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| <b>Application Number:</b> | 2014/0172   | <b>Application Type:</b>          | Householder                                 |
| <b>Proposal:</b>           | Two Storey Rear and Side Extension with Single Storey Entrance Porch and Driveway | <b>Location:</b>                  | 48 Haworth Avenue<br>Rawtenstall<br>BB4 8SS |
| <b>Report of:</b>          | Planning Unit Manager   | <b>Status:</b>                    | For publication                             |
| <b>Report to:</b>          | Development Control Committee   | <b>Date:</b>                      | 22 July 2014                                |
| <b>Applicant:</b>          | Mr Steven Hughes  | <b>Determination Expiry Date:</b> | 23 June 2014                                |
| <b>Agent:</b>              |   |                                   |   |

|                         |                              |                   |              |
|-------------------------|------------------------------|-------------------|--------------|
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|---|---------------------------------|
| <b>REASON FOR REPORTING</b>                                     |                                 |
| <b>Outside Officer Scheme of Delegation</b>                     | Applicant is a local Councillor |
| <b>Member Call-In</b><br>Name of Member:<br>Reason for Call-In: |                                 |
| <b>3 or more objections received</b>                            |                                 |
| <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 be minded to grant Permission subject to the Conditions set out in Section 10.

## 2. SITE

48 Haworth Avenue comprises a two storey semi-detached stone property under a slate hipped roof. The house is located to the to the south west side of Haworth Avenue characterised by dwellings similar in design and appearance; it has a single width gravel driveway and lawn to its front bounded by a fencing and hedging to either side. The hedging to the north-west side projects up to the footway and is to a height of approximately 2.5m. The house is set lower than the front drive and garden with steps leading to it from

the driveway. A path leads down past the side elevation of the house to the rear garden.

Due to the sloping land levels in the area the house is at a lower level than the neighbour to the north-west (No.50). No.50 has a single storey extension projecting from its rear elevation. The boundary between the two properties is defined by planting/hedging which due to the sloping level of the land is higher from the applicant's side and to a height of approximately 2m from the rear garden of No.50.

The existing boundary treatment with the adjoining neighbour (No.46) comprises a mature hedge to a height of approximately 2.5m. There are no properties to the rear.

The site is located within the Urban Boundary of Rawtenstall.

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

2014/0096 Erection of two storey side and rear extension and single storey rear extension.

The scheme proposed a two storey extension to have a higher eaves and ridge height than the existing house, would have projected 5.8m from the rear elevation at ground floor level and 4.8m at first floor level. The side extension was to have a mono-pitched sloping roof to a different pitch than the existing roof and a porch was also proposed to its front. It was proposed to construct the front and part of the side of the extension in natural stone with the remainder to be a buff render.

Following officer concerns and neighbour objections regarding its size, height, design, appearance and impact on existing boundary treatments and the amenities of neighbours the scheme was withdrawn.

### **4. PROPOSAL**

Planning permission is sought for a two storey side and rear extension, a single storey rear extension, an extended driveway to the front and a new porch.

Following submission of the application discussions were held with the planning department and subsequently revised plans were submitted.

The revised plans altered the proposed boundary treatments, altered the size and siting of the front porch and reduced the first floor projection of the extension by 0.8m, whilst increasing the ground floor projection by 0.3m. An additional drawing was provided showing how the extension would appear when seen from No.50.

The applicant has indicated that the proposals have been reduced on the main extension as far as is practicable whilst still providing the functionality required to deliver the purpose of the extension to accommodate necessary additional living accommodation.

The revisions to the application have been re-consulted upon for a further two weeks.

The extension would project from the side of the original dwelling by 1.8m stepping out further to 2.4m to its rear. The ground floor of the extension, inclusive of the front porch, would be flush with the original front wall of the house. At first floor level it would be set back from the frontage by 1.7m. The roof would be hipped and the ridge height would be set 0.2m lower than the original. A new pathway would be created down the side of the resulting house leading to the rear.

To the rear the two storey extension would project 6m outwards at ground floor level and 4m outwards at first floor level. The width of that part of the extension would be 5.2m.

The applicant has proposed to retain the existing hedging on the boundary with No.50 at the points projecting forwards from the front elevation and backwards from the original rear elevation. The hedging between these points would be removed and replaced with a 1.8m high timber fence.

The single storey rear extension would have a monopitched roof projecting three metres from the rear elevation on the boundary line with the No.46 necessitating the removal of the existing boundary hedge. A 1.8m timber fence would be erected on the boundary.

To the front of the property the existing driveway would be extended to cover the whole of the existing front lawn. It would be constructed in permeable paving and a new dropped kerb installed to provide vehicular access.

The extensions would be constructed in natural stone under a slate roof.

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

Section 1 Building a Strong Competitive Economy

Section 7 Requiring Good Design

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

AVP 4 Rawtenstall

Policy 1 General Development Locations and Principles

Policy 8 Transport

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

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

RBC Alterations and Extensions to Residential Properties SPD (2008)

## 6. **CONSULTATION RESPONSES**

### **LCC (Highways)**

No objection

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works.

The driveway should be constructed of a bound porous material to minimise surface water run-off and to prevent debris being deposited on the highway.

## 7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order letters were sent to 4 neighbours on 29/04/2014.

One objection has been received in respect of the original round of consultations, objecting on the following grounds:

- it's too close
- it's too big (more than double the land coverage?)
- it's obscuring a view of the park
- it destroys a large established hedge and its associated wildlife

A 14 day reconsultation was carried out with the adjoining neighbours. No responses in respect of this have been received to date.

## 8. **ASSESSMENT**

The main considerations of the application are:

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

### Principle

There is no objection in principle to extending the property.

### Visual Amenity

Having regard to the revisions made to the scheme by the applicant, it is acknowledged that the proposals have been revised significantly from the original withdrawn scheme and that further concessions have then been made in this submission.

In relation to the revised proposals now before the committee, the main consideration is whether the reduction of the two storey extension together with the mitigating measures by way of the other concessions / mitigating changes are sufficient to overcome the concerns officers had that the extent of the gable of number 48 as viewed from number 50 and from the street would still result in a disproportionate extension.

In this respect, it is considered that the side elevation to number 50 with the proposed extension still appears elongated and therefore to a degree disproportionate to the original size of the house. However, due to the level changes with number 48 and the landscaping reintroduced, the scale and mass of the side elevation will be broken up to a degree by the boundary treatment and the height of the landscaping. The single storey lean to addition to the main rear extension will not be visible from the garden of number 50 due to the boundary treatment to the rear. In addition from the street scene, there are only limited views from Howarth Avenue to the rear extension and therefore the concern regarding its impact in respect of according with good design principles from wider viewpoints is also to a degree limited. Accordingly, it is considered that on balance the scale and mass of the side elevation to Number 50 as now proposed along with the mitigating factors related to the site and revised proposals will not be detrimental to the visual amenities of number 50 and the wider street scene to such an extent as to justify refusal.

In respect of other design considerations, the replacement of the front lawn with an area for additional parking would to a degree impact on the front appearance of Number 48, however, it is considered that this impact will not harm appearance in the street-scene to such an extent to justify refusal.

Separately, in relation to the second smaller rear extension, the agent has indicated he will not be revising the roof to introduce a half hip on the side facing no 46. The applicant considering this will result in potential drainage concerns re the guttering. Whilst this omission results in an inconsistency with the existing and proposed roof-scapes to the rear, it is considered again that refusal could not be justified on its own right in this respect.

Finally, consideration has been given as to whether the remaining concerns cumulatively could justify refusal. In this respect, it is considered that whilst the proposals still leaves 3 elements which are not ideal, for the reasons set out above, on balance it is not considered the application should be refused on design grounds.

#### Neighbour Amenity

I am satisfied from the information provided that due to the difference in levels between No.48 and 50, and the retention of the hedge to the shared boundary, that the scheme would not unduly detract from the light or privacy of No.50. As there are no habitable room windows in the side elevation of No.50 there would be no material loss of outlook either.

The submitted information demonstrates that the extensions would comply with the council's guidance when assessed against the adjoining neighbour at No.46.

The scheme is considered acceptable in terms of neighbour amenity.

#### Access / Parking

The Highway Authority has not raised an objection to the application and I have no reason to disagree. Conditions will be required to ensure the vehicular crossing point is installed prior to first use of the driveway. The scheme is considered acceptable in terms of highway safety.

### **9. SUMMARY REASON FOR APPROVAL**

The scheme is considered acceptable in principle, and subject to conditions would not unduly detract from the visual amenities of the area, neighbour amenity or highway safety. The development is considered acceptable having regard to Sections 1 and 7 of the National Planning Policy Framework (201), Policies 1, 8, 23 and 24 of the Council's adopted Core Strategy DPD (2011) and the Council's Alterations and Extensions to Residential Properties SPD (2008).

### **10. RECOMMENDATION**

That Committee be minded to grant Permission 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: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.
2. The development shall be carried out in accordance with the amended drawings date stamped as received 02 July 2014 by the Local Planning Authority unless otherwise required by the conditions below.  
Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1, 23 and 24 of the adopted Core Strategy.
3. The stone and slate to be used in the external elevations and roof of the extensions hereby permitted shall match in size, colour, form, texture and coursing those of the existing dwelling house.  
Reason: In the interests of visual amenity, in accordance with Policies 1, 23 and 24 of the Council's adopted Core Strategy.

4. Prior to first use of the driveway hereby permitted the new vehicular crossing point shall be created.  
Reason: In the interests of highway safety in accordance with Policies 1, 23 and 24 of the Council's adopted Core Strategy.
  
5. The parking facilities hereby approved shall be constructed with a hard permeable surface ensuring no surface water run-off onto the highway or neighbouring land prior to first use of the extension hereby permitted. These areas shall thereafter be kept freely available for use as such.  
Reason: In the interests of pedestrian and highway safety, in accordance with Policies 1, 8, 23 and 24 of the Council's Core Strategy.
  
6. Should any of the hedging to be retained as part of the approved scheme be removed, die, or become seriously damaged or diseased it shall be replaced by a similar species within the next available planting season.  
Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy.
  
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A, B, C, D, E, and G other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.  
Reason: To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area, and to comply with Policies 1, 23 and 24 of the Council's Core Strategy.
  
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls as permitted by Class A of Part 2 of Schedule 2 of that order, shall be erected unless otherwise authorised by this permission without the prior written consent of the Local Planning Authority.  
Reason: In the interests of the visual amenity and to comply with Policies 1, 23 and 24 of the Council's Core Strategy.
  
9. Any ground / construction works associated with the development hereby approved, including deliveries to the site, shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. Any piling for foundations shall be by the shell-and-auger method, unless otherwise first agreed in writing by the Local Planning Authority.  
Reason: To safeguard the amenities of neighbours, in accordance with Policies 1 and 24 of the Council's Core Strategy.