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| Application Number: | 2019/0035 | Application Type: | Full |
| Proposal: | Householder: Erection of two-storey side extension | Location: | 1 Fern Street Waterfoot Rossendale Lancashire BB4 9BL |
| Report of: | Planning Unit Manager | Status: | For publication |
| Report to: | Development Control Committee | Report Written: | 22 nd May 2019 |
| Applicant: | Mr Grant Kempson 37 Parkwood Drive Waterfoot Rossendale BB4 6RP | Determination Expiry Date: | 19 th June 2019 |
| Agent: | N/A | | |

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| 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): | Applicant is related to a Councillor |

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

That the Committee refuse planning permission for the reasons set out in Section 9.

2. **SITE**

This application relates to a semi-detached two storey property located in a prominent position on the corner of Fern Street, Pleasant View and Park View, and as such it is on a 'corner plot'. The property is constructed from stone, brick and render, slates tiles and has uPVC windows and doors. The driveway is to the front of the property off Fern Street and there are gardens to the side and rear which are at a lower elevation than the property due to the changing land levels. The site slopes downwards from the east to the west towards Pleasant View.

Semi-detached properties associated with Fern Street are of similar age and design/facing materials. Traditional stone terraced properties are located along Pleasant View and to the rear along Park View.

The site is located in Waterfoot, within land designated as the Urban Boundary.

3. **RELEVANT PLANNING HISTORY**

2005/0381 – Two storey side extension (approved but not implemented, and therefore lapsed).

4. **PROPOSAL**

The applicant seeks permission for the erection of a two storey side extension as per planning permission (Planning reference 2005/0381) which was approved but not built. As amended the extension would be set back by 0.5m from the main front elevation and the ridge line of the extension would be set 0.5m below the ridge line of the existing house. Materials including stone, brick and render, slate tiles and uPVC windows and doors would match existing. Windows are proposed to the front and rear elevations.

Amendment: The ridge height of the proposed extension has been reduced by 0.5m. The front elevation of the proposed extension has also been set back from the main front elevation of the property by 0.5m.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2018)

Section 4 Decision-making

Section 12 Achieving well-designed places

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 3 Strategy for Waterfoot, Cowpe, Lumb and Water

Policy 1 General Development Locations and Principles

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

Other material considerations

Alterations and Extensions to Residential Properties SPD

6. CONSULTATION RESPONSES

LCC Highways

No objection to the scheme subject to conditions.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order 8 notification letters were sent to neighbouring properties on 21/02/2019 and reconsultation letters on amended plans were sent on 30/04/2019. A site notice was also posted on 20/02/2019.

One letter of objection has been received raising the following points:

- May be a substantial loss of natural daylight at 1 Park View.

One neutral letter has been received raising the following points:

- That any new extraction units on the extension are placed away from the walls which are directly next to the neighbouring property 3 Fern Street; and
- The rendering is completed on the gable wall of the current kitchen extension on the boundary line with the neighbouring property 3 Fern Street.

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Relevant Planning History; & 5) Access.

Principle

The proposed development is within the designated Urban Boundary, and as such there is no objection to the development in principle.

Visual Amenity

Policy 24 of the Core Strategy DPD requires new development to be compatible with its surroundings to ensure that the visual amenity of existing development is not impaired: new development should most importantly be of an appropriate scale, density and style.

The Alterations and Extensions to Residential Properties SPD states that a domestic extension should complement the original building through the use of matching materials and by reflecting the design, massing, bulk, detail, proportion, scale and style of the original building so as to not dominate it. The SPD (section 3.5) provides specific guidance on two storey side extensions, stating that applications for such extensions that produce a terracing effect will not be permitted. In this case a terracing effect will not occur as the host dwelling is located on a corner plot.

The SPD goes on to state that two storey extensions on corner plots “...*should be set back to respect the street scene and should have suitable boundary treatments. They will normally be required to occupy no more than half of the available width of the side area, or to leave a minimum of 2m from highway to the side wall of the proposed extension.*”

The development would extend 4m beyond the original side wall and in doing so would almost double the width of the property (the original dwelling is 5m in width). The extension has a length of 7m, which is 0.5m less than the length of the original dwelling. The property is located on a prominent corner plot and the proposed ground floor of the extension would be raised approximately 1m above the adjacent Pleasant View Road and properties on this road as shown in Photograph 1 below.



Photograph 1: Elevated position of property and location of proposed extension

The extension has been assessed against Section 3.5 of the SPD:

- The extension is set back 0.5m from the front elevation (the SPD does not state a minimum amount)
- No boundary treatment details have been provided
- There is a distance of 6.6m from the side of the original dwelling to the property boundary, and the extension is 4m in width. As such the extension occupies more than half of the available width of the side area. However, the extension will leave a gap of 2.6m to the boundary and highway.

In light of the above findings, officers conclude that the extension does comply with the requirements of Section 3.5 as the extension is set back from the front elevation and leaves a gap of 2.6m from the side to the highway. Whilst no details of boundary treatment have been provided, this could be secured by planning condition.

Notwithstanding the above, the ground level for the proposed extension is around 1.5m higher than the street level on Pleasant View. By reason of its scale and massing and height above ground level, Officers consider that it will have a detrimental impact on the visual amenities of the street scene, particularly when viewed from Pleasant View which is a narrow residential street.

The extension is proposed to be constructed using materials to match those on the existing dwelling (render and coursed stone with a slate roof) and as such the materials are considered appropriate.

In light of the above considerations, the scheme would fail to comply with Policies 23 and 24 of the Core Strategy, the SPD and The Framework.

Neighbour Amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. Policy 24 of the Core Strategy and the SPD states that new development should protect the amenity of residents ensuring that each resident has an acceptable level of privacy and satisfactory level of daylight. Important factors such as overlooking and overshadowing will be taken into consideration.

Section 2.1 of the SPD states *“separation distances between dwellings is an important consideration to maintain adequate privacy distances and at the same time avoid overbearing relationships and undue loss of light and outlook.”*

The SPD goes on to state that the Council will seek to ensure that extensions *“Maintain a minimum distance of 13m between a principal window to a habitable room in one property and a two storey blank wall of a neighbouring property”* and *“Maintain a minimum distance of 20m between habitable room windows in properties that are directly facing each other.”* The SPD explains that standards need to take into account any significant change in levels or new accommodation to be provided at a higher storey and in this regard there should be an extra 3 metres of separation for each 2.5m or one storey of height difference.



Photograph 2: Properties along Pleasant View

There is a distance of 16m from the side elevation of the existing dwelling and the front elevation of properties on Pleasant View (as shown in photograph 2). There are no windows in the side elevation of the proposed extension and therefore it would not adversely affect levels of privacy in these properties. However, the separation distance between the extension and the adjacent properties would be reduced from 16m to approximately 12m which falls short of the 13m standard in the Council’s SPD for minimum distances between a principal window to a habitable room in one property and a two storey blank wall of a neighbouring property. There is approximately 1-1.5m level difference between the ground floor level of the application site and the ground level of Pleasant View and as such, the SPD requires the separation distance to increase by approximately 1.5m.

This means that the distance between the proposed extension and the dwellings on Pleasant View should be 14.5m, whereas the application would provide only 12m, resulting in a total shortfall of 2.5m.

The dwellings on Pleasant View are 'back to back' with windows only on the front elevation, facing the application site. As these windows are the only source of natural daylight, it is considered that the proposed extension at a distance of only 12m away and at a higher level, would cause an unacceptable impact on the amenities of the occupiers of the dwelling (no.10) by reason of undue loss of light and outlook. Officers attach significant weight to this harm in the determination of the application.



Photograph 3: Facing properties to the rear along Park View

3 Park View is located to the rear of the application property, and 1 Park View is located at the end of the row and opposite the location of the proposed extension (as shown in photograph 3). 1 Park View currently enjoys an open aspect with windows looking on to the side garden of the application property. The proposed extension would be located directly opposite 1 Park View, at a distance of 16m away, and with a bedroom window located on the rear elevation at first floor level. The SPD states that there should be 20m minimum distance between first floor windows serving habitable rooms in order to provide reasonable levels of privacy.

With a shortfall of 4m Officers consider that the extension would enable overlooking to the existing windows at 1 Park View, resulting in an unacceptable loss of privacy for its occupiers. 1 Park View is a 'back to back' property meaning that all bedroom windows will be affected. Officers attach significant weight to the harm caused to the neighbours by way of loss of privacy.

Officers have considered whether the development could be made acceptable with the use of obscure glass to the rear facing bedroom window. The bedroom is proposed to have only one window, and if this were to be obscure glazed it would not allow a reasonable outlook from it, which would be detrimental to the amenity of its occupier.

Accordingly the proposal has been found to contravene the SPD and Policies 23 and 24 of the Core Strategy in relation to neighbour amenity.

Relevant Planning History

It should be noted that planning permission was granted for a two storey side extension in 2005, however that permission was never built. The justification for the recommendation of refusal on this occasion is that the proposal in 2005, pre-dated the advice contained within the Council's Adopted Supplementary Planning Document (SPD) which provides guidance on residential alterations and extensions. The current proposal has to be assessed against the provisions of the SPD and is considered to be contrary to the guidance within it.

Access / Highway Safety

The parking standards which are set out in Appendix One of the Core Strategy DPD, requires a property with 4+ bedrooms to make provision for 3 off-street parking spaces.

The provision of three spaces is considered acceptable in terms of highway safety, as confirmed by LCC Highways, subject to the extension of the driveway to allow a width of 8m and the construction of a dropped kerb.

9. REASONS FOR REFUSAL

1. The proposed development would have an overbearing impact on neighbouring properties and cause undue loss of light, privacy and outlook due to inadequate separation distances between the extension and properties on Park View and Pleasant View. The proposed development would cause harm to the amenity of the occupiers of these properties, thereby failing to comply with the National Planning Policy Framework, Policies 1, 23 and 24 of the Council's Core Strategy Development Plan Document and the Council's Alterations and Extensions to Residential Properties Supplementary Planning Document.
2. Owing to the site levels and its size, the proposed development would represent a disproportionate addition to the host dwelling and would appear unduly large, bulky and overly prominent in its exposed position in the street scene, thereby failing to comply with the National Planning Policy Framework, Policies 1, 23 and 24 of the Council's Core Strategy Development Plan Document and the Council's Alterations and Extensions to Residential Properties Supplementary Planning Document.

10. RECOMMENDATION

That the application be refused.

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. In this case it has not been possible to resolve the issues as set out in this refusal notice. The applicant was informed of this during the course of the application.