as specified on the plan and the widening of the vehicular crossing should be carried out by Lancashire County Council.

Assuming that 69 Booth Road is a 3 bedroom house it also requires 2 off street parking spaces which have been shown on the plan. If the property has more bedrooms then it will require 3 off street spaces.

United Utilities

No Objection

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and

may require the consent of the Local Authority. If surface water is allowed to be discharged to the public surface water sewerage system we may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction, please contact a Building Control Body to discuss the matter further.

RBC Environmental Health
No Objections

Recommend the standard construction hours of working condition is attached to any permission granted.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 15/05/13 and letters were sent to the relevant neighbours on 08/05/13.

One letter of objection has been received from the neighbour at No.71 including the following concerns:

1. Density of Development

The development proposed at No.69 Booth Road would be of a density that is completely inappropriate with the surrounding residential area and would significantly and negatively change the established character of Booth Road.

The proposed dwelling would entirely fill the existing space between 69 Booth Road and the boundary with 71 Booth Road.

2. Daylight / sunlight

In the afternoon and evening the proposed development would block daylight / sunlight from the west side of 71 Booth Road, including the decking (erected 2012) and would directly and adversely affect the use and enjoyment of this area.

3. Privacy

The proposed development due to its density and close proximity to the party boundary between 69 and 71 Booth Road, will have direct and unrestricted views over their rear garden.

The fence on the party boundary is dilapidated and should be retained.

4. Design / appearance

The design of the proposed development is inappropriate for the local, established residential environment and completely unsympathetic to the existing dwellings.

The proposed building is not contemporary with the neighbouring properties. The rendered finish is not appropriate as No.69 and No.71 do not have render facing materials.

5. Other Issues

Concern with highway safety - vehicles associated with the proposed dwelling and No.69 Booth Road will park on the highway and will cause a hazard.

The boundary fencing is dilapidated and should be replaced not retained on the boundary between the proposed dwelling and No.71 Booth Road.

There are known to be badgers, bats and newts on the site that were subject to investigative works undertaken on behalf of Lancashire County Council in relation to the development of the New Waterfoot Primary School.

Concern that this would set a precedent for similar development on gardens in Rossendale.

8. **ASSESSMENT**

The main considerations of the application are:

- 1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity;
- 5) Access/Parking; 6) Drainage; 7) Ecology

Principle

The proposed dwelling will be partly within the Urban Boundary and the rear garden would be on land designated as Green Belt.

Paragraph 53 of the National Planning Policy Framework states:

“Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”

Policy 2 of the Core Strategy states that the net housing requirement for the period 2011-2026, will be achieved through various means including safeguarding the character of established residential areas from over-intensive and inappropriate new development.

The proposed dwelling would add to the ribbon of development which currently exists along Booth Road at this point. Properties on the south side of Booth Road (including the applicant's) are located in the Urban Boundary with gardens in the Green Belt.

Section 9 of the National Planning Policy Framework 2012 states the 5 purposes that Green Belt serves. The proposed development would not compromise these considering the footprint of the proposed building falls within the Urban Boundary.

The rear gardens of these properties is also being considered as part of the Council's Urban Boundary Review and although this document carries no significant weight there is potential that the garden land within the red edge site may form part of the Urban Boundary in the future.

It is not considered that the proposed development would erode the essential characteristics of the Green Belt and overall the scheme is considered acceptable in principle.

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Housing Policy

In response to the agents claim that Rossendale does not have deliverable 5 year housing supply the Council has published a 5 year housing land supply report 2012-2017. This document demonstrates that the Council has an 8 year supply of deliverable sites (April 2012 – March 2017). The addition of one dwelling would not materially alter the housing land supply situation.

The Council's five year land supply is currently being challenged by the agent relating to a number of different sites with the date for the first appeal (hearing) on 11th June 2013.

Visual Amenity

The proposed dwelling as originally proposed would have a pitched slate roof with natural stone to first floor and render from ground floor up. The facing material has now been changed to stone following a discussion with the agent. The frontage of the dwelling would be in line with the rear elevations of No.69 and No.71 Booth Road and have a single storey attached garage which would project forward of this front elevation.

Policy 1 of the adopted Core Strategy DPD 2011 states that new development should: *Complement and enhance the surrounding area(s) of the development through the use of inclusive design and locally distinctive materials which enhances the character and heritage of Rossendale*

Policy 23 states:

The Council will ensure that Rossendale's places and buildings are attractive, safe and easy to use by ensuring that all new developments:

- *promote the image of the Borough, through the enhancement of gateway locations and key approach corridors*
- *are of the highest standard of design that respects and responds to local context, distinctiveness and character*
- *protect important local and longer distance views*

Policy 24 states development should:

- *positively contribute to local distinctiveness*
- *Is compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing*

Nearby houses possess key design features such as chimney stacks, stone window surrounds, hipped roof shape, bay windows, side garages, equal set back from the highway and natural stone facing materials. The proposed dwelling, although not similar to the neighbouring houses is set back to such an extent that it would be visible in the street scene from very limited view points. The stone facing material is in-keeping with neighbouring houses.

It is my opinion that although the proposed house is not necessarily of high design and considering the set back position, proposed materials and property design/style in the street scene the scheme would not cause such harm as to substantiate reason for refusal on design terms alone.

The scheme is considered to be acceptable in terms of visual amenity.

Neighbour Amenity

The proposed property would be sited near to the applicant's house. At the closest point the proposed dwelling would be 1.4m from No.69 Booth Road and 1m from the boundary with the neighbour at No.71 Booth Road.

The proposed property would be cross the 45 degree line when taken from the nearest habitable room windows of the applicant's house. The proposed dwelling would as a result have a detrimental impact upon light received to this dwelling. Although this carries limited weight as it is the applicant's own house it will impact on.

The agent has not provided a plan to demonstrate that the property does not cross the 45 degree line when taken from the nearest neighbour's habitable room window of No.71 Booth Road.

Based on the plans provided and my own assessment the proposed dwelling would not cross the 45 degree line when taken from the nearest habitable room windows in the rear of No.71 Booth Road. There are no windows in the side elevation of the proposed dwelling.

The neighbour has outbuildings along the boundary with the site which would reduce any impact caused by overbearing of the side elevation of the proposed house. No.71 has recently received an approval (2013/0066) to create a first floor on their garage which would further screen the proposed house to this neighbour.

Overall it is considered the scheme would not cause significant harm to privacy, outlook and sunlight received to neighbours and is acceptable in terms of neighbour amenity.

Highway Safety/Trees

LCC Highways has no objection to the scheme on the assumption that 69 Booth Road is a three bed property. The proposed parking layout is considered satisfactory and the number of spaces meets the parking standards.

The driveway should be constructed of a bound porous material as specified on the submitted plan. The works to widen the vehicle crossing should also be carried out by Lancashire County Council.

The works include extending the driveway to the front of the applicant's property under the canopy of a mature tree. It will be necessary that the applicant/agent submit a method for the protection of this tree during the works and any detail of groundworks in and around the root protection zone if required in order to surface this area.

Drainage

There are no records of sewers running through the site and United Utilities has no objection.

Ecology

The neighbour at No.71 has raised concern relating to impact on protected species. There was a habitat survey carried out in 2008 relating to the submission of Waterfoot Primary School to the South of Booth Road. It was established that the habitat had a low likelihood of being used by bats and badgers. No great crested newts were seen on site.

9. SUMMARY REASON FOR APPROVAL

The development would not be unduly harmful to the essential characteristics of the Green Belt and therefore can be considered appropriate in principle. Notwithstanding that it is not previously developed land, the development would not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with Sections 6, 7, and 9 of the National Planning Policy Framework and Policies 1/2/8/24 of the Council's adopted Core Strategy DPD.

10. **RECOMMENDATION**

That Permission be granted subject to the Conditions set out below.

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 amended drawing date stamped 10/06/13, 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 and in the interests of highway safety, in accordance with Policies 8 / 24 of the adopted Core Strategy DPD 2011
3. No surface water from this development shall be discharged either directly or indirectly to the foul or combined sewer network, with only foul drainage connected into the foul sewer.
Reason: To prevent flood risk, in accordance with comments received from United Utilities and Policy 24 of the adopted Core Strategy DPD (2011).
4. Prior to the commencement of development samples of the external facing materials to be used for the proposed buildings 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.
5. Prior to first occupation of the dwelling hereby permitted the drive/parking area to serve it shall be provided using a bound porous material/avoiding surface-water run-off onto the highway and this area shall thereafter be kept freely available for the parking/manoeuvring of cars.
Reason: In the interests of highway safety, in accordance with Policies 8 / 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.