

Application Number:	2018/0493	Application Type:	Householder
Proposal:	Garage conversion to habitable room and rear orangery	Location:	21 Hillside Drive, Newchurch, Rossendale, Lancashire BB4 9DH
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	27/12/2018
Applicant:	Mr & Mrs Meeks	Determination Expiry Date:	Friday 18 th January 2019
Agent:	Mr Shams-UI Alam		

Contact Officer:	Storm Grimshaw	Telephone:	01706 252411
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	3+ 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

Approve the application subject to the conditions set out in this report.

APPLICATION DETAILS

2. SITE

The application site encompasses a detached two-storey dwelling of brick and tile construction located on Hillside Drive, a cul-de-sac of similar house types constructed from similar materials.

The front of the property has a driveway leading to what was an integral garage. Upon visiting the site, it was clear that works had begun on the garage conversion as the garage door had been removed and replaced by brickwork and a stone lintel serving a window opening.

To the rear of the property is an existing conservatory constructed from brick and glazing with a mono-pitch roof. The conservatory projects from the rear elevation of the property by 3m and extends across the rear of the house by approximately 4.9m

The rear garden is timber decking with a raised platform occupying an area to the north of the rear garden.

The site is located within the Urban Boundary.

3. RELEVANT PLANNING HISTORY

2018/0429 – Refused

Larger Home Extension: Erection of single storey rear extension extending beyond the rear wall of the original house by 3m, with a maximum height of 3.2m and an eaves height of 2.4m when measured from the natural ground level.

1990/240 – Approved

Two-storey garage and bedroom extension

4. PROPOSAL

The applicant seeks planning permission to convert the integral garage for extra living space and to replace the existing conservatory with a rear orangery.

The proposed rear orangery would extend from the rear elevation of the dwellinghouse by 4500mm and would extend across by 7904mm. As a result, the southern elevation of the proposed orangery would be set in from the building line of the existing dwellinghouse by 800mm.

The proposed orangery would be constructed from brick and upvc glazing to match the existing, with fenestration included on all elevations and separated by brick columns. French doors would also be included on the rear elevation of the proposed orangery.

The proposal would have a flat roof constructed from EPDM or fiberglass and would include three glazed lanterns.

The proposal outlined above has been amended following discussions between the case officer and the applicant's agent.

5. POLICY CONTEXT

RELEVANT PLANNING POLICIES

National

National Planning Policy Framework (2018)

Section 12 Achieving well-designed places

Development Plan

RBC Core Strategy DPD (2011)

AVP 3	Waterfoot, Lumb, Cowpe and Water
Policy 1	General Development Locations and Principles
Policy 23	Promoting High Quality Designed Spaces
Policy 24	Planning Application Requirements

6. CONSULTATION RESPONSES

LCC Highways	Objection, related to parking space dimensions
Cadent Gas	No objection, subject to informative

7. REPRESENTATIONS

To accord with the General Development Procedure Order, 7 neighbours were notified by letter on the 5th October 2018 and a site notice was posted on the 22nd October 2018.

6 objections were received stating the following:

- General dislike of the proposal
- Increase danger of flooding
- Affect local ecology
- Proposed building operations through open space to the rear
- Loss of parking space as a result of garage conversion
- Increase in on-street parking
- Size of the rear orangery
- Poor design of the rear orangery
- Rear Orangery is not in keeping with the host dwelling
- Proposed materials do not complement the existing dwelling
- Detract from the visual amenity of neighbouring properties
- Loss of garden space
- Loss of daylight and sunlight
- Loss of outlook
- Loss of privacy

It should be noted that representations made in relation to the development outlined in the application can only be considered and any comments submitted with regards to building operations are not valid planning considerations.

8. REPORT

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; and 4) Access, Parking and Highway Safety

Principle

The site is located within the Urban Boundary where most new development is directed to by Policy 1 of the Core Strategy. Accordingly the proposal is acceptable in principle.

Visual Amenity

Although the proposal relating to 21 Hillside Drive would be a substantial addition to the existing dwellinghouse and would be larger than the existing extension, the rear garden is suitably large enough to ensure enough private garden space is retained. Furthermore, following discussions between the applicant's agent and the Case Officer, the current dimensions of the proposed rear orangery have been reduced from that originally proposed.

The proposed rear orangery is of suitable design and reflects the existing dwellinghouse through the use of matching materials. Although the flat roof design of the proposed orangery would not be reflective of the existing dwellinghouse, the design is contemporary and the addition of three glazed roof lanterns would be of good design.

It should be noted that the proposed orangery would be located to the rear of the property and therefore the impact on the street-scene and neighbouring properties would be minimal.

The conversion of the integral garage to living space would be constructed from materials that match the existing dwelling.

In light of the above, it is considered that the development is compliant with the SPD and Policies 1, 23 and 24 of the Core Strategy with regards to visual amenity.

Neighbour Amenity

Objections submitted regarding the proposed scheme which qualify as material considerations include loss of privacy, outlook and daylight/sunlight, and the increased danger of flooding. Comments relating to the design of the proposed scheme, its visual impact and the loss of garden space have been covered under visual amenity above.

The case officer has discussed the issues raised with the applicant's agent and the relevant issues have been addressed.

The proposed orangery has been reduced in size and as a result, when assessed against the 45 degree rule, the proposal would not have a significant impact on the loss of daylight/sunlight on the neighbouring property, 20 Hillside Drive. Furthermore, the southern elevation of the proposed orangery, the elevation closest to 20 Hillside Drive, would also be set in from the building line of the existing dwellinghouse by 800mm. Therefore, the potential impact of overshadowing and the loss of outlook has also been reduced.

It should also be noted that the screening which forms the party boundary between 21 and 20 Hillside Drive is considerable and would mitigate the impact of the proposed extension and the potential for overlooking. After visiting the application site, the Case Officer was aware that a fence panel belonging to the party boundary was absent. The applicant has agreed to repair the existing fencing in order to satisfy the loss of privacy associated with 20 Hillside Drive.

It is not considered that the proposed scheme would significantly increase the danger of flooding to neighbouring properties.

Therefore, the proposed development does not significantly harm the outlook, privacy or reduce the amount of daylight and sunlight enjoyed by the neighbouring residents and is compliant with the SPD and Policies 23 and 24 of the Core Strategy with regards to neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority had objected to the proposed scheme, as the dwelling is a four bedroom property and should, in accordance with Rossendale's Parking Standards, have three car parking spaces.

The conversion of the integral garage to living space results in the loss of one off-street car parking space at the property, however, the planning agent has submitted amended plans with three off-street car parking spaces, with at least two spaces in line with the Highway Authorities recommending dimensions of 2.4m wide x 5.5m long. Furthermore, in accordance with the Highway Authorities recommendation, a covered cycle store has been included at the property for up to four cycles in order to promote sustainable transport.

Therefore, the scheme is considered acceptable in terms of access / parking.

9. SUMMARY REASON FOR APPROVAL

The proposed development is considered acceptable in principle and would not unduly detract from visual amenity, neighbour amenity or highway safety subject to the use of planning conditions. It is therefore considered that the development is in accordance with the National Planning Policy Framework, the SPD and Policies AVP3, 1, 23 and 24 of the adopted Core Strategy DPD.

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following:

- Planning application forms signed and dated 26/09/2018
- The submitted plans:
 - Location and Block Plan drawing number HILL-LO2-P-01A received 03 January 2019
 - Proposed Drawings drawing number HILL-P20-P-03E received 03 January 2019

Reason: To define the permission and in the interests of the proper development of the site.

3. No materials shall be used on the external elevations or roof of the proposed development other than those referred to on the approved plans / supporting documentation.

Reason: In the interests of visual amenity of the area in general and the existing building in particular, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

11. 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_adopted

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 not 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.

2. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land.

The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588