

<b>Application Number:</b>	2014/0014	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of 1- storey side extension	<b>Location:</b>	5 Chapel Terrace, Irwell Vale
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	25 March 2014
<b>Applicant:</b>	Ms V Weston	<b>Determination Expiry Date:</b>	12 March 2014
<b>Agent:</b>	Mr G Dearden		

<b>Contact Officer:</b>	Neil Birtles	<b>Telephone:</b>	01706-238645
<b>Email:</b>	planning@rossendalebc.gov.uk		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>YES</b>
<b>Other (please state):</b>	

## 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 Permission be granted subject to the Conditions set out in Section 10.

## 2. SITE

The application relates to an end house in a terrace within Irwell Vale Conservation Area. This house is visible at distance from Aitken Street and the adjacent open space to the other side of the river but is, to a degree, screened from closer-quarters by the terrace 1-7 Hardsough Fold.

It is a two storey dwelling, with a slate roof, front elevation of coursed-stone and gable & rear elevation of pebble-dash. It has a side garden extending towards the river of approximately 12m in width, a timber shed and trees on the bank-top going some way

towards screening the side garden and white-painted house gable from public view the other side of the river.

The application site lies within the Urban Boundary of Irwell Vale.

### 3. **RELEVANT PLANNING HISTORY**

2010/543 Two storey side extension to house - 7 Hardsough Fold, Irwell Vale  
Approved 6/12/10 - Not implemented / now time-expired

The resulting extension would have projected from the side elevation by 3.2m and have a length of 8.6m, with eaves and ridge height slightly lower than the existing house. It would have been constructed in matching natural stone and slate, window/door openings to have stone heads and cills.

It was to be set back from the front and rear elevation of the house by 0.3m and, combined with the lower roof, meant a band of pebble-dash on the existing gable would have remained.

2013/488 Erection of 1- storey side extension - 5 Chapel Terrace, Irwell Vale  
Refused 7/1/14

The resulting extension would have projected from the side elevation by 4.75m and have a length of 8.5m, with set back from the front and rear elevation of the house by 0.8m. It would have been constructed in matching natural stone and slate, with an eaves height of 2.4m & ridge height of 4.5m, with 'bi-folding' doors over a 5.5m opening facing the river and with no windows in its front and rear elevations.

The proposed extension would have more than doubled the width of the house and, having regard to the 'bi-folding' doors over the 5.5m opening facing the river and lack of windows in its front and rear elevations, was not considered to be of a size or design sympathetic to the character and appearance of the Conservation Area. It was not considered that it would unduly affect the amenities of neighbours or be at unacceptable flood risk.

### 4. **PROPOSAL**

The applicant again seeks permission for a 1-storey side-extension, to provide a 'summer room'. However, the extension now proposed differs from that previously refused most particularly by :

- a) Reduction in its outward projection, but increase in height; &
- b) Incorporation of a window in both the front and rear elevation of a size/form reflecting existing windows.

The proposed extension will project from the gable by 3.75m and be set back from the front and rear elevation of the house by 0.8m. It is to be constructed with walls of coursed natural stone to match the front elevation of the house and with a pitched roof of 3m in eaves height & 5.1m in ridge height, covered with natural slates. That elevation facing the river will have 'bi-folding' doors over a 5.5m opening and a standard sized window in its other two faces.

The Design and Access Statement accompanying the application confirms that the extension will now stand more than 8m from bank top/outside the easement of the Environment Agency.

## 5. **POLICY CONTEXT**

### **National Planning Policy Framework (2012)**

Section 6 Delivering a wide choice of High Quality Homes

Section 7 Requiring Good Design

Section 10 Meeting the challenges of Climate Change, etc

Section 12 Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

AVP5 South West

Policy 1 General Development Locations and Principles

Policy 8 Transport

Policy 16 Preserving and Enhancing the Built Environment

Policy 19 Climate Change, etc

Policy 24 Planning Application Requirements

### **Other Material Planning Policy Considerations**

RBC Irwell Vale Conservation Area Character Appraisal

RBC Alterations & Extensions to Residential Properties SPD

## 6. **CONSULTATION RESPONSES**

### **LCC (Highways)**

No objection

Chapel Terrace is not adopted highway.

This proposal will not see any great change to the current arrangements - as there will be not change to bedroom provision at the property required parking levels remain as currently.

Chapel Terrace is a narrow road and the bridge that provides the only access to the site has a weight limit on it. These considerations should be noted in planning any works so as not to cause disruption to others.

### **Environment Agency**

With respect to Application 2010/543 it advises that this is a high-risk Flood Zone. However, it has no objection in principle to the extension, but recommends that the internal floor level of the extension is no lower than that of the dwelling and incorporates measures to mitigate flood risk/harm.

## 7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a press notice was published on 17/2/14, a site notice was posted on 17/2/14 and neighbours were notified by letter on 24/1/14.

Objections have been received from three local residents :

### **3 Chapel Terrace**

The proposed extension to 5 Chapel Terrace would significantly change the appearance of the former methodist chapel from which 1,3 & 5 Chapel Terrace were constructed.

The property is in the Irwell Vale conservation area, the extension's appearance is not in keeping with this.

There is no vehicular access to the property.

#### 5 Hardsough Fold

This proposed development is being built on one of the previous access roads around Chapel Terrace and Hardsough Fold.

This resident contests access rights on the roads and this building would sit on a road that would be part of this access dispute.

#### 7 Hardsough Fold

The rear and side of our property is within close proximity and overlooked by chapel terrace, which already reduces the amount of natural light that our property receives.

For most of the year the sun rarely rises over the apex of the roof of number 5 Chapel Terrace. If the proposed extension is constructed this will have a detrimental and adverse effect to the amount of natural light that will enter our property.

The new proposal shows a decrease in the width of the extension but now show a height increase of the structure by 630mm to the top of the apex roof and an increase in height of 555mm to the yard elevation of the proposed structure. If this proposed extension is granted we will lose the natural light that we currently receive and enjoy at the rear and side of our property.

The set of bi-folding doors in the side of the proposed extension and the new windows at the rear of the proposed extension will overlook our property, particularly our kitchen and garden which currently enjoys a secluded view.

The property is in a conservation area and Chapel Terrace can still be identified as the original Methodist church due to the sympathetic conversion into 3 terraced properties that are now numbers 1 to 5. This is a historical and important building which is a landmark for any visitor to the village either by foot, bicycle or by rail as it is mentioned in many of the local tourism guides. The proposed extension is not in keeping with the existing buildings and would have a significant negative impact on their appearance.

The design of the proposed extension is not in keeping with the surrounding properties as when viewed from the front and rear it will look like a large "garage" style structure and not in keeping with conservation area guidelines.

The existing car parking space on the flagged hard standing is accessed via the passage way at the rear of Chapel Terrace and Hardsough Fold. We understand that a vehicular right of way does not exist and that landowners have expressed their concerns relating to Mrs Weston's access to this hard standing. This would have an effect on any construction traffic required to build the proposed extension.

We would like to query the access to the drainage system which we believe may be located beneath the proposed extension site.

We question the effect that the Landscaping and construction on the land may have on a potential flood and the effect on the surrounding properties that this may have as a result of such an event.

## 8. **ASSESSMENT**

The main issues to consider are :

1) Principle; 2) Visual Amenity/Heritage; 3) Neighbour Amenity; 4) Flood Risk; & 5) Access/Parking.

### Principle

The application site is located within the defined Urban Boundary and, as such, the proposed development is acceptable in principle.

### Visual Amenity/Heritage Interest

S.72 (1) of the T&CP (Listed Buildings & Conservation Areas) Act 1990, states that *“in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of the [Act], special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

As a result of the amendments made to the outward projection/design of the extension proposed in Application 2013/488 it is considered appropriate to recommend approval to the current scheme.

The resulting extension will not be unduly prominent or intrusive. With the outward projection now proposed - together with the setback of 0.8m from the front & rear elevations and ridge-height lower than the eaves height of the house - I am satisfied that it will appear subservient to the original dwelling . The proposed facing materials - natural coursed stone and slate - are appropriate. The incorporation of windows in the front and rear elevations of similar proportions and design to those within the existing property is of benefit. The 'bi-folding' doors in the elevation facing the river is somewhat at odds with the design and proportion of other windows and doors within the house. However, the extension will be setback from the river and a timber shed and trees on the bank-top will go some way towards screening it from public view from Aitken Street and the other side of the river. Indeed, the raised decking at 7 Hardsough Fold is not a sympathetic feature in these views and will remain the prominent 'intrusion'.

As such, the proposed extension will have a neutral impact on the character or appearance of the Conservation Area.

### Neighbour Amenity

Notwithstanding the objections received from neighbours, I do not consider that the proposed extension will unduly affect outlook/light/privacy of any neighbouring properties.

Concern has been expressed to the effect that the proposed extension would unduly affect the level of light currently received by neighbouring properties. The only property that is likely to be affected by this development is 7 Hardsough Fold, which stands directly opposite the application site. However, given the proposed position of the extension in relation to windows within that property it is considered that it will not affect the level of light that they receive to the extent that a refusal of this application could reasonably be justified.

The window now to be provided in the east side of the proposed extension to address 'design' concerns faces towards the side garden of 7 Hardsough Fold. However, it is at a

level and at a distance from the party-boundary that unacceptable overlooking of the neighbours side garden should not result, subject to suitable boundary fencing.

#### Flood Risk

Having regard to advise the Environment Agency gave in respect of Application 2010/543 a Condition is proposed in relation to the internal floor level to be no lower than that of the dwelling and a Note for Applicant to incorporate measures to mitigate flood risk/harm in accordance with DCLG publication 'Improving the Performance of New Buildings'.

#### Access/Parking

The Highway Authority has no objection to the proposal as sufficient off-street parking would be maintained.

#### Other Issues

The objectors have raised a number of other matters. However :

- (a) Concerns relating to land ownership and rights of access are 'private' matters and not grounds to refuse planning permission.
- (b) Concerns relating to building over a drain or sewer are addressed through the Building Regulations and not grounds to refuse planning permission.

### **9. SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate in principle within the Urban Boundary of Irwell Vale and, subject to the conditions, will not unduly affect the character and appearance of its Conservation Area, neighbour amenity, flood risk or highway safety. It is considered that the proposed development is in accordance with Sections 6 / 7 / 10 / 11 of the National Planning Policy Framework (2012), Policies AVP5 / 1 / 8 / 16 / 19 / 24 of the Rossendale Core Strategy DPD (2011), and the Council's approved Alterations & Extensions to Residential Properties SPD (2008).

### **10. RECOMMENDATION**

That Permission be granted subject to the Conditions below.

#### **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 amended Drawings No vw-02A, unless otherwise required to comply with the conditions below or first agreed in writing by the Local Planning Authority.  
Reason: For the avoidance of doubt.
3. The materials to be used in the construction of the external walls and roof of the extension hereby permitted shall match in coursing, size, colour, form and texture the front elevation of the existing house, and the window-frames in the front & rear elevation of the extension shall be of matching materials, design and recess into

openings as the window-frames in the front elevation of the existing house, and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1, 16 & 24 of the Council's adopted Core Strategy.

4. The extension hereby permitted shall have a floor level no lower than that of the existing house.

Reason: To reduce the risk of flooding, in accordance with the advice of the Environment Agency and Policies 1, 19 & 24 of the Council's adopted Core Strategy.

5. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority providing details of the fencing/ planting to be retained/provided on the northern and eastern boundaries of the site. Any new fencing forming part of the approved scheme shall be provided prior to first use of the extension and any new planting shall be provided in the first planting season thereafter. Any plants removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity, in accordance with Policies 1 & 24 of the Council's adopted Core Strategy.

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 safeguard the amenities of neighbours, in accordance with Policies 1 & 24 of the Council's adopted Core Strategy.