

Application Number:	2013/363	Application Type:	Full
Proposal:	Erection of part 1-storey/part 2-storey rear extension, with attached raised balcony area, and 1-storey side extension	Location:	81 Booth Road, Waterfoot
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	9 October 2013
Applicant:	Mr J Clegg	Determination Expiry Date:	27 September 2013
Agent:	Edmondson Design Services Ltd		

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

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 application relates to a semi-detached house on the south side of Booth Road. Consistent with the houses to each side, it is set well back from the highway and is constructed of stone under a hipped slate roof. It has a 2-storey extension wrapping around the south-western rear corner, the original roof-plane extending down over it.

Like the houses to each side, it has a long rear garden, much of which is at a lower level than the house itself, accessed via steps at the side/rear.

The attached house (No.83) has a raised rear patio, with balustrade, projecting approximately 2m from the rear elevation of the house and almost up to the party-boundary with the applicant's house. The house at No.79 is at a lower level than the applicant's house and has a 1.5-storey side extension, with dormer facing directly towards the side elevation of the applicant's house.

Whilst the house and garden to its front and immediately to its rear are within the Urban Boundary of Waterfoot, the southern half of the rear garden of this and the neighbouring houses lies within Green Belt. Members may re-call a report considered at the meeting of DC Committee held in July 2013 when a similar scenario arose in relation to Application 2013/207, which proposed erection of a house to the side of 69 Booth Road.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

The applicant seeks permission for the erection of a part 2-storey/part 1-storey rear extension, with attached raised balcony area, and 1-storey side extension.

The proposed extension to the rear would have a width of 4.85m, which is just over half of the width of the original house. It would project from the rear of the property by 4.84m. The two storey element would project by 2.86m and the 1-storey element the full 4.84m. The extension would be 1.8m from the boundary with 79 Booth Road.

There would be no windows in the side elevations of the rear extension, its 2 windows facing down the rear garden. The raised patio would project out from the rear of the house by 2.8m and be equal in height to the platform of the attached neighbour (No.83). A balustrade of 1.1m in height is proposed around it.

The 1-storey side extension would project from the western gable of the house by 2.25m and be 5m in length. Its lean-to roof would strike the house at a height of 3.5m, with eaves of 2m in height. It will replace an existing lean-to of broadly similar projection and height, but approximately half the length. It will possess no windows in the elevation facing No 79, a path of 1m in width remaining between it and the party-boundary.

The extensions would be constructed of stone and slate to match the existing house.

5. POLICY CONTEXT

National Planning Policy Framework (2012)

Section 4 Promoting Sustainable Transport

Section 7 Requiring Good Design

Section 9 Protecting Green Belt Land

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP3 Waterfoot, Cowpe, Lumb and Water

Policy 1 General Development Locations and Principles

Policy 8 Transport

Policy 9 Accessibility

Policy 17 Rossendale's Green Infrastructure

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

6. CONSULTATION RESPONSES

None

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted on 07/08/13 and letters were sent to the relevant neighbours on 05/08/13.

Three letters of objection have been received, which raise the following concerns :

- For No 79 Booth Road the proposed development would have overbearing impact, particularly due to the lower level of No.79, and result in loss of sunlight.
- For No 83 Booth Road the proposed development would result in loss of light, particularly to the living room and main bedroom.
- The proposed development does not reflect the dwelling's original shape, size, alignment or architectural integrity and is of such a scale and style as to dominate the original building - particularly the two storey element would be out of character with the surrounding area and houses and would set a detrimental precedent.

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; & 4) Access/Parking.

Principle

The proposed development involves the extension and alteration of an existing residential property. The whole of the proposed development would be on land within the Urban Boundary. Although the bottom end of the rear garden of the applicant's property is in the Green Belt, the proposal will not undermine the aims and objectives of having designated it as such.

The scheme is considered acceptable in principle.

Visual Amenity

The proposed development will not unduly detract from the street-scene.

Although the proposed 1-storey lean-to to the side will be visible from the highway it will not be prominent or appear incongruous.

The proposed extension to rear would have a width of 4.85m, which is just over half of the width of the original house. It would project from the rear of the property by 4.84m which is larger than the 3m projection allowed for single storey rear extension under permitted development. The two storey element would project by 2.86m. The extension would be 1.8m from the boundary with No.79 Booth Road. Although the extension would be relatively large considering the scale of the existing house and the generous plot it sits on the

proposed scheme is not disproportionate nor does it dominate the original dwelling. The design of the extension does not mirror the existing house or those nearby. However considering the differing styles and variety of extensions visible to the rear of the properties the pentagonal window shape is not considered unduly harmful or of poor design in the context.

The raised platform would be acceptable in visual amenity terms as it is not seen from public viewpoints and considering the raised patio at the neighbouring property that it would be sited next to.

The development would be constructed of materials to match the existing property. Overall the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

The proposed 1-storey lean-to replaces an existing 1-storey lean-to to the side and will not cause significantly greater harm for occupiers of the adjacent house.

Neighbours have raised various concerns about the rear extension, not least concerns about overbearing/loss of light. The Council's approved SPD sets out criteria for assessment which consists of the 45 degree rule taken from the nearest habitable room window of the nearest houses. In this case the rear extension would not cross the 45 degree line taken from the nearest habitable room window at No.79 & No.83. Consequently, it is considered that there would not be such harm for these neighbours by reason of overbearing/loss of light to substantiate refusal of the application. Furthermore, there are to be no windows that would enable direct view into habitable room windows or materially greater overlooking of neighbours rear gardens. The design/facing materials of the rear extension are considered acceptable.

The re-orientation of the external steps down to the applicant's garden necessitates the removal of some planting along the boundary with No.81 Booth Road. The raised level of the applicant's property means there is already a raised walkway along the side of the house which provides views down onto the neighbour. The proposed scheme would retain this relationship with the only change being the removal of shrubs between the garden areas. Either party could plant along this boundary or erect a fence/wall if they wished to but it is not considered reasonable to require this by condition as the impact on privacy is not harmed over and above the existing situation as a result of the loss of the vegetation.

The raised platform being proposed would enable view into the nearest rear window of the attached neighbour at No.83, but no more so than its existing raised platform presently enables view into windows of the applicant's house and rear garden. There is some planting on the party-boundary that would have to be removed to accommodate the proposed raised patio. The submitted drawings show a 'privacy screen' is to be provided to the side of the raised platform which will adequately protect the neighbours privacy if of an appropriate height/materials.

As the submitted drawings do not provide details of the height/materials for the 'privacy screen' to demonstrate the neighbours privacy will be adequately protected a condition is proposed to address this matter. On this basis it is considered the scheme would not cause undue harm to the amenities of any neighbours.

Highway Safety

The proposed development would not alter existing off-street parking arrangements or access to the property. The number of bedrooms would not be increased as a result of the development. Accordingly the scheme is considered acceptable in terms of highway safety.

9. SUMMARY REASON FOR APPROVAL

The application site is in part within the Green Belt but the proposed development would not unduly affect its openness, visual and neighbour amenity or highway safety. It is considered that the development is in accordance with Sections 7 and 9 of the National Planning Policy Framework and Policies 1/8/24 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. Notwithstanding what is shown on the approved drawings the 'privacy screen' on the party-boundary with 83 Booth Road shall be of solid construction (not clear/opaque) and a minimum of 1.7m in height . Otherwise the development shall be carried out in accordance with the amended drawing date stamped 16/09/13 and the development shall be constructed of materials to match the existing property, 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 2011