

Application Number:	2014/0496	Application Type:	Full
Proposal:	Demolition of existing dwelling & erection of new dwelling	Location:	4 Horncliffe View, Haslingden
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	24 February 2015
Applicant:	Mr & Mrs J Kirwin	Determination Expiry Date:	27 February 2015
Agent:	FuZed Architecture & Design Ltd		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	Cllr Haworth Garage of unnecessary height - overbearing on adjacent property
3 or more objections received	YES
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

That Permission be Granted subject to the Conditions set out in Section 10.

2. **The Site**

Horncliffe View is a short cul-de-sac extending to the south side of Broadway, just to the west of Haslingden High School. It gives access to a handful of detached and semi-detached bungalows. The detached bungalow at No 4 is of the same build, but differs from the other bungalows most particularly in that it sits behind the bungalow at No 2 (rather than facing the highway) and occupies a plot of far greater size.

The plot has a width (at its broadest) of 23m and a length 72m. Beyond the drive which runs to the south side of No 2 the site broadens, beyond the area of hardstanding here the site steps down by approx. 0.6m to the level of the existing bungalow. With an L-shaped footprint, the existing bungalow has a width of 14m and a gable-length of 7m, with an eaves height of 3.25m and a ridge-height of 5.25m. Constructed of artificial stone/concrete tile, it has a N-S axis, its front and rear windows thereby having outlook over its own plot rather than towards neighbouring dwellings (other than the bungalow at No 2). Beyond the patio to the rear of the existing bungalow the site steps down again by approx. 0.6m to a lawned area.

The bungalow at No 2 has had a 1-storey rear extension with a window 4.25m from the 2m high fence on the party-boundary with the site. To the north side of the site are semi-detached bungalows, which face Broadway and are at a somewhat lower level than the site, view of the existing bungalow at No 4 from their rear windows/gardens limited by fences/walls on the party-boundary and (in many cases) by their own garages. To the south side of the site are a couple of terraces of house which face Greens Lane and are on much the same level as the site, a communal grass-track running between the terraced houses with rear windows looking directly towards the gable of the existing bungalow at No 4.

The site is located within the Urban Boundary of Haslingden.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

Permission is sought to demolish the existing bungalow and erect on the site a dwelling having living accommodation on 2 floors.

As first submitted the proposed dwelling was to have at first-floor 2 bedrooms, each with an en-suite. Whilst the main body of the proposed dwelling was not greatly different in its siting to the existing bungalow, it was to have an appreciably greater footprint, eaves and ridge height, together with a 1-storey element extending into the NE corner of the site. In short :

- The main body of the proposed dwelling was again to have an L-shaped footprint, with a width of 14m and a gable-length of 11.5m, with an eaves height of 4.15m and a ridge-height of 7.8m.
- The 1-storey element extending into the NE corner of the site was to have a gable sited 0.7m from the rear boundary of 2 Horncliffe View, this double-garage to have an eaves height of 2.5m and a ridge height of 5.4m, with a bulls-eye window in the pike.

To address concerns that neighbours and I had about the increased bulk of building and how the proposal would impact on neighbours an amended scheme has been submitted (upon which objectors have been re-consulted). The resulting dwelling is to have at first-floor level one less bedroom & en-suite and at ground level the living accommodation to be provided in the 1-storey element is to be of reduced. By leaving a gap between the double-garage and living accommodation main body of the proposed dwelling is now to be constructed at the existing ground level rather than up to 1m above it. In short :

- The main body of the proposed dwelling will again have an L-shaped footprint, with a width of 14m and a gable-length of 11m, with an eaves height of 2.3m and a ridge-height of 6m.
- The 1-storey element extending towards the double-garage proposed in the NE corner of the site is to stand 1m from it with a hipped-roof, with an eaves-height of 2.75m and ridge-height reduced to 5m.
- The detached double-garage proposed in the NE corner of the site is to have a hipped-roof, with an eaves-height of 2.3m and ridge-height of 4.5m.

Whilst the proposed dwelling is to be constructed using brick and concrete tile, as is the existing bungalow, its design will give it a more 'modern' appearance, incorporating patio doors in its west & east elevations (giving outlook over its own front and rear gardens), a first-floor Juliet-balcony in the west elevation and chimney stack on the southern elevation that rises high above the 1-storey lean-to roof it emanates from.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong, Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a Wide Choice of High Quality Homes
- Section 7 Requiring Good Design

Development Plan

RBC Core Strategy DPD (2011)

- AVP6 Area Vision for Haslingden & Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

6. CONSULTATION RESPONSES

LCC Highways

No objection to the proposal.

The proposed dwelling has a double garage of adequate size and space on the driveway to accommodate a total of 3 cars including space to turn and exit the site in forward gear.

I would recommend that all the construction site traffic be accommodated within the site as parking on Horncliffe View would be obstructive due to the narrow width and at school picking-up and dropping-off times a highway safety issue may result for pedestrians. I would recommend deliveries by HGV are limited to after 9am and before 3pm to avoid conflict with school pedestrians walking to school.

United Utilities

In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Building Regulations H3 clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority :

- a) an adequate soak away or some other adequate infiltration system, (approval must be obtained from local authority/building control/Environment Agency); or, where that is not reasonably practical
- b) a watercourse (approval must be obtained from the riparian owner/land drainage authority/Environment Agency); or, where that is not reasonably practicable
- c) a sewer (approval must be obtained from United Utilities)

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

United Utilities have no objection to the proposal and therefore request no conditions are attached to any approval.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order the application was publicised by way a site notices posted on 24/12/14 and letters sent to the relevant neighbours on 26/11/14. Objectors have been re-notified of the amendments to the scheme.

Objections to the scheme as first submitted were received from 6 local residents :

2 Horncliffe View

Object.

Currently we enjoy absolute privacy from the site of the proposed development. We would suffer a substantial loss of privacy as the gable of the proposed garage will be less than 5m from the external wall of our dining room. At its highest point it will be over 3m higher than our boundary fence with a gable window giving direct view into our dining room.

As our rear garden is west facing the building to border it is of such height it would deny daylight and sunlight from about noon onwards.

The site is currently occupied by a bungalow and a 2-storey house would inappropriate and visually overbearing.

112 Broadway

Object.

My property comprises a semi-detached bungalow. The rear elevation is presently overlooked by the side elevation of the existing bungalow due to a 1m height differential but does not unduly invade my privacy, the light airy space of my garden or bungalow.

The proposed 2-storey structure is not in keeping with the properties on Broadway. It is proposed to turn the axis of it to a north-south aspect, with the result that the main body of the building would be moved within close proximity to the boundary of my house. It would impinge upon my right to privacy in my home/garden and restrict natural light throughout the year, rendering the garden dark, damp and dingy.

Vehicular access via Horncliffe View is extremely limited. Construction traffic and construction would be noisy / disruptive to quality of life.

Since acquisition of the property the new owners have begun a land clearance operation, involving the burning of garden waste and general rubbish and timber. This has been carried out only on a periodic basis - perhaps once or twice a week initially - I can accept that this has to be done but residents homes are often shrouded in palls of smoke and sparks to the point I am unable to hang my washing out or have my windows open for ventilation. It would appear that a pre-cast concrete outbuilding was being utilised as an incinerator to confine the fire, but it is situated within 3 - 4 feet of the boundary fence.

Due to its size and layout I can envisage future development involving conversion to a commercial residential establishment, which will have a major impact on the locale.

114 Broadway

I am really concerned about the height of the proposed property as it will be over the garden fence at the bottom of my garden. The gable end of the existing bungalow was there when I bought my bungalow but a 2-storey gable will do for light, etc and will de-value my property.

118 Broadway

The height and closeness of the proposed building will be very over-powering to us, those at No 116 and in close proximity. It will cause a vast reduction in light - including both afternoon and evening sun - and also allow overlooking of the rear of our properties.

40 Greens Lane

I am totally against the construction of a 2 storey dwelling on this site as there is no need of any more housing in the area. 2 dwellings are currently under construction on the other side of Greens Lane. It will greatly reduce the amount of light to the rear of all properties at the lower end of Greens Lane and will also have an intrusive view to the rear of these properties.

I am also led to believe it is planned to construct more properties on the golf course which will in turn lead to the current properties on Greens Lane being overlooked on all sides. Also the current infrastructure struggles to cope at peak times and this would only add to the problems.

44 Greens Lane

Please could this property stay the same height as the original. Otherwise too much light will be taken away from the houses around.

Re-notification

The following comments have been received to date as a result of re-notification of objectors on the amended scheme; should any further comments be received in what remains of the consultation period they will be reported to the meeting of Committee by way of the Update Report or verbally.

40 Greens Lane

I would just like to say that a 2 storey dwelling on this proposed site is highly intrusive bearing in mind there are several elderly people residing in this area.

8. ASSESSMENT

In dealing with this application the main issues which need to be considered are :

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

1) Principle

The application relates to a site located within the Urban Boundary and proposes its redevelopment with no more dwelling units than at present. Accordingly, there is no objection in principle.

2) Visual Amenity

Although the proposed dwelling is bigger than the existing dwelling, and will be of more 'modern' design, it will not form an unduly prominent or intrusive feature in the street-scene as it is to be located behind existing properties.

3) Neighbour Amenity

As first submitted the application sought permission to erect a dwelling of appreciably greater height/bulk than the existing bungalow. To address concerns that neighbours and I had about how it would impact on neighbour amenity amended drawings have been submitted which reduce the footprint, the level at which the dwelling will be built at and both the ridge-height of the dwelling (from 7.8m to 6m) and the double-garage (from 5.4m to 4.5m).

However, it remains the case that the resulting dwelling will be materially larger than the existing dwelling - having living accommodation on two floors, whilst the existing bungalow is of very modest size - and incorporates certain features that will mark it out as being of a different/late build than the other properties on Horncliffe View.

As now proposed :

- The gable of the main body of the proposed dwelling nearest to the party-boundary with the bungalows fronting Broadway will have a ridge-height equal to that of the existing bungalow. The roof-ridge over the central portion of the proposed dwelling will run on an E-W axis at a height 0.5m higher than the existing ridge, with a lean-to roof then extending down over a 1-storey portion of the proposed dwelling terminating with an eaves height towards the boundary with properties fronting Greens Lane of lower height than the gable it replaces (only an external chimney stack approaching its height).
- The 1-storey element of living accommodation projecting from the main body of the proposed dwelling towards 2 Horncliffe View will be a similar distance from the party-boundary with the bungalows fronting Broadway as the existing bungalow and, though its ridge will be higher than the boundary fences/walls, will be 0.75m lower than the ridge of the existing bungalow.
- The detached double-garage now proposed towards the rear boundary with 2 Horncliffe View is not now to have a gable rising to a ridge-height of 5.4m (with bulls-eye window in the pike) visible to the neighbour over their boundary fence but an eaves-height of 2.3m and hipped roof rising to a height of 4.5m.

Care has been taken with the design of the proposed dwelling to ensure its windows do not allow significant overlooking of neighbouring properties. Though the resulting dwelling will appear of somewhat greater size and different appearance as viewed from the rear windows/rear gardens of neighbouring properties, on balance, I do not consider it will cause so much harm in terms of loss of light/outlook that refusal of the scheme would be warranted. The proposed dwelling is to be at the same level as the existing terraced houses to its south side, their own outbuilding to screen to a degree view of it from their own ground-floor windows and rear gardens. The proposal is more marginal in terms of its impact on the amenities of occupiers of the bungalows fronting Broadway as they are at a somewhat lower level than the existing bungalow/proposed dwelling. Subject to a condition to ensure appropriate treatment of this party-boundary (given the varying heights of fences/walls presently to be seen) I do not consider the proposed dwelling will be unduly overbearing or harmful harm in terms of loss of light/outlook/privacy. The bungalow at 2 Horncliffe View has a rear window to a habitable room quite close to the party-boundary as a result of being extended. That window and what remains of the rear garden will lose a degree of outlook/light as a result of the proposed garage but not appreciably more than if the existing bungalow was being retained at its occupier wished to erect an outbuilding in a form that would be 'permitted development' for a rear garden.

4) Access/Parking

The scheme will not significantly add to traffic on the local highway network or require alteration of the existing access. LCC Highways is satisfied with the off-street parking/vehicle turning facilities to be provided.

9. SUMMARY REASON FOR APPROVAL

Notwithstanding that the proposed dwelling is of greater size and different design to the dwelling it is to replace it is appropriate in principle for a site located within the Urban Boundary of Haslingden and, subject to the conditions, will not detract to an unacceptable extent from visual & neighbour amenity or highway safety. Consideration has been given most particularly to Sections 6 & 7 of the National Planning Policy Framework (2012) and Policies AVP6 / 1 / 2 / 3 / 8 / 23 / 24 of the Rossendale Core Strategy (2011).

10. RECOMMENDATION

Approval

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 the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be undertaken in accordance with Drwg No 1143/1.01, Drwg No 1143/2.02 rev C, Drwg No 1143/2.03 rev C, Drwg No 1143/2.04 rev D and Drwg No 1143/2.05 rev D, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason : For the avoidance of doubt.

3. Notwithstanding what is shown on the approved drawings :
 - a) The balustrade serving the Master Bedroom shall be fixed between the jambs (and shall not project beyond the face of the wall); &
 - b) The windows in the rear elevation of the proposed Garage shall be obscure-glazed and non-opening.

Reason : In the interests of visual & neighbour amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.

4. Prior to commencement of development samples of facing materials shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be undertaken in full accordance with the agreed scheme.

Reason : In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.

5. Prior to commencement of development a scheme of hard & soft landscaping and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority, including details of intended ground levels. Walls/fences/gates/ hard-landscaping forming part of the approved scheme shall be completed prior to first occupation of the dwelling and any planting shall be undertaken in the planting season thereafter, unless a variation is first agreed in writing by the Local Planning Authority. Any shrubs/trees removed, dying or becoming seriously damaged or diseased within 2 years of planting shall be replaced by plants of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : In the interests of visual and neighbour amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.

6. The site shall be drained with separate systems, with foul water draining to the public sewer and surface water draining in the most sustainable way, entailing use of permeable paving for all external areas of hardstanding (including footpaths and parking areas) and disposal of surface water having regard to the hierarchy outlined in Building Regulations H3.
Reason : To ensure proper drainage of the site, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.
7. 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. Furthermore, deliveries/collections of construction materials/waste and plant by HGV shall be limited to after 9am and before 3pm during term time for Broadway Primary School & Haslingden High School, unless a Construction Traffic Management Plan has first been submitted to and agreed in writing by the Local Planning Authority.
Reason : To safeguard the amenities of neighbours and children attending nearby schools, in accordance with Policy 1 and 24 of the adopted Core Strategy.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no extension or outbuilding shall be constructed without first applying for and obtaining planning permission.
Reason : In the interests of visual and neighbour amenity, having regard to the level/relationship of the site with neighbouring properties and as the proposed dwelling is appreciably larger than that it is to replace, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.