

**TITLE: 2006/124 TWO STOREY EXTENSION TO THE REAR  
AT 9 LEA BANK, RAWTENSTALL.**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE  
30<sup>TH</sup> MAY 2006**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT: MR I TAYLOR**

**DETERMINATION EXPIRY DATE: 4<sup>TH</sup> MAY 2006**

### **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.

### **Site and Proposal**

The applicant seeks approval for the construction of a two storey extension to the rear of the semi detached dwelling. The extension is intended to provide extra living accommodation in the form of a lounge at ground floor level and bedroom with ensuite at first floor level. The extension is the northernmost of the pair of semi detached properties. The development does not have any windows within the side elevations and to the rear of the property there is a relatively steep incline at the top of which stands a number of larger detached houses. The extension would not be visible from the front. The proposal site is within the Urban Boundary.

### **Relevant Planning History**

None

### **Notification Responses**

Neighbours were notified by means of a letter to which there were three letters of objection. The following issues were raised:

- Loss of value to neighbours properties
- Loss of daylight and sunlight to garden of neighbouring property

- Creation of dust and noise during construction of the extension
- Proximity to the neighbouring property
- Loss of privacy

### **Consultation Responses**

None necessary

### **Development Plan Policies**

Rossendale District Local Plan (Adopted 1995)

Policy DS1 (Urban Boundary)

Policy DC1 (Development Criteria)

Policy DC4 (Materials)

Joint Lancashire Structure Plan (Adopted 2005)

Policy 1 (General Policy)

### **Other Material Planning Considerations**

None

### **Planning Issues**

The proposal site is within the Urban Boundary and therefore the development would be in accordance with Policy DS.1 of the Rossendale District Local Plan.

The main issues to take into account when dealing with this proposal would be the impact that the development would have on existing conditions in the area and also upon neighbour amenity. Some objections were received from neighbours and each issue raised which relates to planning raised shall be looked at in turn.

The first issue is that of loss of daylight and sunlight to the neighbouring garden. Whilst it is recognised that the extension is relatively large the positioning of the dwelling and the extension upon it is not such that it would have a significant effect upon daylighting as the property stands to the North of the attached property and at no time during the day would the adjacent property be in shadow from the extension. Therefore it is not considered that the development would have a significant effect upon existing conditions to this property in terms of loss of daylight or sunlight.

A further issue which was raised was that of the impacts upon neighbouring properties during construction of the extension. It is considered that these impacts can be mitigated by limiting hours of construction and subsequently neighbour amenity can be protected. It is considered that no neighbouring properties would be affected in terms of loss of privacy as no windows are proposed for either of the side elevations. No properties would be overlooked from the rear of the extension as those houses which stand behind number 9 are at a higher level.

The development would not abut either boundary and there would remain a distance of 1.5 metres between the extension and the boundary with the attached property. As there are no windows proposed for this side elevation it is considered that there would be no significant effect upon the neighbouring property in terms of loss of amenity or privacy.

The materials which are proposed for the development would be in keeping with the principal building and other buildings within the locality and therefore the development would be in accordance with Policies DC.1 and DC.4 of The Rossendale District Local Plan. And Policy 1 of The Joint Lancashire Structure Plan.

### **Recommendation**

That the development is approved subject to conditional control.

### **Conditions and Reasons**

1. The development permitted shall be begun before the expiration of three years from the date of this permission(Reason:RA02a Required by section 51 of the Planning and Compulsory Purchase Act 2004)
2. All the external materials and finishes to be used on the roof and elevations of the development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority (Reason: RL01 - To ensure that the development will be of satisfactory appearance)
3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that order with or without modification) at no time shall any windows or other opening be formed within the side elevations of the development hereby approved. (REASON: In the interests of neighbour amenity and to accord with Policy DC.1 of The Rossendale District Local Plan)

### **Development Plan Policies**

Rossendale District Local Plan

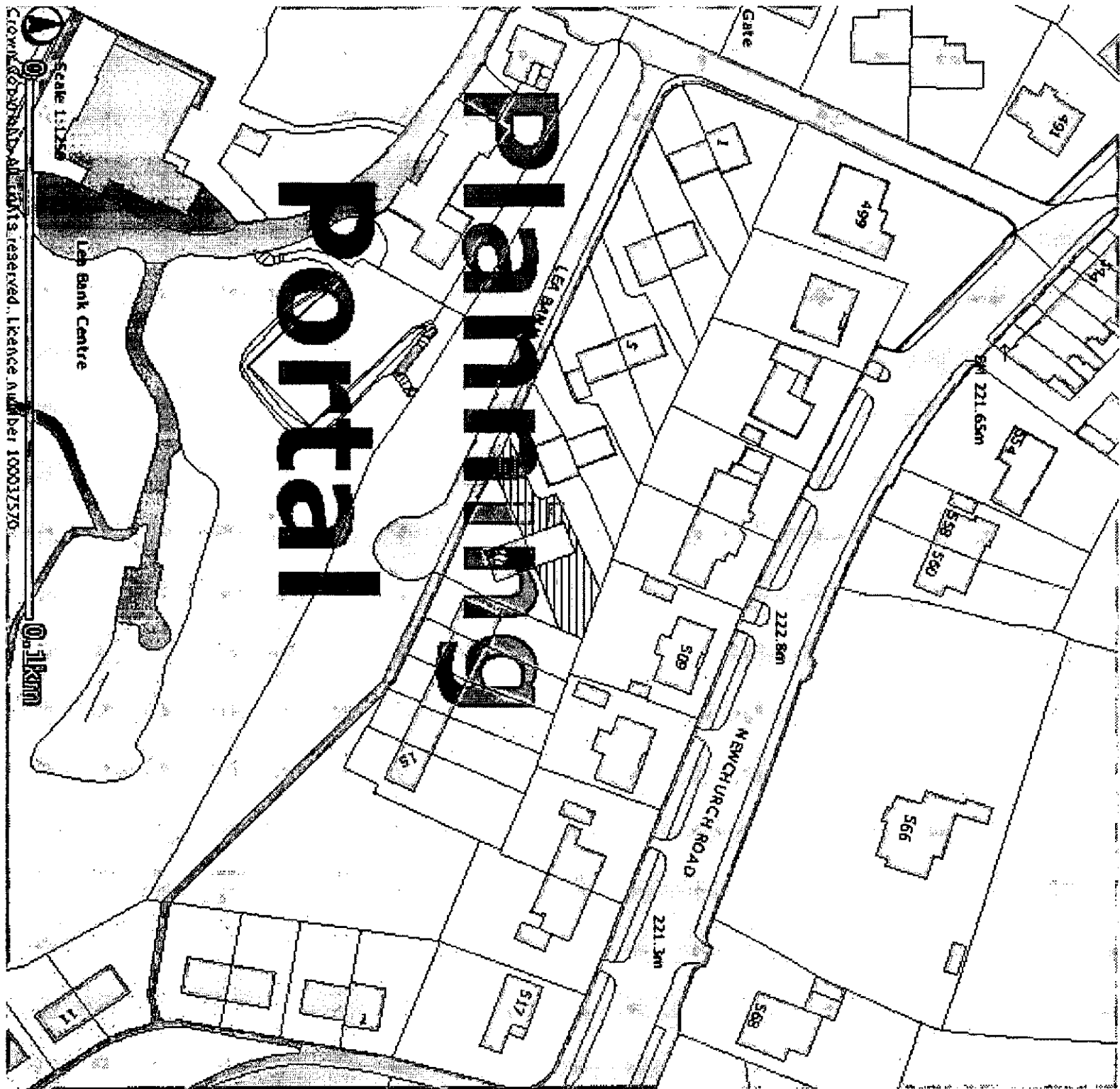
DS.1

DC.1

DC.4

Joint Lancashire Structure Plan

Policy 1



Scale 1:1250  
Lea Bank Centre  
0.1km  
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# Planning Portal

09 MAR 2006

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