

TITLE: ERECTION OF 1 NO. THREE BED DWELLING AT THE GARDEN AREA OF 285 EDGESIDE LANE, WATERFOOT

APPLICATION NO: 2006/230

TO/ON: DEVELOPMENT CONTROL COMMITTEE 27TH JUNE 2006

BY: TEAM MANAGER DEVELOPMENT CONTROL

STATUS: FOR PUBLICATION

PORTFOLIO HOLDER: CABINET MEMBER FOR REGENERATION

APPLICANT: MR C J LITTLER & MISS A M PINDER

DETERMINATION EXPIRY DATE: 28TH 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 applicant seeks approval for the erection of a three bedroom dwelling in the garden area of 285 Edgeside Lane. The site is located within the urban boundary.

Relevant Planning History

2005/487 – Out line application for the erection of one detached dwelling in the garden area of 285 Edgeside Lane, Waterfoot. REFUSED. APPEAL WITHDRAWN

2005/598 – Outline application for the erection of one detached dwelling in the garden area of 285 Edgeside Lane, Waterfoot. APPROVED.

Notification Responses

A press notice and a site notice were posted and a petition has been received containing 19 signatures and two letters of objection, which have raised the following points:

- One concern relating to the wording on the plans, 'marked outbuildings'. This area has always been a garden. If the applicants' are intending to build here, we would have concerns about the size and height of any structure.
- There is plenty of housing available within the area and there is no need for additional dwellings.
- The proposed development would spoil the view of the listed farmhouse and the valley
- Edgeside lane is a busy road with cars parked along the side of the road, that would be needed for access to the new dwelling. School children are often forced onto the road due to poor parking and the proposal would add to the problem. Any reduction in the availability of street parking would cause a considerable nuisance to the residents.
- The access would be at the brow of a hill on a bend. The residents of Edgeside Lane are campaigning for speedbumps to try and improve safety on this road. It would be dangerous to allow access at that point.
- A three storey building in this location would not be appropriate as it would tower over all the buildings to the rear of the property, resulting in a loss of privacy.
- The proposed balcony would have the same effect upon the properties to the side of the proposed dwelling
- The proposed dwelling would be clearly visible from the listed building and would impact adversely upon its setting.

Amended plan have been submitted and a re-consultation process is taking place. Any additional comments will be reported in the late items report.

Consultation Responses

County Highways

An amended plan detailing two car spaces per dwelling with a shared access and turning area indicated on the plan should be obtained for further consideration.

Further comments to be reported at the meeting.

Development Plan Policies

Rossendale District Local Plan

Policy DS1
Policy HP2
Policy DC1
Policy DC4

Joint Lancashire Structure Plan

Policy 1
Policy 2
Policy 12
Parking standards

Other Material Planning Considerations

PPS1

PPG3

PPG13

Housing Position Statement

Planning Issues

The main issues to consider when determining the application relate to the principle of the development, highway issues, housing supply, residential amenity and the impact upon the neighbouring listed building.

Principle of the Development

The location for the proposed development is in the majority, located within the urban boundary and therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan. The proposed development is located within the main development locations as identified within Policy 2 of the Joint Lancashire Structure Plan.

Highway Issues

The proposed development will not have an adverse impact upon the existing parking arrangements within the locality. Two off-road spaces have been allocated to the existing dwelling and the proposed dwelling, which is in accordance with the Council's adopted car parking standards. Further comments from the Highways authority will be reported at the meeting.

Residential Amenity

The proposed development has the potential to impact upon the amenity of the neighbouring residents. The proposed development will not impact adversely upon the amount of sunlight or daylight currently received by the properties. The proposed front elevation will be over 24 metres away from the nearest property on Edgeside Lane. The southern or left hand flank elevation may impact upon the adjacent dwelling in terms of loss of privacy. However, it is considered that this impact can be reduced to an acceptable level through the imposition of conditions. The rear elevation of the proposed dwelling may impact upon the potential for overlooking to the rear gardens of the neighbouring properties, due to the balcony at ground floor level. The distance from the proposed dwelling to the nearest rear curtilage is 14 metres, which is preferable to the distance between the existing dwelling and the same garden, which is 12 metres. The distance to the other neighbouring properties equates to 24 metres, which is considered acceptable. This coupled with the amended plans, which delete the balcony from the proposal, result in there being no significant adverse impact upon the amenity of the neighbouring residents. It is considered that the proposed development will not look out of place within the locality, subject to conditional control. Therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

Housing Supply

The proposed development will not contribute to the oversupply of housing within the borough. The proposed development will not lead to a net gain in the number of

dwellings by virtue of an existing valid outline consent for the erection of 1 dwelling (2005/598). Therefore, the proposed development is in accordance with Policy 12 of the Joint Lancashire Structure Plan and the Housing Position Statement.

Impact upon Listed Building

The proposed development site is in close proximity to a listed building. However the proposed dwelling would not have a significantly adverse impact upon the listed building, as it will be barely visible. As such, the proposed development is in accordance with Policy HP2 of the Rossendale District Local Plan.

Conclusion

The proposed development is located within the urban boundary and will not have a significantly adverse impact upon the amenity of the neighbouring residents,. The proposed development will not look out of place within the locality, subject to conditional control. The proposed development will not add to the oversupply of dwellings within the borough. Therefore, the proposed development is in accordance with Policies DS1, DC1, DC4 and HP2 of the Rossendale District Local Plan and Policies 1, 2 and 12 of the Joint Lancashire Structure Plan an the Housing Position Statement.

Recommendation

That planning permission should be granted, subject to the following conditions:

Conditions

1. The development hereby 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 2004 Act*

2. 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 nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.*

3. The proposed access, driveway and turning area shall be constructed in accordance with the approved plan and be available for use before the dwelling is first occupied. The parking and turning area shall thereafter be retained in perpetuity for the purpose of parking and turning.

REASON: *To ensure adequate off-street parking and turning to permit vehicles to leave the site in forward gear, in the interests of highway safety.*

4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) the garage shall not be used for any purpose which would preclude its use for the parking of a motor car.

REASON: *The retention of the parking space within the site is important in terms of amenity and highway safety.*

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.
REASON: *In the interests of residential amenity.*

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
REASON: *In the interests of visual amenity.*

7. The development shall not be commenced until full details, including representative samples, of the external materials of construction to be used on the roof and walls of the development have been submitted to and first approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with details approved.
REASON: *To ensure a satisfactory appearance to the development and to accord with Policy DC4 of the Rossendale District Local Plan*

8. All windows in the southern (LH flank) elevation of the proposed development shall not at any time be glazed other than with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved.
REASON: *To protect the residential amenities of adjoining property and to accord with Policy DC1 of the Rossendale District Local Plan.*

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any statutory instrument revoking or re-enacting that Order) no material change of elevation, change of use or alteration to form a habitable room of any integral or other garage constructed concurrently with or subsequent to the original dwelling house, which would otherwise be permitted by virtue of the provisions of Class A of Part 1 of Schedule 2 of the aforementioned Order, shall be carried out anywhere within the application site without the grant of formal express planning permission in that behalf by the local planning authority.
REASON: *In order to ensure that the existing standard of garage accommodation is not materially affected in terms of visual amenity and more particularly with a view to retaining the existing standard of car parking provision within the application site.*

Development Plan Policies

Local Plan Policies

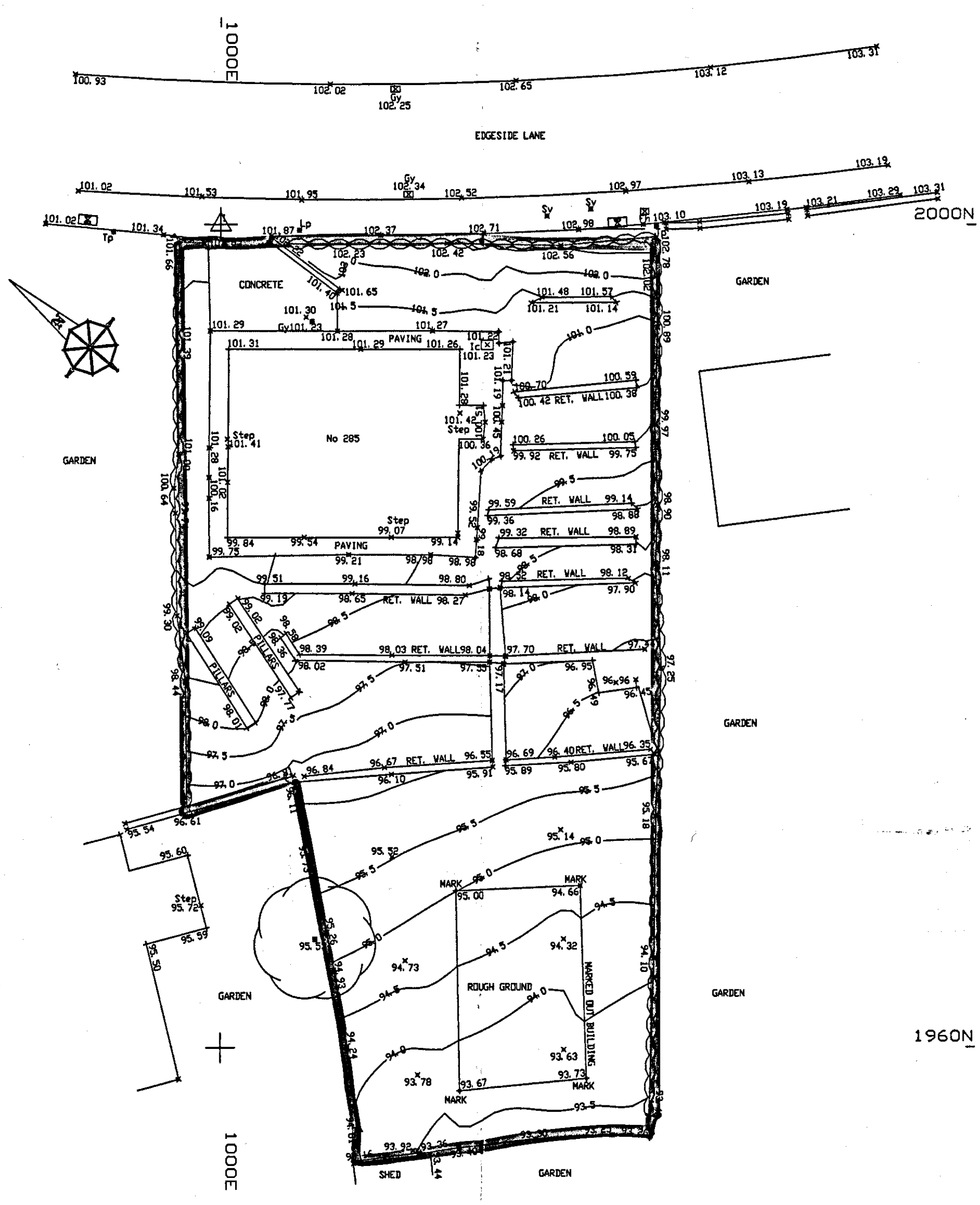
Policy DS1
Policy HP2
Policy DC1
Policy DC4

Structure Plan

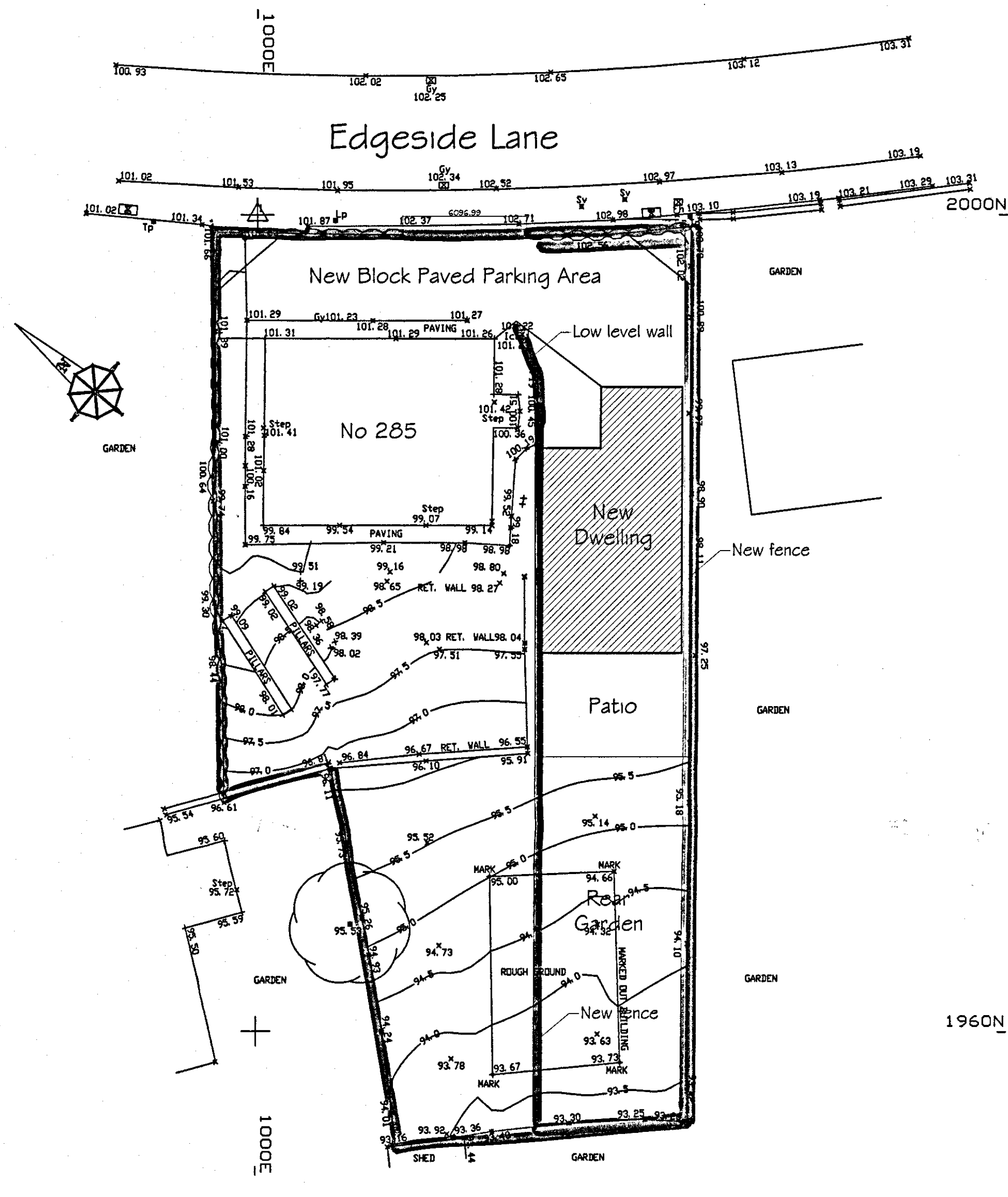
Policy 1
Policy 2
Policy 12

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Rev:	Description:	Date:	Drgn:
A	Additional Item	3 April 06	AGNH
B			
C			
D			
E			
F			
G			
H			



Existing Site Plan



Proposed Site Plan



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PROPOSED NEW DWELLING AT: 285 Edgeside Lane Waterfoot Rossendale BB4 9DU

ADS (UK) Limited
 Architectural Design Services (UK) Limited
 Architectural & Interior Design Consultants
 19 Wilton Court, Hemkirk Road, Emley, Surrey, CR8 5DL
 Tel: 01883 845217 Fax: 01883 845212 Mobile: 07831 743922
 email: arch@architecturaldesignservices.co.uk
 ARCHITECTURAL & PRESENTATION DRAWINGS FOR
 EXTENSIONS CONVERSIONS & NEW HOUSES

Client: **Mr & Mrs Littler**

Site Address:
 285 Edgeside Lane
 Waterfoot
 Rossendale
 BB4 9DU

Title:
 Proposed new dwelling
 2006/2
 EXISTING & PROPOSED SITE PLANS 03 MAY 2006

Job No:	Date:	Scale:
	10 January 2006	1:200
Designer:	Drg No:	
AGNH Design Director	601001-03	
Drgn:	Chk:	Revis:
AGNH	AH	A