

<b>Application Number:</b>	2016/0222	<b>Application Type:</b>	Full
<b>Proposal:</b>	Conversion of existing outbuildings to create a new dwelling	<b>Location:</b>	Land rear of 110 Burnley Road, Bacup
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	30 / 8 / 16
<b>Applicant:</b>	Mr S Riley	<b>Determination Expiry Date:</b>	2 / 9 / 16
<b>Agent:</b>	Mr R Booth		

<b>Contact Officer:</b>	<b>Neil Birtles</b>	<b>Telephone:</b>	<b>01706-238645</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<b>Cllr B Ashworth</b> -Concerns about parking provision. The existing property 110 Burnley Rd presumably requires at least 2 parking spaces, one of which will be lost to the new development by utilising the garage in the outbuilding. As the new development requires 2 spaces, there is a net loss of 1 space. If permission is granted is this setting a precedent should other development proposals come forward for the remaining units of the building, which I understand are all in separate ownership? -Design issues – there is no garden provision other than a “roof terrace” so concerns if this is appropriate for a 3 bedroom property. -There appears to be only one ground floor entry/exit – again concerns about the design and whether this is safe. -Although Holmes Drive is wide enough for 2 vehicles to pass, the space between the entrance pillars is much tighter and may cause queuing traffic on Burnley Rd. The condition of Holmes Drive is rather poor, with large potholes and with only one pavement (adj to 104 Burnley Rd), serving all properties.
<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 Permission be granted, subject to the Conditions set out in Section 10.

**2. SITE**

The outbuilding running to the rear of 106-110 Burnley is of considerable age and size, and of attractive appearance. Constructed of stone & slate, it appears to have been built as a coach-house. Although there is a 1-storey element attached to each gable, it is largely of 2-storeys in height, with a series of garage doors giving access to its ground-floor space and windows in its front elevation illuminating its first-floor space. Its primary use appears to now be for garaging of cars/incidental storage associated with nearby houses. The land to its rear is close to the buildings eaves height and is overgrown/tree-covered.

The application relates to that part of the outbuilding belonging to the owner of the 110 Burnley Road, this runs to the rear of their own detached house and in part to the rear of the house at 108 Burnley Road, together with an area of land to the rear of the outbuilding.

The 6m wide cobbled road that runs to the front of the outbuilding connects to Burnley Road (A671) by means of Holmes Drive, an un-adopted highway that runs between 104 and 106 Burnley Road, is itself cobbled and possesses a 1m wide footway on its south side.

The houses fronting Burnley Road, and the outbuilding, lie within the Urban Boundary of Bacup. Whilst the part of the red-edged site to the rear of the outbuilding is also within the Urban Boundary, the rising/wooded land beyond lies within Countryside.

**3. RELEVANT PLANNING HISTORY**

None.

**4. PROPOSAL**

Work is presently being undertaken to refurbish the house at No 110.

Permission is sought to create a 3-bedroomed dwelling by conversion of the part of the outbuilding belonging to the applicant.

Five rooflights are proposed in the rear-facing roof-plane, to supplement the existing 3 first-floor windows in the front elevation, those 2 nearest to 108 Burnley Road to be obscure-glazed. Existing first-floor doors projecting from the rear roof-plane and in the gable will give access to the intended garden. At ground-level, living accommodation is to occupy one of the two car parking spaces within the building.

In addition to the one garage space being retained, an amended drawing has been received to show how a further three parking spaces will be made available at the north end of the cobbled road, together with the facility for cars to turn and exit in forward gear.

The area to be made available as garden is already level and, although somewhat shaded by trees on the rising land to the rear, is not going to require removal of any trees.

## **5. POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework**

- 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
- Section 10 Meeting the challenges of Climate Change, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

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

- Policy AVP2 Strategy for Bacup, Stacksteads, Britannia and Weir
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 16 Preserving and Enhancing Rossendales Built Environment
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change, etc
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

## **6. CONSULTATION RESPONSES**

LCC (Highways)- No objection to the proposal

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order neighbours were sent letters on 7/6/16 and a site notice was posted on 21/6/16.

The following comments have been received:

104 Burnley Road- Object on the following grounds:

- Will have an adverse effect on residential amenity and contravenes the following planning recommendations :
  - Adequate provision should be made for car parking
  - Difficulties of access, manoeuvrability and safety at the junction of Holmes Drive and Burnley Road.
  - There should be sufficient space between the buildings to maintain the privacy of existing houses and the right to enjoy a quiet and safe environment
- A 3 bedroom house is required to have parking space for a minimum of 2 cars - the proposed development does not provide this.
- The narrow driveway from Burnley Road is cobbled with traditional setts and already experiences heavy use. The residents of the 5 properties 100 – 108 Burnley Road own the adjacent garages (formed from previous stable block). The Lancashire highways document 'Creating Civilised Street' design sections – 5.10.5, 5.10.6 and 5.10.7 states that "for a

distance of 4.5 metres (X) (junction with a major road) the absolute minimum visibility should be 11 metres (Y). The actual visibility distance where Holmes Drive joins the main A671 Bacup - Burnley road measures only 7 metres. Although the guidance is for new residential streets it should not be breached on the proposed development because of the considerable safety hazard at the junction with Burnley Road. The potential of another 2-3 cars accessing the drive will place intolerable strain and increase the hazard of an already constrained space.

- The location of the outbuildings is built into the side of the hill which slopes towards Burnley Road and the river Irwell. It is relatively dark as the building is overlooked by mature trees which both stabilise the bank and reduce the amount of surface water run-off. If as part of the development these trees are taken down then there is the increased risk of flooding to the garages and store rooms, adjacent properties and water run off onto Burnley Road.
- Recently experienced incidences of high water on Burnley Road and flooding in Bacup centre; removal of these trees will further exacerbate the effect of extreme weather conditions.

108 Burnley Road- Object on the following grounds:

- Overlooking and loss of privacy.
- Insufficient parking
- The driveway at the side and rear of the existing properties already gets very congested as occupants of the houses numbers 100 –110 have vehicular access to their garages here. The potential use of the driveway by further cars would put intolerable strain on the already overused cobble stones.
- Will impair the amenities of existing home owners who would suffer from traffic noise, exacerbated parking and access problems.
- For the new development to be successful it would involve the removal of old, well established trees. This could precipitate a landslide and water runoff would cause flooding and damage.

## **8. ASSESSMENT**

The main considerations of the application are:

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

### Principle

The Council's Core Strategy states that housing development within the Urban Boundary of Bacup is not inappropriate, but priority should be given to development on previously-developed land.

The Framework defines previously developed land as:

*Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.*

With respect to current housing policy, the Government places considerable emphasis on housing delivery and the existence or otherwise of a 5-year land supply is a key component in delivering this aspiration. Paragraph 49 of Framework indicates that housing applications should be considered positively, with Local Plan policies not considered to be up-to-date if a 5-year supply

cannot be demonstrated. Paragraph 14 of the Framework states that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or where specific policies in the Framework indicate development should be restricted.

The site is in a residential area within the Urban Boundary of Bacup and is located within a relatively sustainable location. The building is presently used for garaging/incidental domestic purposes associated with the house as 110 Burnley Road. The proposal will create a separate dwelling unit without extension of the building.

The Council is of the opinion that it cannot presently demonstrate that it has a 5-year housing land supply and, consequently, Local Plan policies in this regard are not to be considered up-to-date. The proposal will make a positive, though small, contribution towards meeting the Borough's need for housing.

Accordingly, the proposal is considered acceptable in principle. Whether the proposal will have a positive, neutral or negative impact in relation to other matters is considered below.

#### Visual Amenity

The application relates to part of a 2-storey building of stone/slate construction, that is of attractive appearance. The external alterations proposed are limited principally to in-filling of a garage-door opening with a floor-to-ceiling window and installation of rooflights in the rear roof-plane. They will not detract unacceptably from the character and appearance of the building.

The area to become the garden of the proposed dwelling is presently defined by a low retaining wall, a door in the rear elevation of the building giving access to it. Formation of the garden will not require any alteration of ground levels, interference with existing drainage arrangements or removal of any trees (other than self-seeded saplings). The occupier of the proposed dwelling is likely to wish to cut-back the branches of trees on the rising land to the rear that over-sail the proposed garden. The removal of these branches will not be detrimental to the condition/life-expectancy of the trees, nor diminish the character and appearance of the woodland as a whole, or its wildlife value.

As such it is not considered that the proposed development will be unduly harmful to the character and appearance of the building or area in general.

#### Neighbour Amenity

As the proposal entails no extension of the building the impact on the neighbours in terms of light will be as per the existing situation at the site.

No new openings are proposed in that elevation of the building which faces the existing houses fronting Burnley Road. The majority of the existing door and window openings to serve the proposed dwelling face towards the rear elevation of the applicants own house, 110 Burnley Road.

Occupiers of 108 Burnley Road have objected to the application on the basis that the proposed dwelling will directly overlook their garden, lounge, kitchen, bedroom and bathroom, resulting in a severe invasion of privacy

The proposal entails replacing a garage-door with a floor-to-ceiling window at ground floor level, the resulting window will face towards the 4+m high trees on the party-boundary between the rear gardens of 108 and 110 Burnley Road. It is considered that the existing vegetation at the site and

the distance retained between this ground floor window and the neighbouring property ensures that there will be no loss of amenity to the detriment of the existing or future residents.

The existing first-floor window above the garage, to be retained to serve a bedroom, is 17.5m from the from the rear windows of the neighbour's house. The occupier of 108 Burnley Road makes the point that if this first-floor window resulted from erection of an extension to an existing house the 'Alterations & Extensions to Residential Properties' SPD, adopted by the Council in 2008, would require a window-to-window separation distance of 20m plus an additional 2m as their own dwelling is somewhat lower than the application building. It is noted that this window already forms an existing clear glazed window within the existing outbuilding although it is acknowledged that changing the use of the room this window serves from incidental domestic purposes to a bedroom is likely increase the occasions when it is occupied. At present this clear-glazed window is the only means of light to/outlook from the room. Acknowledging the relationship with the neighbour and to diminish the incidence/extent of overlooking from this existing window the application proposes that the bedroom not be reliant on it for all light/outlook, intending to replace the existing solid-door in the rear elevation with a door that is glazed and form a couple of rooflights in the rear-facing roof-plane over it. Accordingly, the amended drawings indicate that this window is now to be obscure-glazed.

Given the above it is not considered that the proposed dwelling will cause an unacceptable loss of privacy to the occupiers of No 108 or any other property in the vicinity.

#### Access / Parking

The Highway Authority has not objected to the proposal. It is satisfied that the proposed development will not add significantly to the traffic on the local highway network.

The Highway Engineer requested an amended Layout Plan to detail how the existing house and proposed dwelling will have provision for the parking for 2 cars, with the facility for those cars to turn and exit to Burnley Road in forward gear. This plan has now been provided.

The Engineer has also commented that the access onto Burnley Road should be improved to accommodate the additional vehicle movements by the replacement of the footway crossover with a radius kerbed access point. It is considered that this will improve a number of highway related concerns regarding pedestrian movements and limited visibility due to the high boundary walls on Burnley Road. The applicant has agreed to this request in order to improve the surface/avoid water collecting at the juncture of tarmac with the cobbled road and reduce conflict between pedestrians and vehicles. This is secured by condition.

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

The proposed development is appropriate in principle in the Urban Boundary and, subject to the conditions, will not unduly detract from visual & neighbour amenity, biodiversity or highway safety. It is considered that the development is in accordance with Policies AVP2 / 1 / 2 / 3 / 8 / 16 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

### **10. RECOMMENDATION**

Approve

## **CONDITIONS/REASONS**

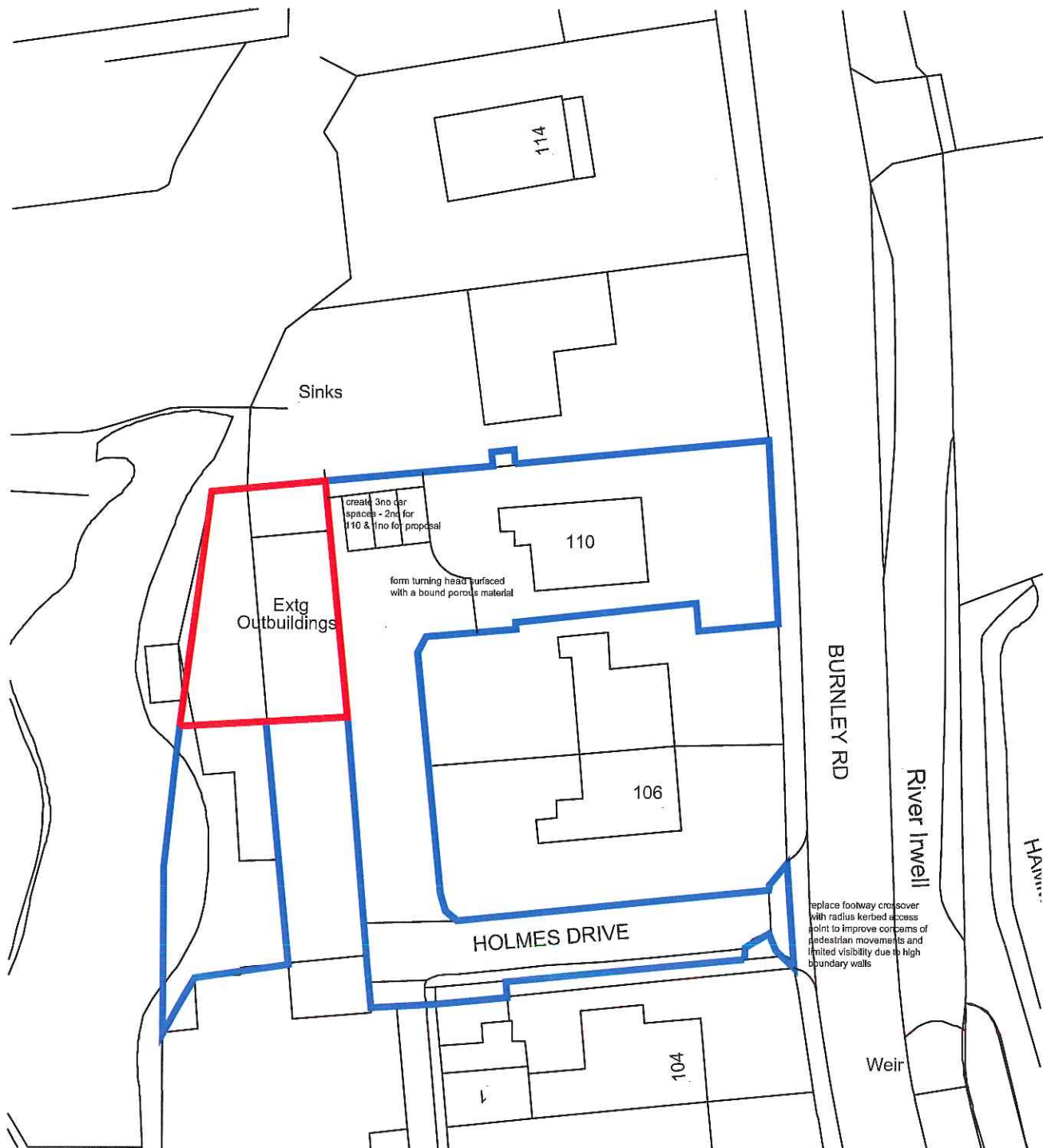
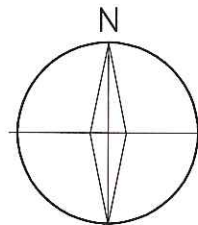
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the Drawing No 1610-SLP rev B and Drawing No 1610/SR/01 rev B, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.  
Reason: For the avoidance of doubt.
3. Prior to first occupation of the dwelling hereby permitted the most southerly of the first-floor window in the east elevation shall be obscure-glazed and thereafter remain as such.  
Reason: To protect the privacy of neighbours.
4. Prior to first occupation of the dwelling hereby permitted the parking/turning facilities shown on Drwg No1610-SLP rev B, together with the garage space shown on Drwg No1610/SR/01 rev B, shall be provided and, notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending or revoking & re-enacting that Order), the garage/parking/turning facilities shall be retained for the parking/manoeuvring of vehicles.  
Reason: In the interests of highway safety.
5. Prior to first occupation of the dwelling hereby permitted the junction of at the junction of Holmes Drive with Burnley Road shall be improved in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall detail the measures to be taken and for to improve the surface/avoid water collecting at the juncture of tarmac with the cobbled road and for the replacement of the existing footway crossover with a radius-kerbed access point.  
Reason: In the interests of highway safety.
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.

## **INFORMATIVES**

This consent requires the construction, improvement or alteration of an access to the public highway. The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.

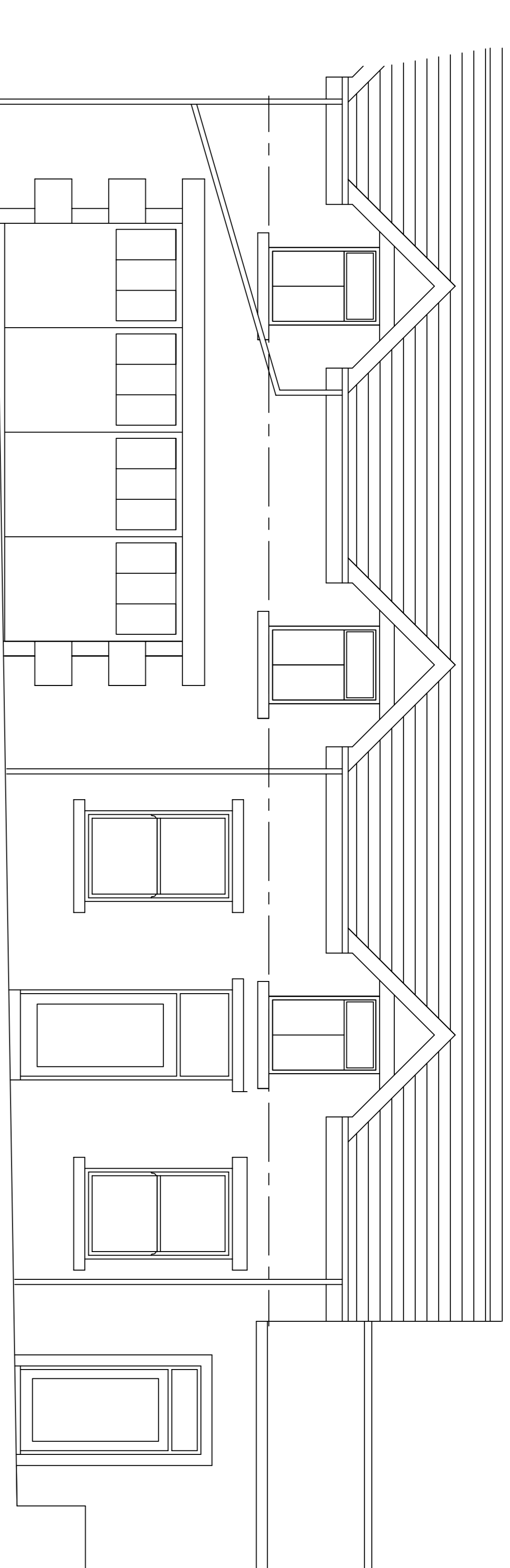
# 110, Burnley Rd, Bacup. OL13 8DB

## Location Plan 1:500



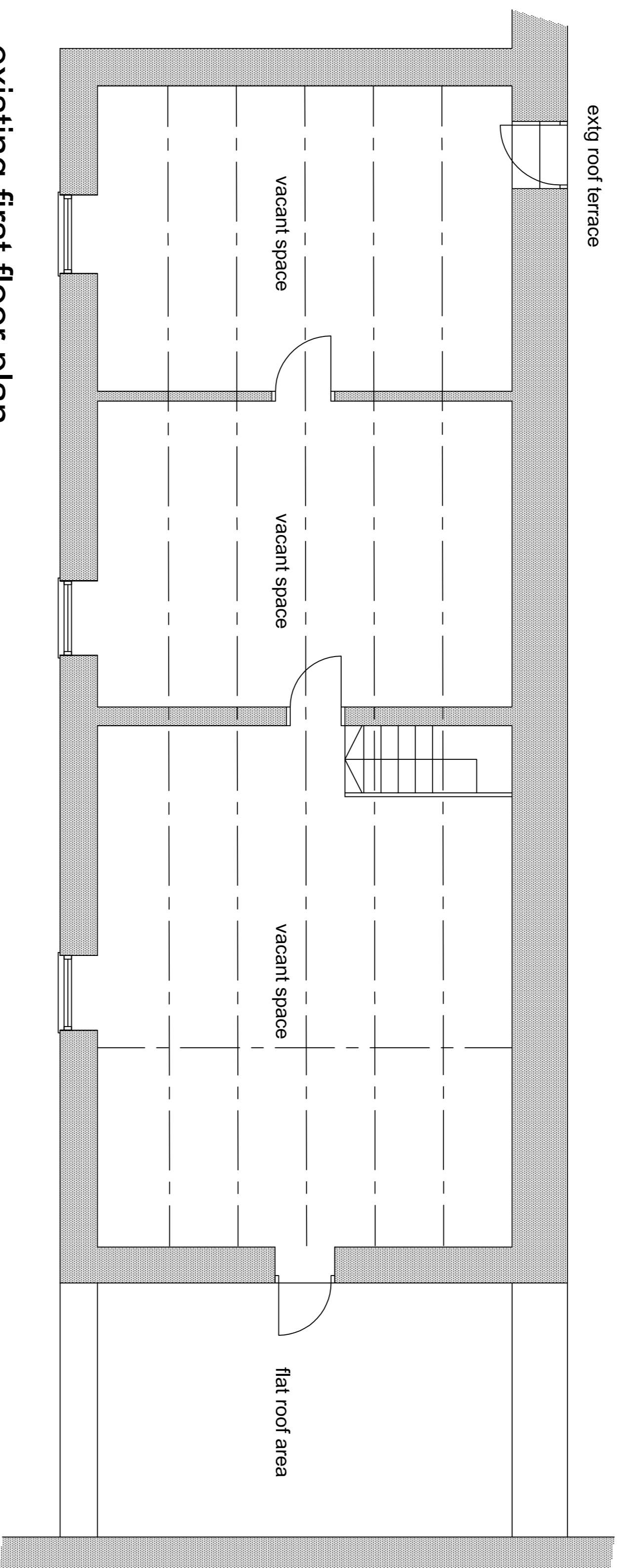
CLIENT Mr Samuel Riley	Location Plan		
PROJECT Remodeling extg outbuildings to create a new dwelling 110, Burnley Rd, Bacup. OL13 8DB	SCALE 1:500	DATE 05-07-2016	DRAWN rb
	DRAWING NO. 1610-SLP	CAD REFERENCE NO.	CHECKED -
			REVISION B



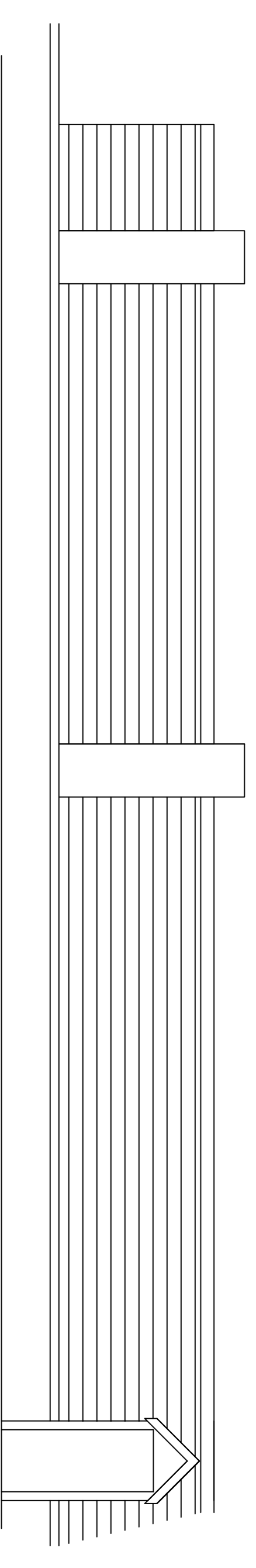


existing front elevation

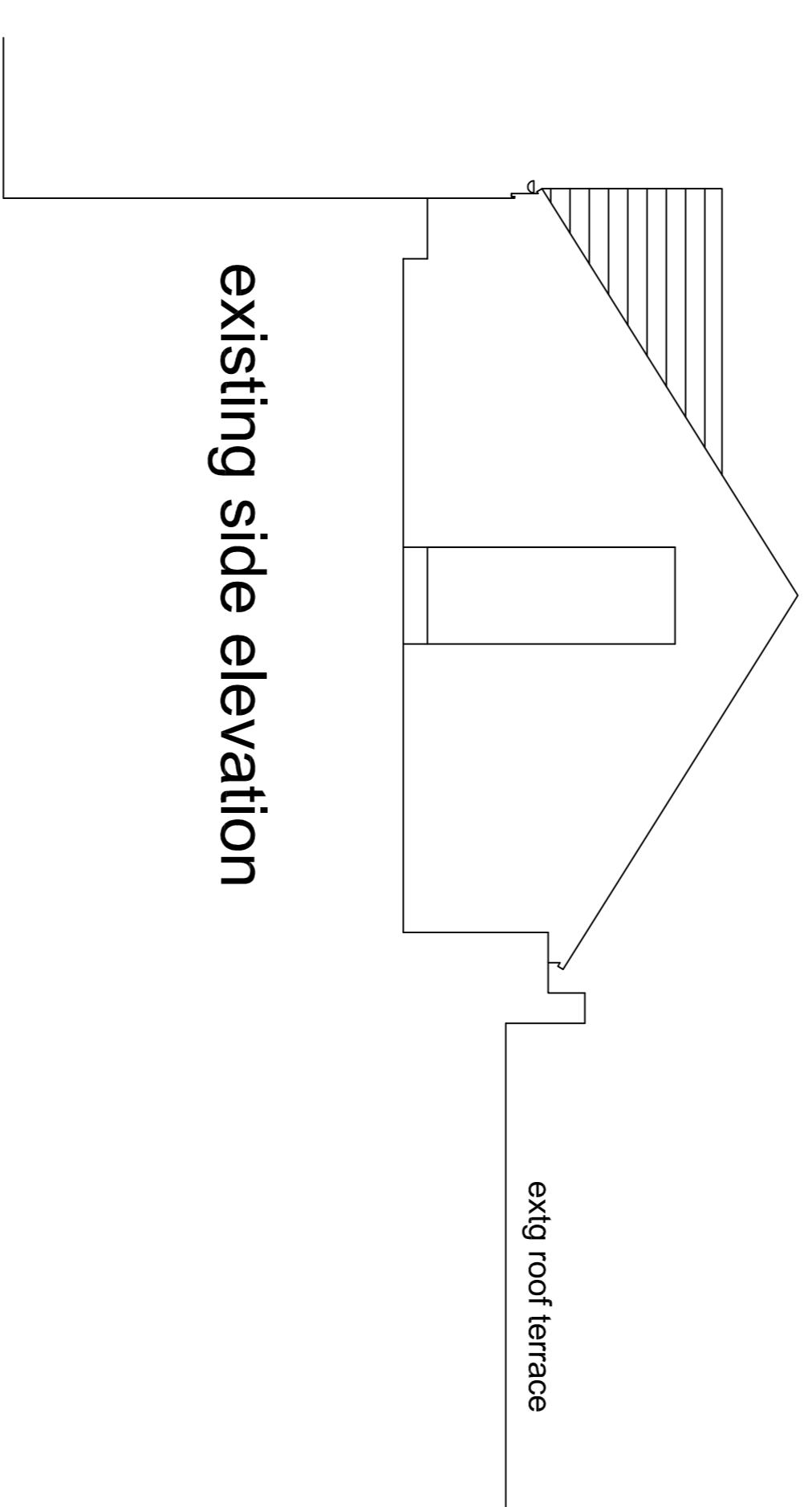
extg roof terrace



existing first floor plan

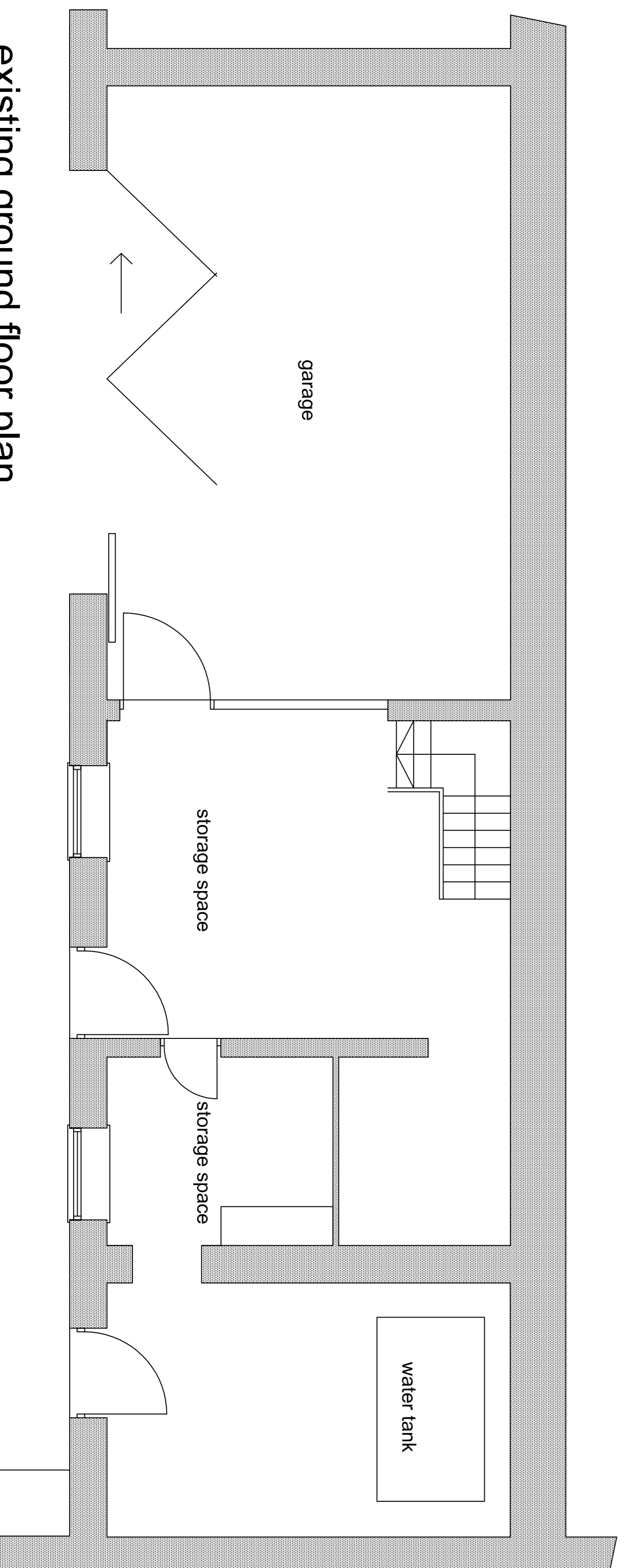


existing rear elevation

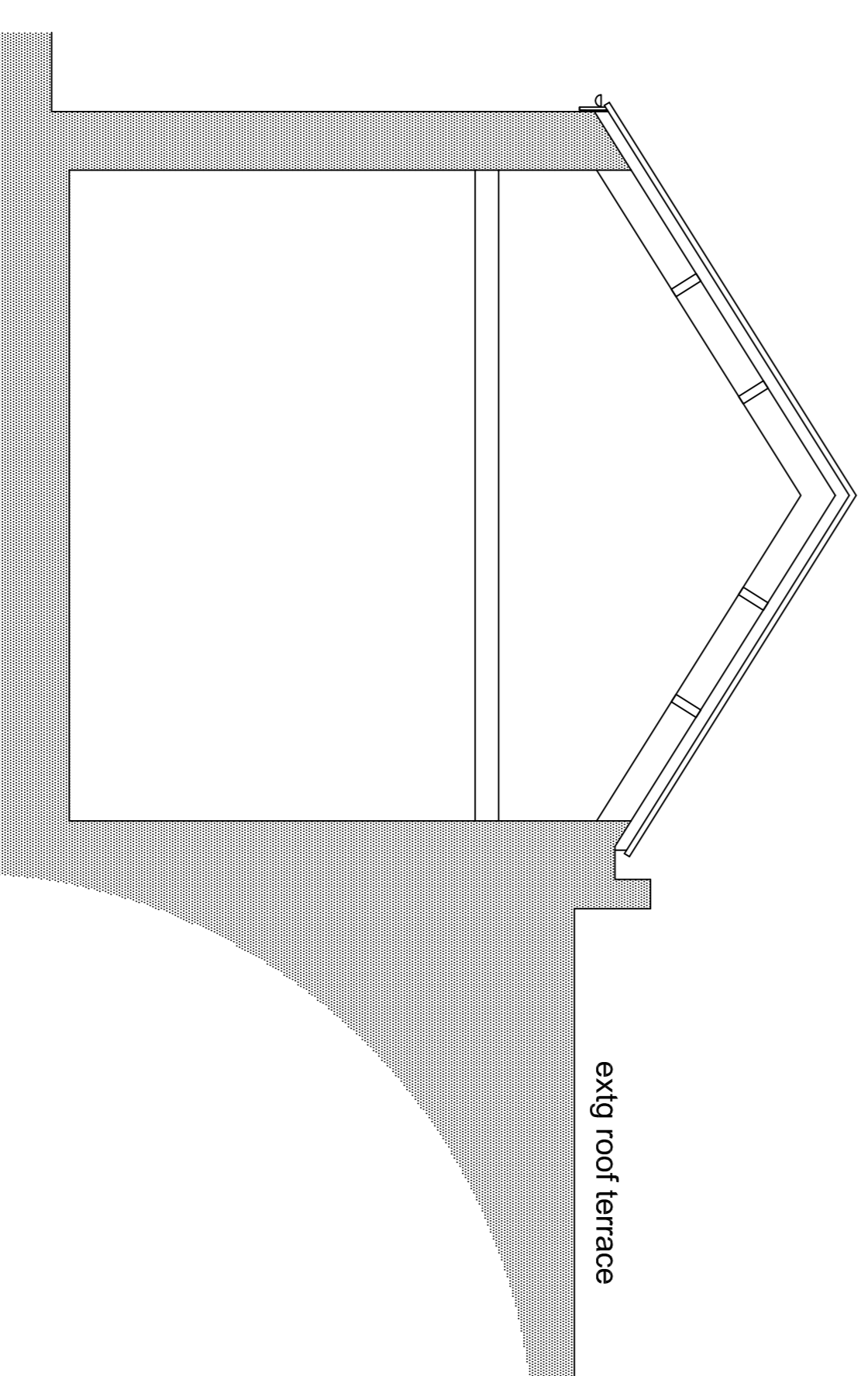


existing side elevation

extg roof terrace



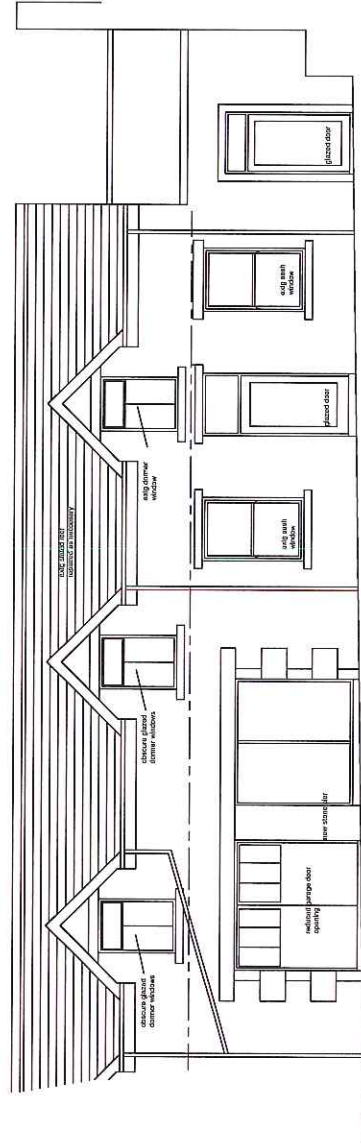
existing ground floor plan



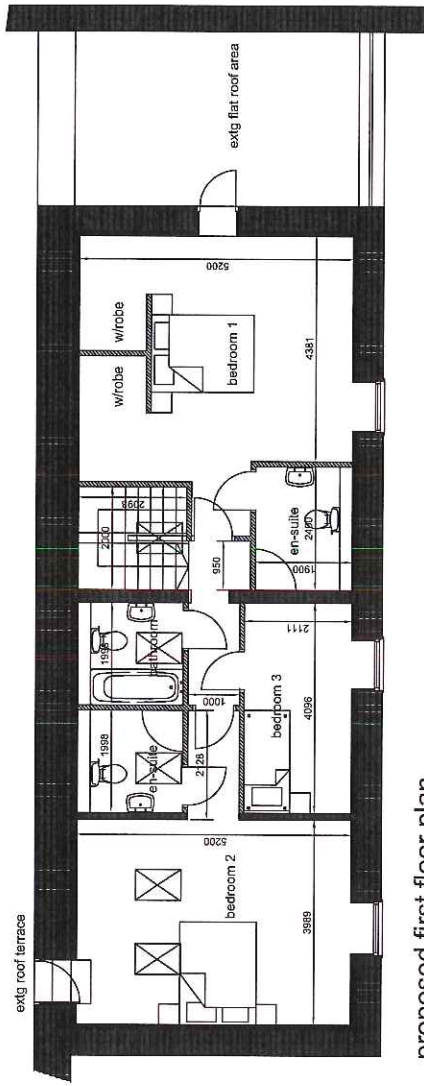
existing section

extg roof terrace

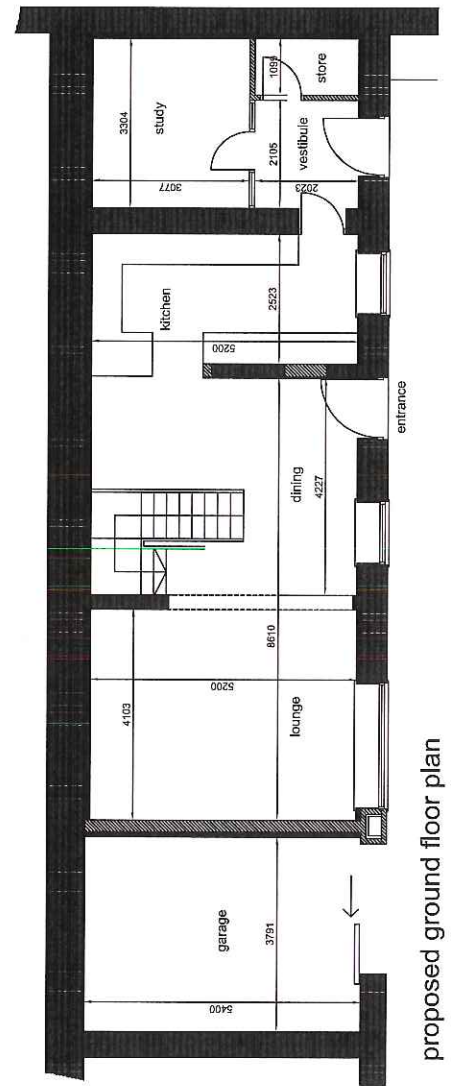
CLIENT	MR DESCRIPTION	CHECK	DATE
Mr Samuel Robby			
110 Burnley Road Bacup OL13 8DB			
PROJECT	Internal Remodelling of extg outbuildings to create a new dwelling		
DRAWING	Existing Survey		
SCALE	DATE	DRAWN	CHECKED
1:50 @ A1	Apr 2016	tb	
DRAWING NO.	CAD REFERENCE NO.	REVISION	
1610/SR01			



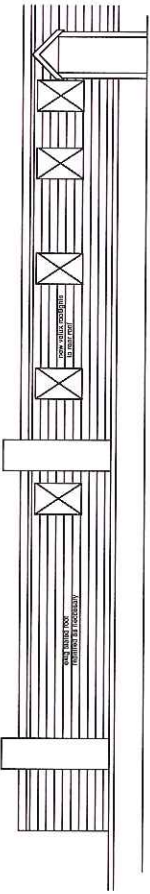
proposed front elevation



proposed first floor plan

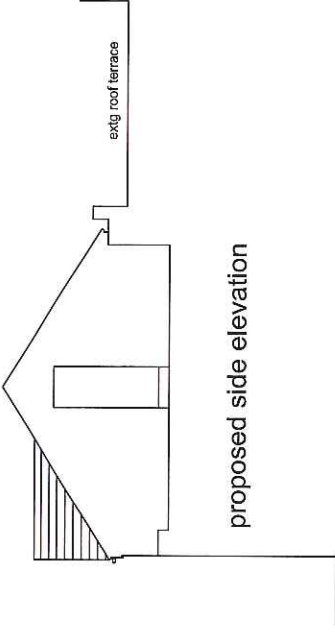


proposed ground floor plan

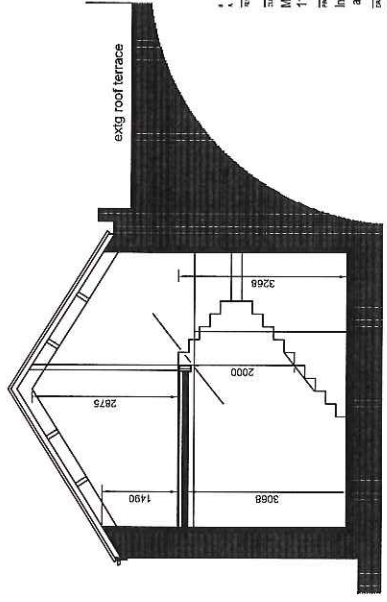


existing rear elevation

**Proposed Finishes**  
 Walls - reclaimed coursed stone, lintels & sills to match existing  
 Roofs - blue grey natural slates with moulded fascias and rainwater goods to match extg.  
 Windows - white PVCu & Doors - timber black



proposed side elevation



proposed section

PROJECT: Mr Samuel Rigby  
 110 Burnley Road, Basing  
 C13 0BB  
 DRAWN: Internal Remodelling of extg outbuildings to create a new dwelling  
 CHECKED: Proposals

NO	DESCRIPTION	DATE	BY
1	DRAWN	16/10/16	MR

SCALE	DATE	REVISION	DESCRIPTION
1:50 @ A1	Apr 2016	rb	B
PROJECT NO. 1610SR01			REVISION