

Application Number:	2018/0135	Application Type:	S.73
Proposal:	S.73 Application to vary approved plans pursuant to Appeal Decision APP/B2355/A/07/2055082 concerning changes to external appearance, fenestration and facing materials.	Location:	Land To Rear Of 27 Helmshore Road Haslingden Rossendale Lancashire BB4 4BG
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	23 rd May 2018
Applicant:	Mr Alan Worthington	Determination Expiry Date:	30 th May 2018
Agent:	Mr Allan Lloyd-Haydock		

Contact Officer:	James Dalglish	Telephone:	01706 238643
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
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

Grant planning permission subject to the conditions set out in section 11.

APPLICATION DETAILS

2. SITE

The application site is located to the rear of a detached residential property located on the western side of Helmshore Road.

The site is broadly rectangular in shape and abuts the boundary with a large detached dwelling known as Hurst Bank to the north, residential properties at No. 29 Helmshore Road and Kelholm to the south, and No. 25 Rawsthorne Avenue to the west. The site slopes gently from the east and is at a higher level than the neighbouring property to the south. Currently, the site is bounded by fences, trees and hedges of varying height.

Work has commenced on site to implement the scheme approved under appeal decision APP/B2355/ A/07/2055082, in that the site access has been constructed.

The site lies within the defined urban boundary.

3. RELEVANT PLANNING HISTORY

2005/0275 - Outline - Erection of three dwellings (Approved)

2006/0427 - Erection of 3 no. detached dwellings with garages and widening of existing access (Refused)

2006/0677 - Erection of 3 no. detached dwellings (Refused and Appeal Dismissed)

2007/0202 - Erection of 3 no. bungalows (reserved matters for application 2005/0275) (Approved)

2007/0230 - Erection of 2 dormer bungalows and 1 house (with access from Helmshore Road) (Withdrawn)

2007/0356 - Erection of two detached dwelling houses (Refused and Appeal Dismissed)

2007/0357 - Erection of 2 detached bungalows (Refused)

2007/0358 - Erection of one detached dwelling houses and one bungalow (Refused)

2007/0467 - Erection of 3 detached houses (accessed from Helmshore Road) (Refused and Appeal Allowed).

2007/0468 - Erection of 2 detached houses accessed from Helmshore Road (Refused)

2007/0606 - Erection of two dormer bungalows and one house with access form Helmshore Road (Refused and Appeal Dismissed)

2007/0607 - Erection of three detached dwelling houses (Refused)

2007/0628 - Erection of three detached bungalows with access from Helmshore Road (Refused)

2008/0391 - Erection of 3 detached dormer bungalows (accessed from Helmshore road) (Withdrawn)

2009/0338 - Erection of two detached dwellings and one bungalow with access from Rawsthorne Avenue (Refused and Appeal Dismissed)

2010/0525 - Discharge of conditions 2, 9, 10 & 11 on planning permission 2007/0467 (Approved)

2011/0066 - Discharge of Condition 11 (Item 4) from Planning Permission 2007/0467

2011/0390 - Discharge of condition 2 from 2010/0525 (Approved)

4. PROPOSAL

Following the grant of planning permission on appeal APP/B2355/ A/07/2055082 (appeal against the Council's refusal of planning application 2007/0467) for three detached dwellings and associated access on the site, the applicant seeks to vary the approved plans to enable changes to the design and fenestration of the approved dwellings.

The proposed changes are as follows:

Plots 1 and 2

The proposed dwellings on plots 1 and 2 would have several changes compared to the approved dwellings. These include:

- The reduction in width of the approved single storey ground floor front projection, so that it would now only span part of the width of the front elevation (as opposed to being full width).
- The use of ivory render on the elevations with natural stone quoins, and natural coursed stone walls forming the front projection (as opposed to being entirely constructed of natural coursed stone).
- The omission of a small single pane window on the front elevation, and the widening of the front door.
- The widening of the ground floor rear patio doors by one panel.
- The replacement of one ground floor window in the east side elevations with a door.
- The omission of the approved front roof projection.

Plot 3

The dwelling on plot 3 would have several changes compared to the approved dwelling. These include:

- The reduction in width of the approved a single storey ground floor front projection, so that it would now only span part of the width of the front elevation (as opposed to being full width).
- The use of ivory render on the elevations with natural stone quoins, and natural coursed stone walls forming the front projection (as opposed to being entirely constructed of natural coursed stone).
- The omission of a small single pane window on the front elevation, and the widening of the front door.
- The widening of the ground floor rear patio doors by one panel.
- The replacement of one ground floor window in the east side elevations with a door.
- The omission of the approved front roof projection.

5. POLICY CONTEXT

National Planning Policy

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

Section 11 – Conserving & Enhancing the Natural Environment

Development Plan

RBC Core Strategy DPD (2011)

AVP6 – Haslingden and Rising Bridge

Policy 1 – General Development Locations and Principles

Policy 9 – Accessibility

Policy 18 – Biodiversity, Geodiversity and Landscape Conservation

Policy 23 – Promoting High Quality Designed Spaces

Policy 24 – Planning Application Requirements

Other material considerations

National Planning Practice Guidance

RBC Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

None.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 20/03/2018 and 25 neighbour letters were sent out on 15/03/2018.

Four letters of objection have been received, raising the following concerns:

- Impact on neighbour amenity (particularly privacy).
- Absence of obscure-glazed windows compared to previously approved scheme.

8. ASSESSMENT

Principle

Key to the acceptability of a proposal seeking changes via Section 73 of the Town and Country Planning Act is whether the changes proposed amount to minor amendments or whether the amendments are substantially different from the previously approved scheme.

The acceptability in principle of constructing 3 no. five-bedroom detached dwellings on the site has already been established by appeal decision APP/B2355/ A/07/2055082, and the proposed scheme does not include any fundamental changes which would affect the acceptability of the scheme in principle.

As such, the scheme is considered acceptable in principle. The detail of the changes proposed and their acceptability are considered in the sections below.

Visual Amenity

It is considered that the design of the proposed dwellings is acceptable, and would not have a significantly greater visual impact than the previously approved scheme.

The proposed incorporation of render into the elevations of the dwellings is acceptable in the context of the site, where the combination of render and natural stone is widespread on surrounding properties.

As such the proposed scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

The proposed scheme would not incorporate any features which would cause greater harm to neighbour amenity than that of the scheme approved on appeal (APP/B2355/ A/07/2055082).

Objector's comments in relation to impacts on neighbour amenity and harm to privacy are noted. However, there is an extant permission in place to construct three dwellings of the same scale on the same footprints as now proposed – which could be implemented. The current application seeks only to vary the facing materials, fenestration and design of the approved dwellings.

Further to receipt of objectors' comments, the case officer has liaised with the applicant's agent and this has led to the submission of amended plans which show clearly that the same level of obscure-glazing (and non-opening where appropriate) will be maintained on windows which were previously approved as being obscure-glazed (and non-opening where appropriate) as part of appeal decision APP/B2355/A/07/2055082. Details of obscure glazing (and non-opening where appropriate) to windows would form part of the approved plans, and would be enforceable as a planning condition.

As such, it is not considered that the scheme as not proposed will have any materially greater impact on the privacy of neighbouring residential properties than the extant planning permission approved by the Inspector in appeal decision APP/B2355/A/07/2055082.

As such, the proposed scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The scheme does not include any changes to the proposed parking or access arrangements on the site.

As such, the scheme is considered acceptable in terms of highway safety.

9. RECOMMENDATION

Approve planning permission subject to conditions.

10. SUMMARY REASON FOR APPROVAL

The acceptability in principle of constructing three dwellings on the site has already been established under appeal decision APP/B2355/A/07/2055082. It is not considered that the proposed development would have any significantly greater impact on visual amenity, neighbour amenity or highway safety than the previously approved scheme. As such, it is considered that the proposed development accords with the National Planning Policy Framework and Policies 1, 9, 18, 23 and 24 of the Core Strategy DPD.

11. CONDITIONS

1. The development shall be carried out in accordance with the following plans and documents:

- Application form date stamped 8th March 2018 by the Local Planning Authority.
- Site Location Plan (Drawing Number 00) date stamped 27th April 2018 by the Local Planning Authority.
- Site Layout as approved under appeal decision APP/B2355/A/07/2055082 (Drawing Number 003-PL05 Rev. A) date stamped 8th March 2018 by the Local Planning Authority.
- Section as approved under appeal decision APP/B2355/A/07/2055082 (Drawing Number 003-PL06 Rev. A) date stamped 8th March 2018 by the Local Planning Authority.
- Proposed Floor Plans (Plots 1 and 2) (Drawing Number 25A) date stamped 22nd March 2018 by the Local Planning Authority.
- Proposed Floor Plans (Plot 3) (Drawing Number 20A) date stamped 22nd March 2018 by the Local Planning Authority.
- Proposed Elevations (Plots 1 and 2) (Drawing Number 26C) date stamped 12th April 2018 by the Local Planning Authority.
- Proposed Elevations (Plot 3) (Drawing Number 21C) date stamped 12th April 2018 by the Local Planning Authority.

Reason: For the avoidance of doubt.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), none of the categories of development set out in Article 3, Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Order shall be carried out.

Reason: In the interests of neighbour and visual amenity.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, other than those expressly authorised by this permission, shall be constructed on the north and south elevations of the dwellings hereby permitted.

Reason: In the interests of neighbour amenity.

4. All roof light windows on the north elevations of the dwellings hereby permitted shall have a sill height of not less than 1.8 metres from the associated room floor level.

Reason: In the interests of neighbour amenity.

5. All windows shown on the approved plans as being obscure-glazed shall be fitted with obscure glass and shall be retained as such at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.

All windows shown on the approved plans as being non-opening shall not be openable, and shall be retained as such at all times thereafter.

Reason: In the interests of the privacy of occupiers of neighbouring property.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the garages forming part of the development hereby approved shall not be used for any other purposes that preclude their used for the parking of cars.

Reason: To ensure adequate parking provision for the development.

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 or public holidays.

Reason: To safeguard the amenities of neighbours.

8. The proposed access, driveways and turning areas shall be constructed in accordance with the approved plans and shall be made available for use prior to first occupation of any of the dwellings hereby approved. The vehicular parking and turning areas shall be retained in perpetuity for such purposes thereafter.

Reason: To ensure adequate access and parking provision for the development.

9. No trees or boundary hedges, unless indicated otherwise on the approved plans shall be lopped or felled before or during the construction period.

Reason: In the interests of neighbour and visual amenity.

10. No development shall take place until the scheme for the protection of trees and hedges as approved under 2010/0525 have been implemented in full. The approved scheme shall be adhered to throughout the course of construction works.

Reason: In the interests of visual amenity.

11. The development shall be implemented in accordance with the scheme of landscaping and boundary treatment approved under 2010/0525. All boundary treatments shall be erected prior to first occupation of any of the dwellings hereby approved. All planting shall take place in the planting season immediately following substantial completion of the development, or first occupation of any of the dwellings hereby approved (whichever is the sooner). Any plants that are removed, die or become diseased within five years from the date of planting shall be replaced by plants of the same size and species in the following planting season.

Reason: In the interests of visual and neighbour amenity.

12. The existing boundary treatment around the site and with the adjoining properties at No. 29 Helmshore Road and Hurst Bank shall be retained in perpetuity.

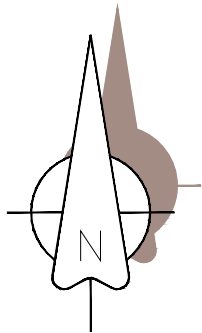
Reason: In the interests of neighbour amenity.

12. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at: http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_a_dopted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.



NOTES

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Rev.	Date	Description
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Job/Scheme Title

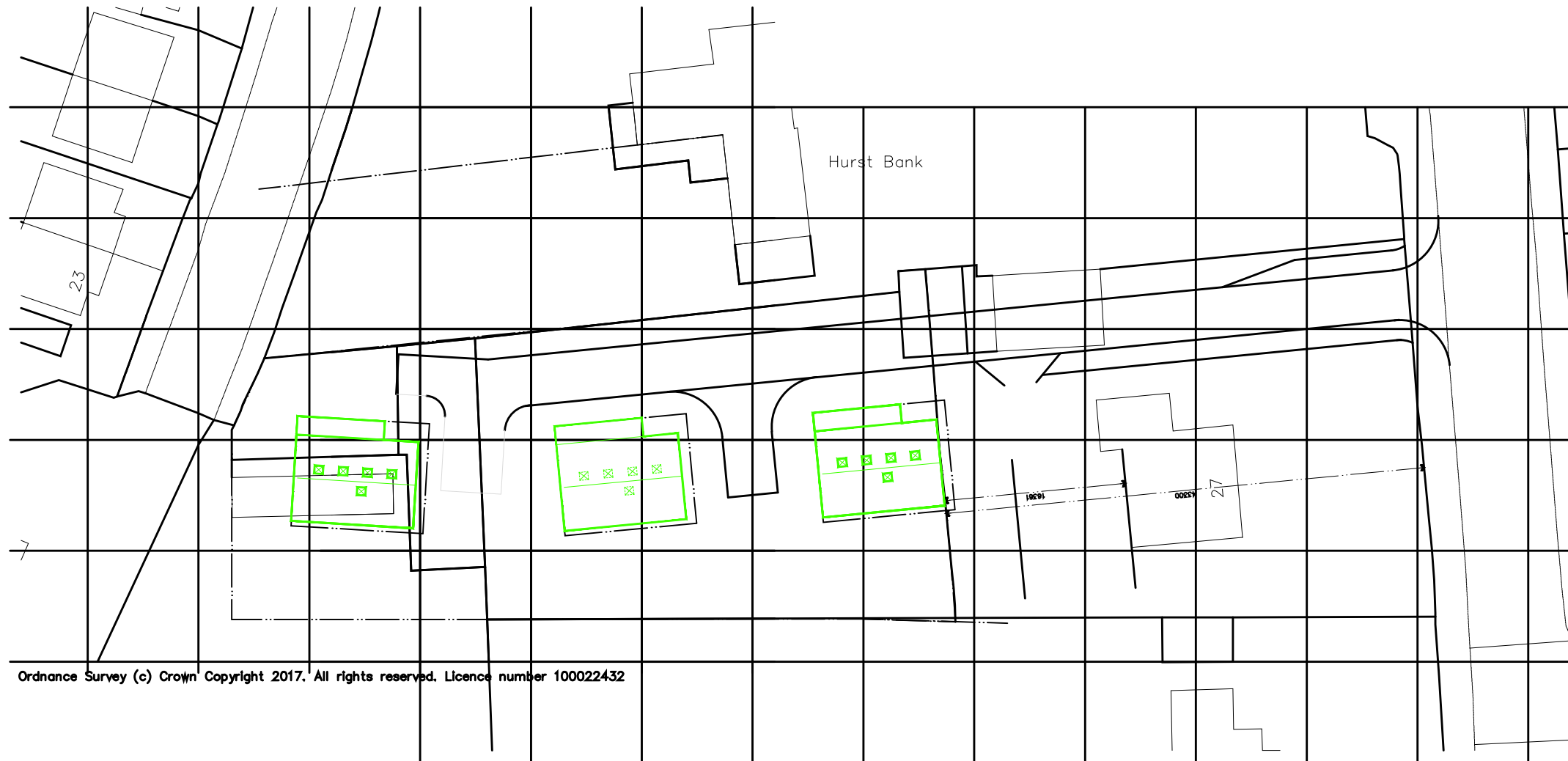
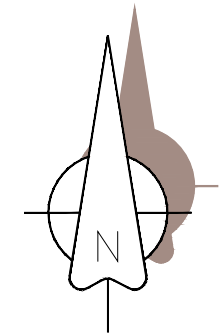
ERECTION OF 3 NO DETACHED
DWELLINGS ON VACANT LAND
TO THE REAR OF 27
HELMSHORE ROAD, HASLINGDEN

Drawing Title

LOCATION PLAN

Job/Scheme Number		Drawing Number	
0517/93		Drawing No 00	
Scale	Date	Drawn	Checked
1/1250	Nov 17	a.t.l-h.	

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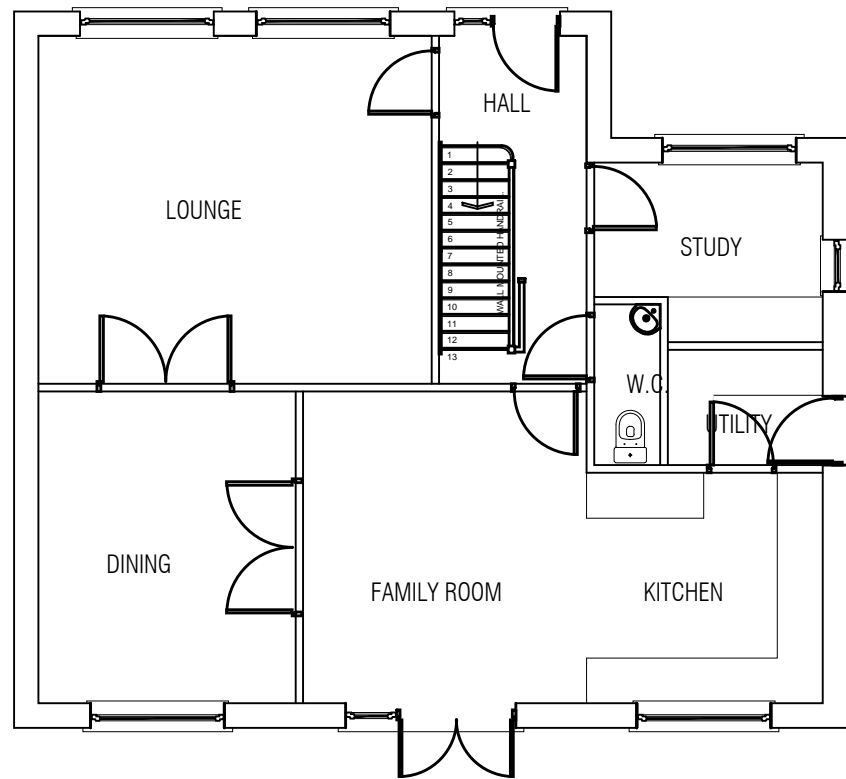
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Drawing Title

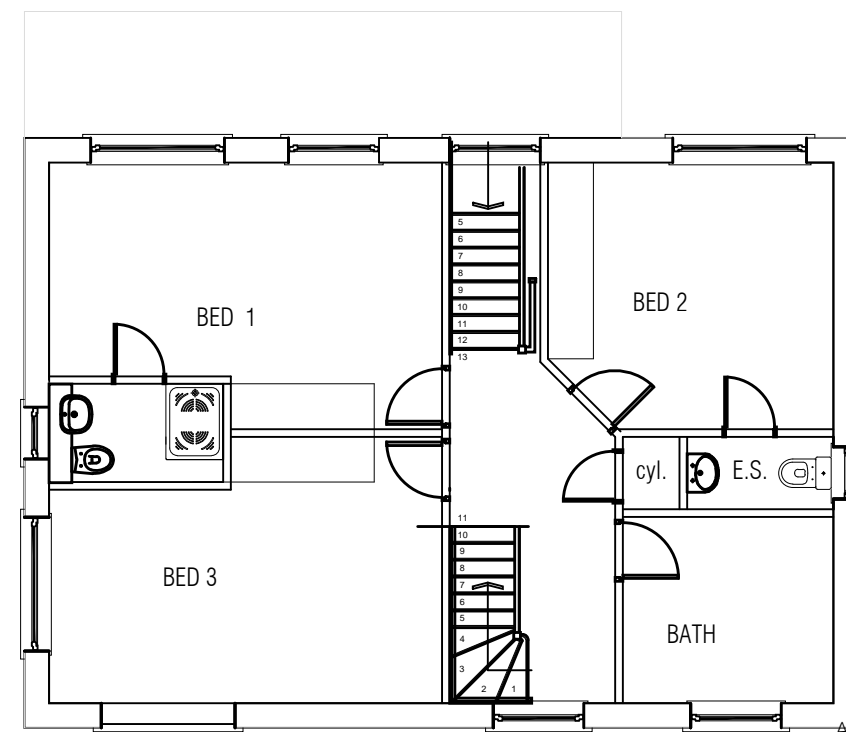
PROPOSED SITE PLAN
 (option 1)

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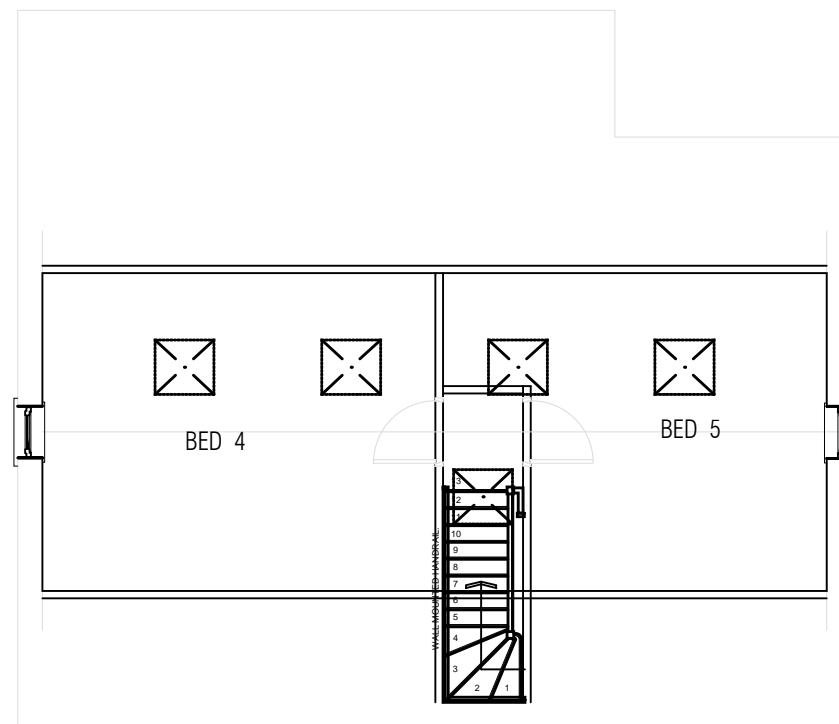
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

A 22.03.18 alts to suit planners email of 21.03.18

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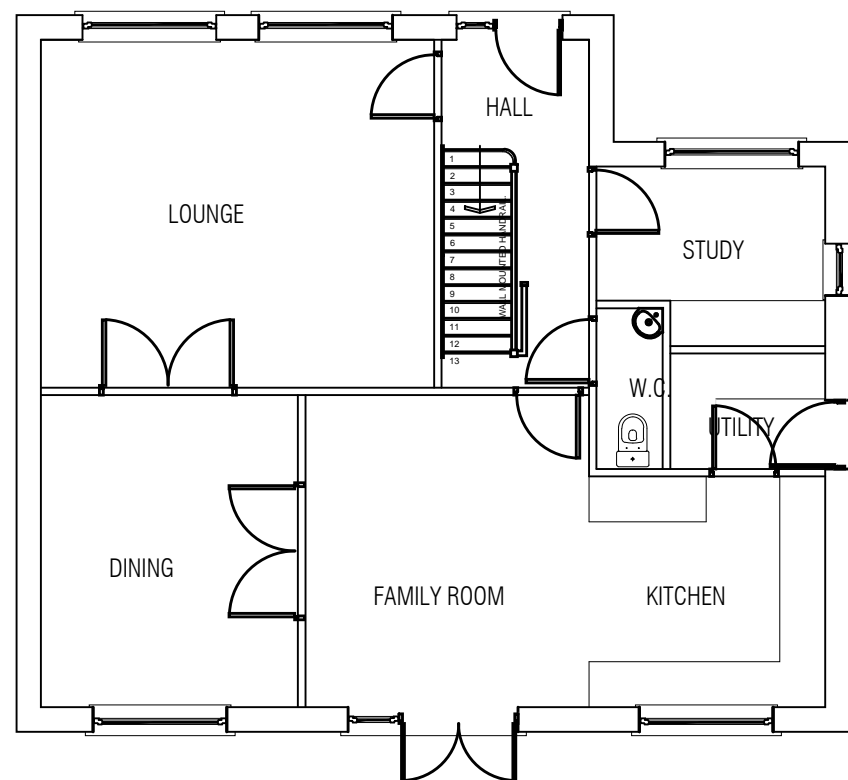
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Drawing Title

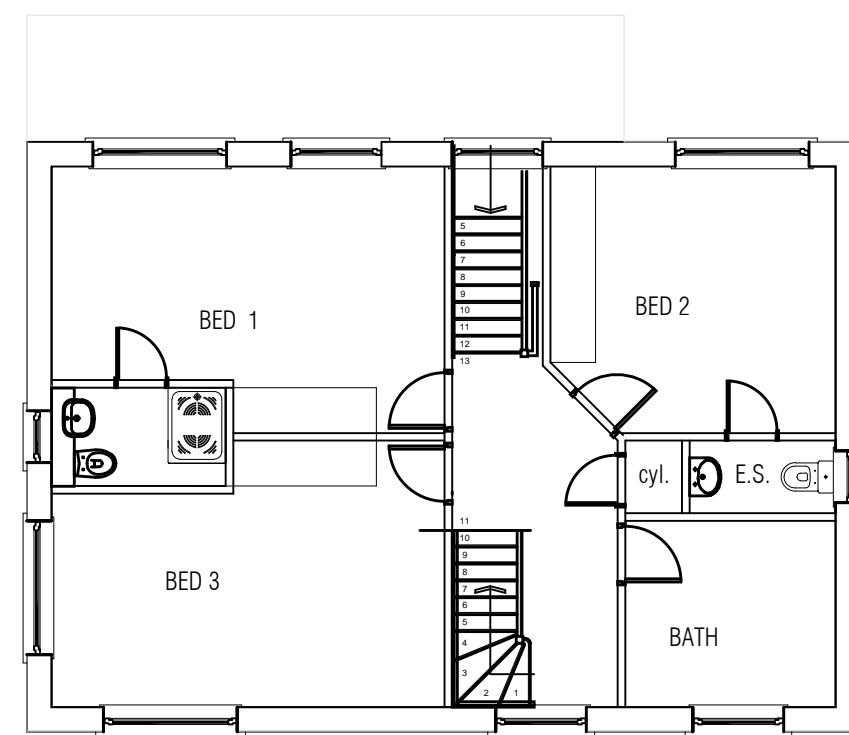
PROPOSED FLOOR PLANS
 (Plots 1 + 2)

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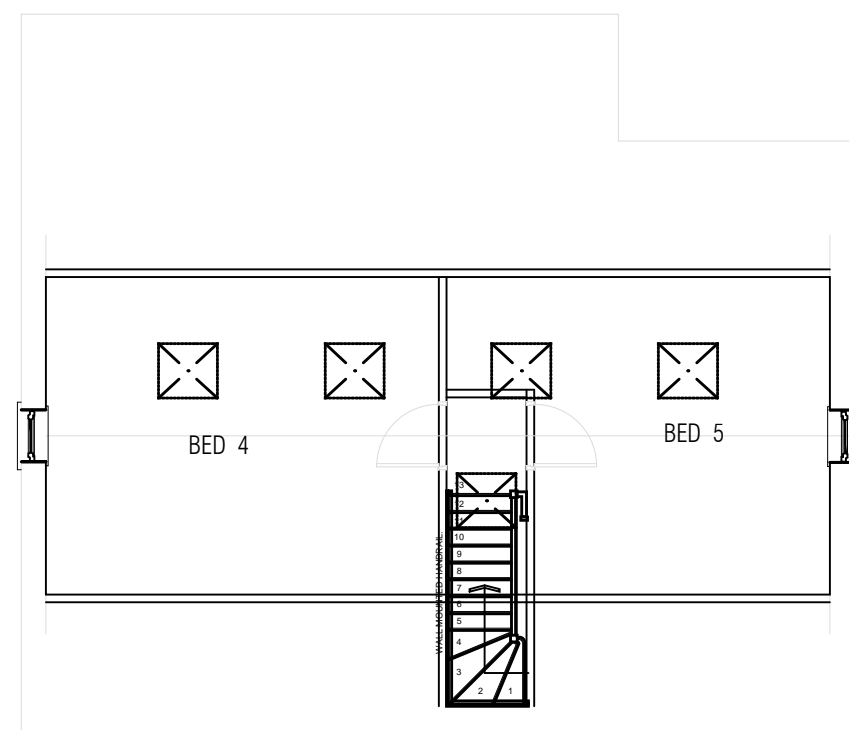
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

A 22.03.18 alts to suit planners email of 21.03.18

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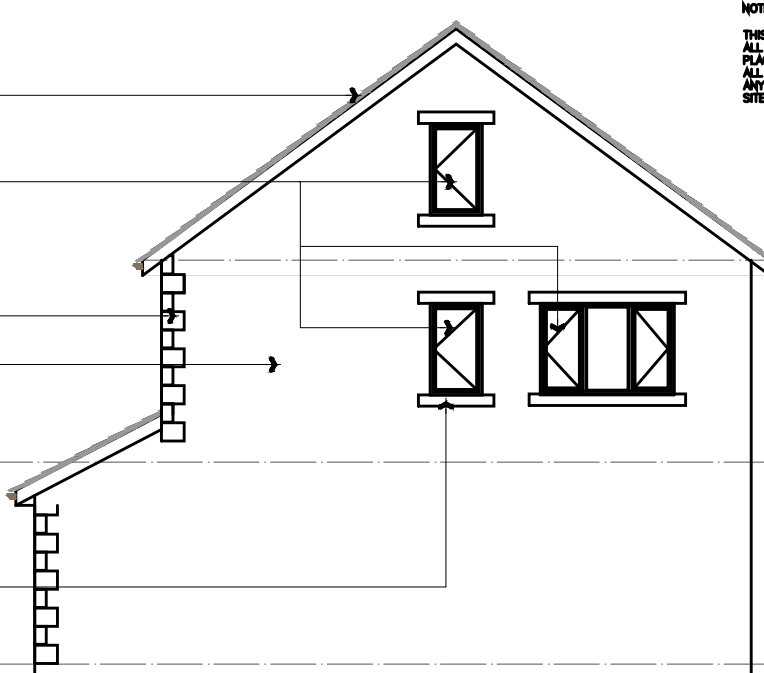
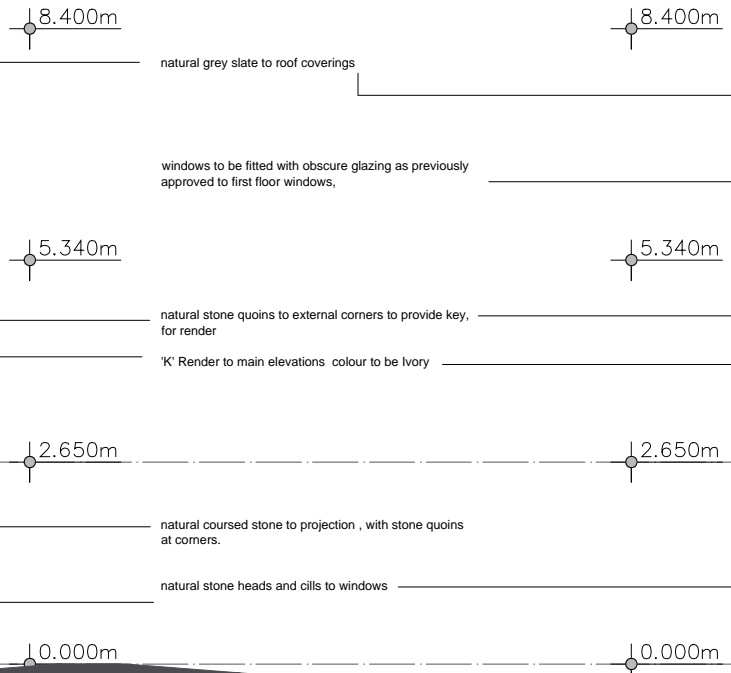
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Drawing Title
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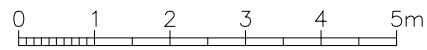


FRONT ELEVATION



SIDE ELEVATION

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- C 11.04.18 alts to extg approval for openers
- B 10.04.18 alts to suit planners email of 03.04.18
- A 22.03.18 alts to suit planners email of 21.03.18

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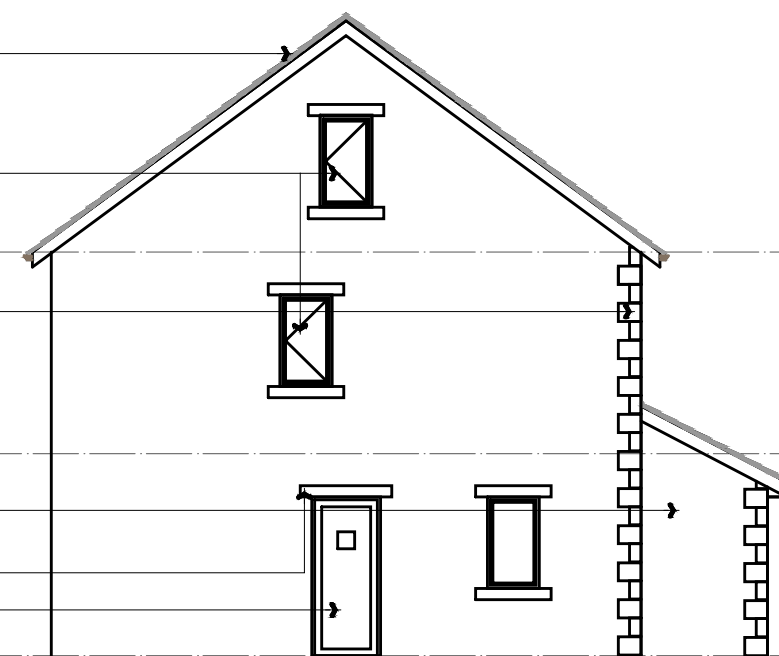
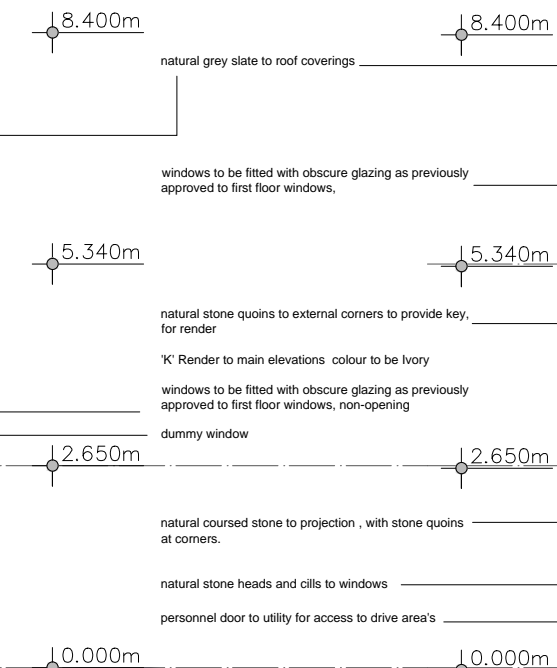
ERECTION OF 3No DETACHED DWELLINGS ON VACANT LAND TO THE REAR OF 27 HELMSHORE ROAD, HASLINGDEN

Drawing Title

PROPOSED ELEVATIONS
 (Plot 1 + 2)



REAR ELEVATION



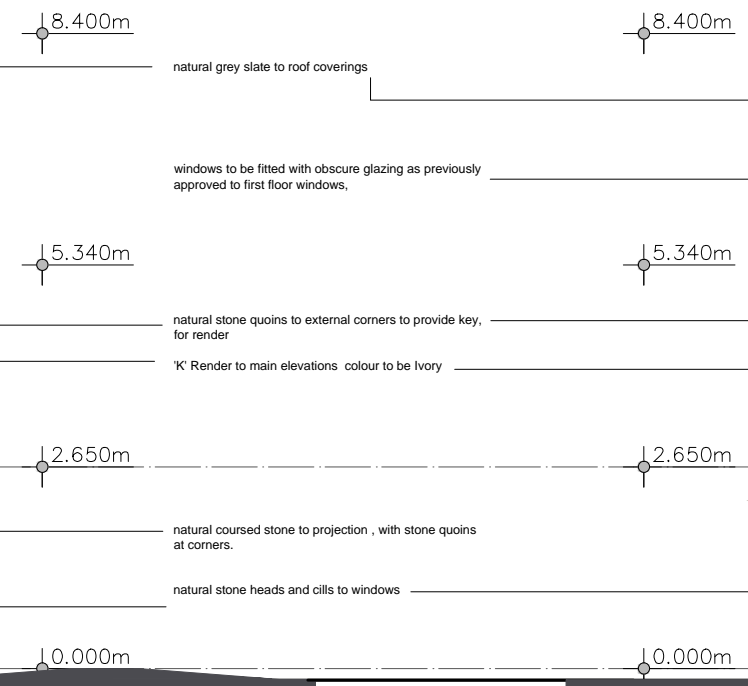
SIDE ELEVATION

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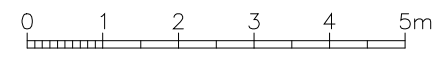


FRONT ELEVATION

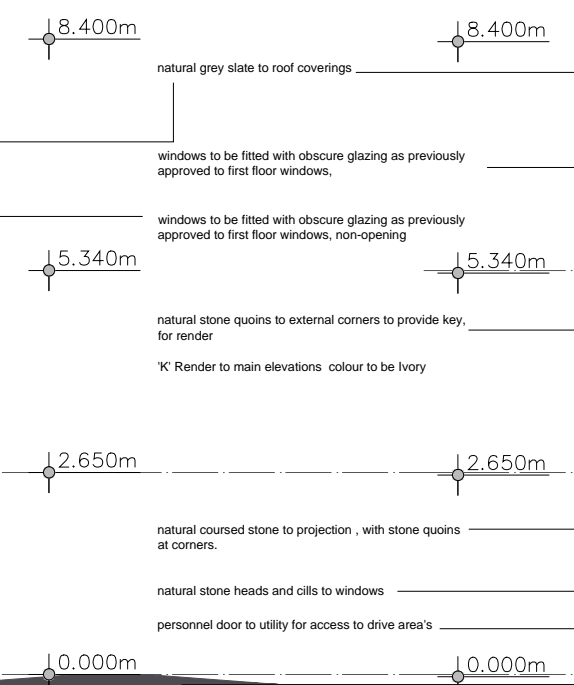


SIDE ELEVATION

- 8.400m natural grey slate to roof coverings
- 5.340m windows to be fitted with obscure glazing as previously approved to first floor windows,
- 2.650m natural stone quoins to external corners to provide key, for render
- 0.000m 'K' Render to main elevations colour to be Ivory
- 0.000m natural coursed stone to projection, with stone quoins at corners.
- 0.000m natural stone heads and cills to windows



REAR ELEVATION



SIDE ELEVATION

- 8.400m natural grey slate to roof coverings
- 5.340m windows to be fitted with obscure glazing as previously approved to first floor windows,
- 2.650m windows to be fitted with obscure glazing as previously approved to first floor windows, non-opening
- 0.000m natural stone quoins to external corners to provide key, for render
- 0.000m 'K' Render to main elevations colour to be Ivory
- 0.000m natural coursed stone to projection, with stone quoins at corners.
- 0.000m natural stone heads and cills to windows
- 0.000m personnel door to utility for access to drive area's

C 11.04.18 a/c to extg approval for openers
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 TO THE REAR OF 27
 HELMSHORE ROAD, HASLINGDEN

Drawing Title
 PROPOSED ELEVATIONS
 (Plot 3)

Job/Scheme Number	Drawing Number		
0517/93	Drawing No 2 IC		
Scale	Date	Drawn	Checked
1/100		a.t.l-h.	