

Application Number:	2012/410	Application Type:	Outline
Proposal:	Erection of Bungalow	Location:	Land at John Henry Street, Shawforth
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18 September 2012
Applicant:	Mr & Mrs C Lythgoe	Determination Expiry Date:	2 October 2012
Agent:	Mr J Taylor		

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REASON FOR REPORTING	Tick Box
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	x
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

That the application be approved for the reasons set out in Section 10 of the Report

2. SITE

The application relates to a broadly rectangular plot of land to the south east of Market Street, Shawforth. The site is accessed from Market Street via a narrow un-adopted road known as Greenfield Street. The site is between residential properties fronting John Henry Street to the south east and residential properties on Market Street to the north west.

The site slopes downwards from John Henry Street towards the rear of the properties on Market Street. Properties on John Henry Street have frontages facing the site and are raised above the level of the site by approximately 2.2m and are separated from the site by 9.8m. Properties on Market Street are 3.7m below the level of the site and separated from the proposed property footprint by 12.4m and the site boundary by approximately 7m.

The site is within the Urban Boundary of Shawforth as designated within Policy 1 of the adopted Core Strategy DPD illustrated on the Proposals Map.

3. RELEVANT PLANNING HISTORY

2002/349 Outline residential development inc means of access

Refused for the following reasons :

1. By virtue of the close proximity of terraces to the north west and south east of the application site, the proposed development of housing would give rise to issues of loss of privacy and overlooking to both the existing dwellings and the proposed
2. By virtue of reason 1, above the proposal is considered contrary to the provisions of Policy DC.1 of the adopted Rossendale District Local Plan which states, inter alia, the planning permission will be considered on the basis of sunlight, daylighting, and privacy provided

2003/489 Outline residential development inc means of access

Refused for the following reasons;

1. By virtue of the close proximity of terraces to the north west and south east of the application site, the proposed development would have a materially overbearing and enclosing impact on neighbouring properties to the detriment of residential amenity
2. By virtue of reason 1 above, the proposal is considered contrary to the provisions of Policy DC.1 of adopted Rossendale District Local Plan which states, inter alia, that development proposals should not "be detrimental to existing conditions in the surrounding area"

2004/335 Outline for erection of bungalow to rear of 84/86 Market Street

DC Committee Refusal contrary to Officer recommendation for the following reasons :

1. By virtue of the close proximity of terraces to the north west and south east of the application site, the proposed development would have a materially overbearing and enclosing impact on neighbouring properties to the detriment of residential amenity
3. By virtue of reason 1 above, the proposal is considered contrary to the provisions of Policy DC.1 of adopted Rossendale District Local Plan which states, inter alia, that development proposals should not be detrimental to existing conditions in the surrounding area
2. The proposed development would lead to an unacceptable cumulative use of an unadopted road to the detriment of residential amenity and highway safety. To this extent the proposed development does not accord with Policy DC1 of the Rossendale District Local Plan

The refusal was appealed and the appeal dismissed as the Inspector considered the proposals would have an overbearing impact on properties along Market Street due to the height and proximity of the fence on this boundary as well as the building itself.

The Inspector also felt that the proposal would have an unacceptable harmful effect on highway safety.

2011/0432 Erection of Bungalow (Outline)

The application sought outline permission to erect a single storey dwelling, including at this stage details of the means of access and layout.

The submitted Site Layout Plan showed the bungalow would be located approximately 6m from the north eastern boundary. It would be located 1m from the edge of the site boundary to the south east and 14.5m from the south west boundary of the site. The dwelling would be L-shaped and the projection from the north western elevation would be 5m from the site boundary to the rear of Market Street.

The parking area, shown to be to the south west of the bungalow, would have been rectangular in shape measuring 4.5m wide and 10.5m in length. There would have been a passing point measuring 3.5m wide and 11.5m in length to the south west on Greenfield Lane. There would have been a private amenity space to the north east and north west of the property.

The matters of Appearance, Scale and Landscaping had been reserved for later consideration. However, Indicative Drawing showed elevations and cross-sections. With respect to facing materials, the Design & Access Statement indicates that the intention was to construct the property in stone, with a slate roof. It also stated that the proposed dwelling would have a floor area of 135 sq m and be 3.34m high to the ridge and an intensive landscaping scheme would be carried out to help protect amenities of neighbours.

This application was Refused by Officers for the following reasons :

1. The proposed access and parking arrangement will detract to an unacceptable extent from highway safety. Most particularly the Highway Authority considers the intended access point will not provide adequate intervisibility for the drivers of vehicles exiting the drive and travelling southbound on John Henry Street and insufficient off-street parking is proposed to avoid hazard and obstruction on the highway.
2. The outdoor amenity space of the proposed dwelling will allow unacceptable overlooking of neighbouring residential properties on Market Street in the absence of boundary treatment to preclude it. However, the applicant has not demonstrated how such overlooking will be adequately addressed without resulting in unacceptable loss of light/outlook and overbearing for neighbours. the scheme will adequately address these conflicting concerns. Accordingly, it has not been adequately demonstrated that the proposal maintains the amenities residential neighbours could reasonably expect to enjoy.

4. THE PROPOSAL

The applicant seeks outline permission to erect a single storey dwelling - this is a re-submission of Application 2011/0432 which attempts to address the reasons for its refusal.

It is again proposed that the property be constructed in stone with a slate roof and have a floor area of 135 sq m and be 3.34m high to the ridge. The amendments include:

- At outline stage details of access, layout, appearance and scale have been submitted. Only details of landscaping have been reserved for later consideration
- The driveway would be increased to 8m wide and 10.5m in length.
- The outdoor amenity space has a sunken patio area with canopy atop a wall near to the boundary with properties on Market Street. Other soft-landscaped areas of garden elevated above neighbouring properties are shown as rockery and with thorny shrubs.

In support of the revised scheme the Agent has described how the private amenity space has been designed to ensure there is not an unacceptable impact upon neighbours. It states that as a result of these changes, it will not be possible for persons in the sunken garden to overlook the windows in the rear of the Market Street properties, nor will the residents of those properties suffer any detrimental change to their aspect. The landscaping is designed in such a way as to prevent occupiers using the areas with the exception of the sunken garden along the north western boundary of the site.

5. POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (2012)

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 11 Conserving and Enhancing the Natural Environment

Development Plan

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles

Policy RDF1 Spatial Priorities

Policy L4 Regional Housing Provision

Policy RT2 Managing Travel Demand

Policy RT4 Management of the Highway Network

Policy EM1 Environmental Assets

Policy EM5 Integrated Water Management

Rossendale Core Strategy DPD (2011)

AVP1 Whitworth, Facit and Shawforth

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

Policy 3 Distribution of Additional Housing

Policy 4 Affordable and Supported Housing

Policy 8 Transport

Policy 9 Accessibility

Policy 17 Rossendale's Green Infrastructure

Policy 18 Biodiversity, Geodiversity and Landscape Conservation

Policy 23 Promoting High Quality Designed Spaces

Policy 24 Planning Application Requirements

Other Material Planning Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

6. CONSULTATION RESPONSES

RBC Environmental Health

There are no observations in relation to noise/dust/fume/contaminated land on this application. However, should this application be approved, then times of construction working would have to be controlled as the site is surrounded by residential properties.

LCC (Highways)

No Objection

LCC parking standards for a two bedroom property such as the one proposed is for two off street parking spaces and these have been provided.

I have concerns over the location of the driveway as vehicles exiting it would not be able to see if anything is travelling southbound along John Henry Street, however vehicle speeds are low and it is unlikely that a collision will occur as a result.

In addition the retaining wall to the east of the site should be sufficient to support the unadopted highway above the site. If the applicant has any concerns about the design of the wall then they should contact Lancashire County Council Bridges Team for advice.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 17/8/12 and 24 neighbours were consulted by letter on the 16/8/12.

Three letters of objection have been received. The concerns expressed are summarised below:

- Does not consider anything has changed to address the reasons for refusal of the last application or the appeal (APP/B2355/A/04/1164566)
- Impact on privacy of the sunken patio and the window in the kitchen/dining area. This window is not shown in the elevation drawings
- Site levels are not shown so the sunken patio has no tangible meaning
- The area designated as 'thorny shrubs', 'seating area' etc are entirely conjecture. The occupiers could use the land for whatever they wanted to. This could cause issues with overlooking.

A petition was submitted with 18 names and addresses. Reasons for this objection include privacy, access, daylight/sunlight, access and layout of the proposed property.

Two neighbours attached a letter which they had submitted as objection to the previous planning application 2011/0432 with the following concerns:

- Asbestos in existing as well as now demolished sheds/outbuildings on the site. Concern that as a result the site is contaminated
- The development may impact on drainage and result in flooding of neighbouring properties.
- Concerns as to how the proposals would impact access to their properties
- The site has been refused for a house previously
- There are juvenile/adolescent trees on the site that are omitted from the application forms
- Pressures on the retaining walls of properties on Market Street as a result of the construction and final development
- Lack of parking and impact this could have on road network
- Potential loss of light to properties on Market Street.

- Loss of privacy from direct overlooking
- The design and characteristics of a bungalow dwelling would not fit in with the surrounding properties

8. ASSESSMENT

The main considerations of the application are: 1) Principle; 2) Housing Policy; 3) Layout; and 4) Access/Parking.

Principle

The proposed development will be within the Urban Boundary and, as such, is acceptable in principle.

Housing Policy

The proposal is in accordance with Policy 2 and Policy 3 of the adopted Core Strategy, which encourage development on previously developed sites in Rossendale and for new housing in Whitworth.

Layout/Appearance/Scale

As with the previous scheme I am satisfied that the layout/scale of the building will ensure that it is not so close/at a level to have an unduly detrimental impact for neighbours by reason of loss of light/outlook or overbearing. The submitted drawing shows elevations of the building that would also avoid undue loss of privacy from proposed windows and would be acceptable in terms of appearance.

Previously the garden area would allow unacceptable overlooking of neighbouring residential properties on Market Street in the absence of boundary treatment to preclude it but its provision would result in unacceptable loss of light/outlook and overbearing for neighbours. The Agent has now demonstrated how the scheme will adequately address these conflicting concerns. The sunken patio, as well as the wall and canopy structure, is at a level that will prevent direct views into neighbouring properties at the same time not unduly harming outlook of these properties. The other outdoor amenity spaces would be landscaped so they would be accessed only for maintenance. Landscaping has been reserved for later consideration.

Access/Parking

The Highway Authority has not raised objection to the scheme. It has expressed concern relating to visibility when exiting the driveway of the proposed property, although it acknowledges that low vehicle speeds mean it is unlikely a collision would occur. The parking provision is now considered acceptable, after being amended from the previous scheme (2011/0432).

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

9. SUMMARY REASONS FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to the conditions, it is considered that it will not result in unacceptable detriment to visual & neighbour amenity or highway safety, having regard to the NPPF (2012), Policies RDF1/L4/RT2/RT4/EM1 of the Regional Spatial Strategy for the NW of England (2008) and Policies 1 / 8 / 9 / 16 / 17 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

10. RECOMMENDATION

That the application be permitted subject to the following conditions.

CONDITIONS

1. No development shall be started until full details of the landscaping (hereinafter called the 'reserved matters') has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of:
 - a) The treatment of and proposed planting to the outdoor amenity spaces and parking areas, including type, size, colour and texture of materials to be used
 - b) The height, design materials of boundary treatment to the site

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the Reserved Matters shall be made not later than the expiration of 3 years of the date of this decision and the development must be begun not later than the expiration of 2 years from the final approval of the reserved matters.
Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

3. The development shall be carried out in accordance with the drawings date stamped 14/08/2012 unless otherwise required to comply with the conditions below or first agreed in writing by the Local Planning Authority.

Reason: To ensure the development complies with the approved plans and avoids undue harm to visual or neighbour amenity, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).

4. The development hereby approved shall not be occupied until the proposed parking spaces shown on hereby approved site plan have been laid out in accordance with the approved plan and shall thereafter be retained as such.

Reason: In order to ensure the satisfactory layout of parking provision at the site, in accordance with Policies 8 & 24 of the Rossendale Borough Council Core Strategy Development Plan Document.

5. Prior to commencement samples of the facing materials to be used to construct the dwelling hereby permitted, and any associated retaining walls/structures, shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall be used.

Reason: To ensure the development avoids undue harm to visual or neighbour amenity, in accordance with Policy 24 of the RBC Core Strategy DPD (2011).

6. 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 ensure the development avoids undue harm to neighbour amenity, in accordance with Policy 24 of the Council's Core Strategy DPD (2011).