

**TITLE: 2006/132 DORMER EXTENSION TO GYM OVER THE GARAGE  
AT: 408 BURY ROAD, RAWTENSTALL.**

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

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT: MR P NOVAK**

**DETERMINATION EXPIRY DATE: 10<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 dormer extension with a small circular window to the South facing roof plane of the existing detached garage. The proposal site is within the Urban Boundary.

### **Relevant Planning History**

The applicant applied for planning permission to construct a blind box dormer on the same roof plane of the garage on the 3<sup>rd</sup> November 2005. This application sought permission for the dormer be located to the rear of the roof plane. This application was refused on the grounds that it would impact significantly in terms of visual amenity to the neighbouring property by virtue of it massing and positioning on the roof plane contrary to the provisions of Policy Dc.1 of The Rossendale District Local Plan.

### **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 neighbouring properties
- Visual impact of the development from the adjacent property
- Loss of view
- Loss of daylight and sunlight to back of adjacent house
- Loss of privacy to back garden due to the window in the dormer
- Noise due to the use of the upstairs of the building as a gym
- Design of the development

### **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 first issue which is raised by this application is the level of neighbour objection which was received to both applications. The relevant planning issues raised should be assessed in turn. The first issue which is to be addressed is that of loss of visual amenity. It is considered that the re-siting of the dormer to a more central location on the roof plane would significantly reduce the impacts upon neighbouring properties in terms of loss of visual amenity. The objection raised in terms of the design of the dormer has also been addressed by these amendments to the original scheme.

Nearby residents also raised the issues of loss of view. This however is not a material planning consideration and therefore cannot be part of a reason for refusal of the application.

The adjacent property raised the issues of loss of daylighting and sunlighting especially to the rear windows/rooms of the house. Since the dormer would not extend to the rear gable end of the garage roof and the majority of it would be shielded by the side of the adjacent property, it is not considered that this would be the case. The effects upon daylighting / sunlighting to the adjacent property would be no more than the effects already experienced from the existing building.

The resident of the adjacent property raised concerns over the loss of privacy which may be incurred due to the presence of a window within the dormer. The window in question is a small circular window with a diameter of 30 cm. In addition the adjacent property does not have any windows within the gable end elevation and therefore there would be no possibility of overlooking, and in any case it is not considered that the window is of a size which would significantly affect neighbour amenity in terms of loss of privacy.

The final issue which was raised by neighbours was the increase in noise which may be experienced by nearby residents due to the use of the upstairs of the building as a gym. This however is not considered to be an issue as the building is currently used as a gym and the extension is would not increase the capacity of the usable space as a gym to such an extent that noise levels would significantly increase. The gym is not intended to be used as a commercial venture therefore it is unlikely that there would be any significant increase in use of the premises

It is not considered that the development in its amended form would have any significant impact upon neighbour amenity in terms of visual amenity and no loss of privacy would be incurred due to the small size of the window within the dormer and the fact that there are no windows within the gable end elevation of the adjacent property. The privacy of neighbours can be further protected by requiring that the glass within the dormer window is obscure glazing and remains so. The development would have no significant impact upon existing conditions in the area and would not look out of place within the locality subject to conditional control. It is therefore considered that 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: 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: - 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 the window within the South facing elevation of the dormer hereby approved be glazed with anything other than obscure glass of a type and degree to first be submitted to and approved in writing by the Local Planning Authority. (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



2006/132

LOCATION PLAN  
1:1250

15 MAR 2006