

**TITLE: CHANGE OF HOUSE TYPE WITH ADDITIONAL CONSERVATORY
AT: 36 THORNFIELD AVENUE, WATERFOOT, ROSSENDALE.**

APPLICATION NO: 2006/193

TO/ON: DEVELOPMENT CONTROL COMMITTEE

BY: TEAM MANAGER DEVELOPMENT CONTROL

STATUS: FOR PUBLICATION

PORTFOLIO HOLDER: CABINET MEMBER FOR REGENERATION

APPLICANT: MR & MRS P HEYS

DETERMINATION EXPIRY DATE: 13TH JUNE 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 proposal site stands to the rear of terraces on Millar Barn Lane and semi detached houses on Thornfield Avenue itself. The site can be accessed on foot via a narrow lane which also leads to Gaghills Road. The site can also be accessed by vehicle from Yare Street. The applicant proposes to add a conservatory to the single detached bungalow which was granted planning permission in 2004. The proposal site is within the Urban Boundary.

Relevant Planning History

2003/140 Proposed residential bungalow (Refused)

2003/630 Outline erection of a bungalow, resubmission of application 2003/140 (Approved)

2004/147 Erection of a two – storey detached property accessed from Thornfield Avenue (Refused)

2004/671 Erection of 3 bedroom dormer bungalow (Approved)

Notification Responses

Site notices were posted in response to which 3 letters of objection have been received. The following issues were raised:

- The proposed development would exceed the existing building line making the overall structure too large for the plot of land
- The existing building being larger than first anticipated
- The developer breaching conditions imposed on the initial planning permission for the bungalow itself
- Loss of visual amenity/ view
- Loss of light
- Impact of the initial development
- Impact on Local amenity and the environment
- Future purchasing of land close to the development site and the possibility of further development
- Height of the fence
- Impacts of the development on highway and pedestrian safety regarding the access

Consultation Responses

Lancashire County Council Highways Department

No objection

Development Plan Policies

Policy DS.1 (Urban Boundary)

Policy DC.1 (Development Criteria)

Policy DC.4 (Materials)

Joint Lancashire Structure Plan

Policy 1 (General Policy)

Other Material Planning Considerations

PPS 1

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 major issue relating to this proposal is whether the development would have a detrimental impact upon existing neighbour amenity in the area. There was significant objection to the development on the grounds that the building would be too large if the development was granted permission. The neighbour objection relates not only to the development which is the subject of this application but to the development which has previously taken place on the site. Notwithstanding the scale of the current development or the impacts which it has had on neighbour amenity, it is not considered that the conservatory itself would have a significant impact upon existing conditions or look out of place within the locality subject to conditional control in accordance with Policy DC.1 of The Rossendale District Local Plan.

The resident of the adjacent property has raised issues of the height of the fence at 1.8 metres, however there is currently a fence at this height forming part of the boundary and it is proposed that this is continued to abut the entire length of the

extended site boundary. It is not considered that a fence of less than two metres would have significant or detrimental impact upon the amenity of this resident and would ordinarily fall under permitted development limits. The fence would meet the small unadopted road which runs to the North West of the site, however there were no objections from the highways department in respect of this and it is not considered that there would be any highway safety issues associated with this part of the development.

The access to the rear which serves a number of properties on Gagghills Road and the adjacent property of Hill Vue at its entrance is somewhat restricted in its sightlines onto Thornfield Avenue. However, whilst the comments of the residents are acknowledged it is also the case that the site is not accessed by vehicles at this point and therefore there would be no additional traffic or highway safety issues. The point of access to the site would remain to the side of number 36 Thornfield Avenue as approved in the previous application.

It is considered that the materials which are proposed for the development would be in keeping with the existing building and others within the locality and therefore would be in accordance with Policy DC.4 of The Rossendale District Local Plan.

The neighbour objections are acknowledged, however the scale and design of the development and its impact on the amenities of neighbours is not considered to be of an adverse nature such as to justify refusal. Therefore the proposal is in accordance with the criteria of Policy DC.1 of The Rossendale District Local Plan and Policy 1 of The Joint Lancashire Structure Plan.

Recommendation

That the application is approved subject to the following conditions:

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 materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings shall not be varied without the prior written permission of the Local Planning Authority. (Reason: To ensure the development is of satisfactory appearance.)

Development Plan Policies

Rossendale District Local Plan

DS. 1

DC.1

DC.4

Joint Lancashire Structure Plan

Policy 1

