

TITLE:	SINGLE STOREY SIDE EXTENSION AND FIRST FLOOR BEDROOM EXTENSION AT:21 SLAIDBURN AVENUE, RAWTENSTALL.
APPLICATION NO:	2006/272
TO/ON:	DEVELOPMENT CONTROL COMMITTEE
BY:	TEAM MANAGER DEVELOPMENT CONTROL
STATUS:	FOR PUBLICATION
PORTFOLIO HOLDER:	CABINET MEMBER FOR REGENERATION

APPLICANT: MR A SPENCER

DETERMINATION EXPIRY DATE:17TH JULY 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

It is proposed that an extension is added to the above property comprising of two elements, those being an extension at first floor level above what was previously the garage but which has been converted into a habitable room, and a first floor extension to create a downstairs bedroom, bathroom and lounge for an elderly relative. There is a current permission on the site for a similar, though reduced scale of development to that which is now proposed. The site stands within a housing estate where the density of properties is fairly high and lies within the defined urban boundary.

Relevant Planning History

2005/399 Erection of 2 storey extension to form ground floor granny flat & additional living accommodation (Refused)

2005/489 Erection of 1st floor extension over existing & ground floor extension to form granny flat (Refused)

2005/700 Single storey front extension and first floor extension (Refused)

2006/052 Single storey and first floor extension (Approved with conditions)

Notification Responses

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

- The proposed extension would affect daylighting / sunlighting to habitable rooms of 25 Slaidburn Avenue
- Loss of sunlight to 19 Slaidburn Avenue
- The proposed extension would contradict the 45° rule
- The setting of a precedent for other extensions on the estate
- Overbearing impact upon neighbouring properties due to the massing of the building
- Loss of privacy due to a window which was inserted in the side elevation of the garage conversion
- Loss of view
- Loss of visual amenity
- Overdevelopment of the site

Consultation Responses

Lancashire County Council Highways Department

No Objections

Development Plan Policies

Rossendale District Local Plan

Policy DS.1 (Urban Boundary)

Policy DC.1 (Development Criteria)

Policy DC.4 (Materials)

Joint Lancashire Structure Plan

Policy 1 (General Policy)

Policy 2 (Main Development Locations)

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 the criteria set out in Policy DS.1 of The Joint Lancashire Structure Plan and Policy 2 of the Joint Lancashire Structure Plan.

The site has a long history of planning applications however recently gained planning consent for a scheme considered to be more acceptable than those refused in the past which were refused on the grounds that the development would have a detrimental effect upon existing conditions in the area and would lead to a significant loss of neighbour amenity thereby being in disagreement with the provisions of Policy DC.1 of The Rossendale District Local Plan .

This application differs from that previously granted planning permission by the projection of the first floor by one additional metre to the east the impact of which on the amenities of the most directly affected neighbouring properties requires to be assessed.

It is considered that in relation to planning permission 2006/052 the applicant had amended the scheme from previously refused proposals to so as to mitigate the effects upon the neighbouring residents in terms of neighbour and visual amenity and the effects of overshadowing and overall impact. This application requires an enlargement to that which was considered to be acceptable by the Local Planning Authority. Any enlargement or further projection, particularly at first floor level, is considered would create unacceptable, negative and detrimental impacts on neighbouring residents and thus leading to the development being contrary to policy DC.1 of The Rossendale District Local Plan, Policy 1 of The Joint Lancashire Structure Plan and National Planning Policy Statement 1.

Whilst it is acknowledged that there are some special circumstances surrounding the applicant's case and requirement for additional accommodation this does not outweigh the impacts which the development would have and it is considered that the most favourable outcome was reached with regard to planning permission 2006/052.

Recommendation

That the application is refused for the following reason.

Reason

It is considered that by virtue of its size and location the development would have a detrimental effect upon existing conditions in the area and would lead to a significant loss of neighbour amenity contrary to the provisions of Policy DC.1 of The Rossendale District Local Plan.

Development Plan Policies

DS.1

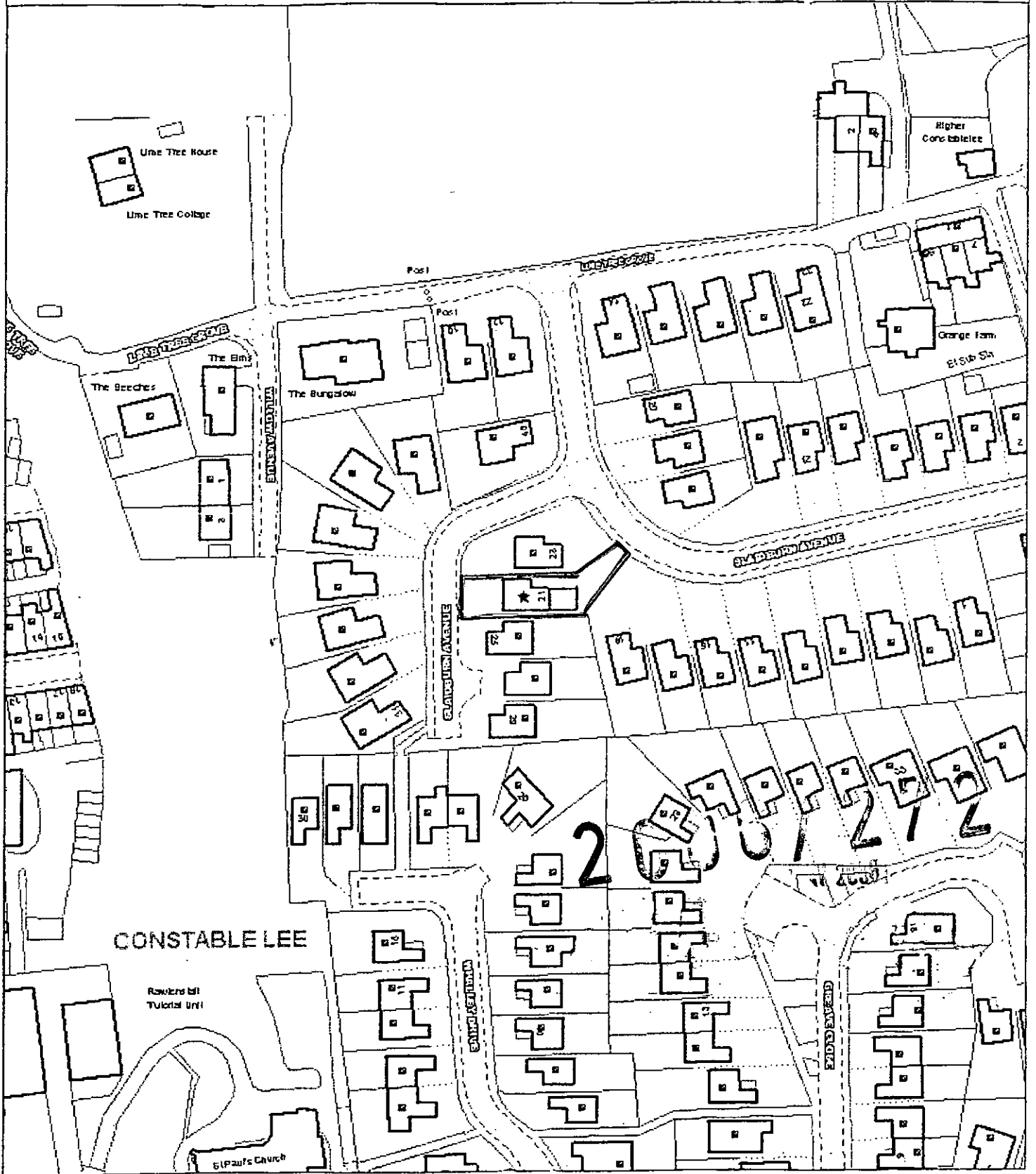
DC.1

DC.4

JLSP

Policy 1

21 Slaidburn Avenue, Rawtenstall



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Scale 1:1250.01 Date: 23/06/2005

Map Center: 381108.6138,423931.6346

Rossendale Borough Council