

Application Number:	2013/0593	Application Type:	Full
Proposal:	Construction of Detached Dwelling	Location:	Land to rear of 16 Dalesford, Haslingden
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	25 March 2014
Applicant:	Mr N Sheikh	Determination Expiry Date:	27 March 2014
Agent:	Hartley Planning & Development Associates		

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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	YES
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 Committee Approve planning permission for the reasons set out in Section 10.

2. SITE

The applicant resides in a large detached split-level dwelling situated to the west side of Dalesford, a residential cul-de-sac comprising of dwellings of varying designs/ridge heights.

The applicant's property fronts to Dalesford and is constructed of natural stone with white-rendered elements, under a pitched tile roof. Though appearing 1-storey as viewed from the front, the land to the rear falls away steeply. As a result of the slope on the site the 2-storey building to the rear has a ridge-height which is no higher than that of the 1-storey building to the front.

To the north side of the house there are 4 large conifers within the applicant's side-garden, behind which the land falls away steeply to the applicant's extensive rear garden. Immediately to the rear of the applicant's house there is a patio area, a rockery then stepping down to a relatively level grassed area, beyond which the garden then slopes steeply down again. The rear garden is bounded by mature trees and planting, including large mature conifers, except for a 6m wide gap midway along its northern boundary, where there is a view through to the neighbouring garden.

At No.14 is a detached 2-storey brick dwelling. Immediately behind No 14 is 10 Dalesford, another house, which is located at a lower level. No 14 and No 10 both have windows facing towards the applicant's property, in the case of the former the conifers in the side-garden limiting the outlook/providing privacy for the neighbour. From the rear corner of the house at No.14 runs along the northern boundary past No.10 a mature hedge. There are no immediate neighbouring properties to the north and west sides of the rear garden, however from the garden area the house at No.10 can be seen, but not the houses to the south of it.

The application relates to the side and rear garden of the applicant's property. The site lies within the Urban Boundary of Haslingden.

3. **RELEVANT PLANNING HISTORY**

2011/0111 Construction of Detached Dwelling
Recommended for Approval by Officer, subsequently refused by Members at DC Committee in July 2011 for the following reason:

"By reason of its siting/size/design the proposed dwelling, and its access, will detract to an unacceptable extent from the amenities neighbours could reasonably expect to enjoy. Furthermore, the proposed access is of a form/gradient likely to result in on-street parking to the detriment of highway safety and inconvenience of other road users. The proposal is therefore considered to be contrary to PPS1/PPS3/PPG13, Policies RT2/RT4/EM1 of the Regional Spatial Strategy and Policy DC1 of the Rossendale District Local Plan."

4. **PROPOSAL**

Planning permission is now sought for a detached house within the rear garden of No.16 Dalesford, again to be accessed from its northern side.

The house will be smaller than that previously submitted and refused and the proposed access has been moved further away from the neighbouring property.

Figure 1: As Previously Refused

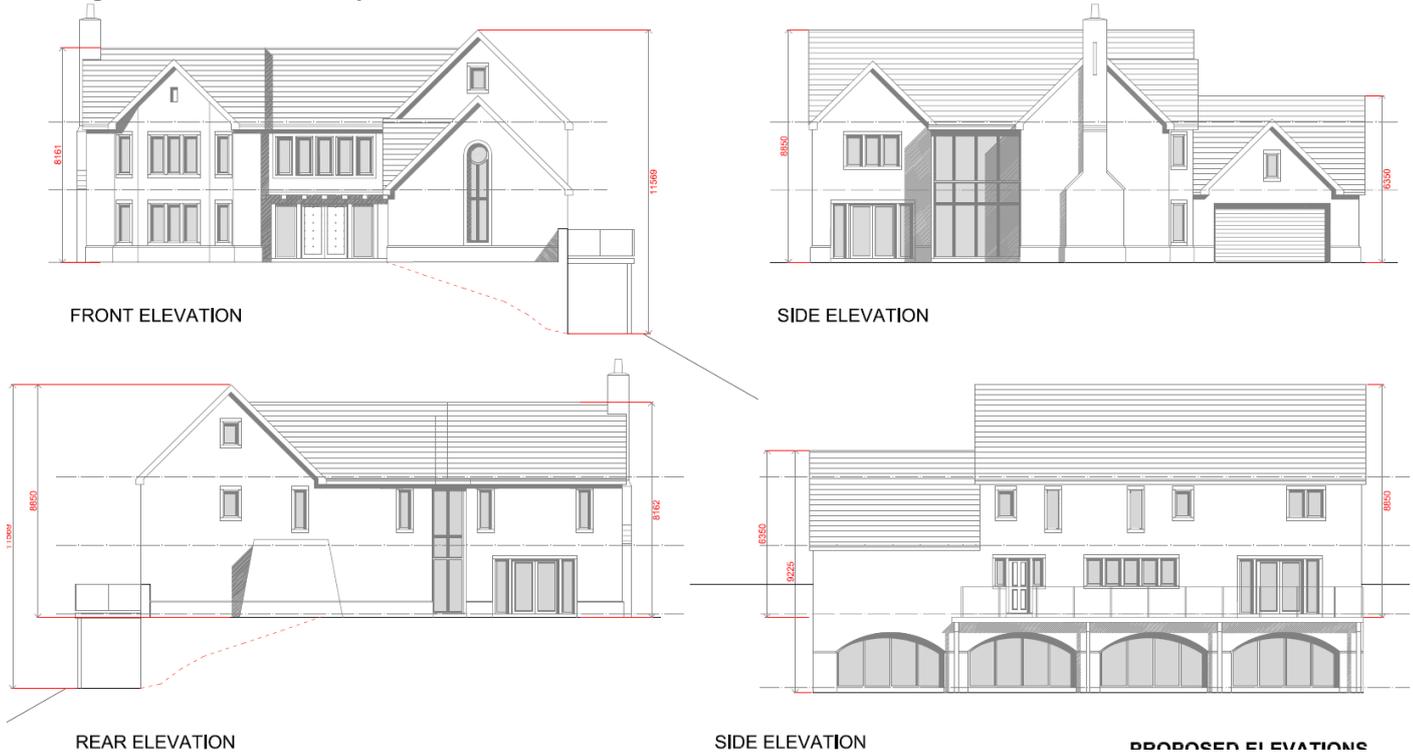
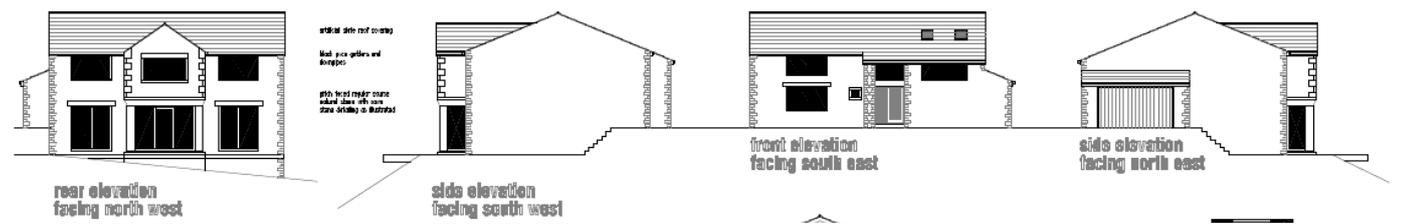


Figure 2: As Now Proposed



5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- 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 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 6 Haslingden
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable & Supported Housing
- Policy 8 Transport

Policy 9	Accessibility
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

6. **CONSULTATION RESPONSES**

RBC (Environmental Health)

Require a condition to control hours of construction.

LCC (Highways)

I do not have a highway objection to the proposal as it currently stands, providing the requested condition is attached to any grant of planning permission.

The proposed driveway is steep and this might lead to parking on Dalesford during severe winter weather. However this is no different to a number of other sites in Rossendale and Dalesford is a quiet cul-de-sac that is likely to have low vehicle movements and speeds so the impact is likely to be minimal.

The proposed work includes sufficient parking to meet the levels required under the Joint Lancashire Structure Plan for a development of this scale and there is sufficient room to enable vehicles to enter and leave the site in forward gear.

United Utilities

In accordance with the National Planning Policy Framework and Building Regulations, the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way.

To reduce the volume of surface water draining from the site we would promote the use of permeable paving on all driveways and other hard-standing areas including footpaths and parking areas.

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a site notice was posted on 21/02/2014 and letters were sent to neighbours on 31/01/2014.

Seven neighbours have objected to the scheme, including Cllr Gladys Sandiford who lives at No.18 Dalesford.

The main points from those objecting to the scheme are summarised below:

- Overlooking to No.4 Whitecroft Close – the development will require the removal of the trees to the boundaries
- Potential for landslip and instability problems for adjoining properties
- Increased surface water drainage problems
- The integrity of the drains in the area should be investigated because they have given rise to much concern over the years.
- Difficulty in construction vehicles accessing the site
- Disturbance to wildlife

- Loss of privacy to No.22 and inappropriate parking and turning area resulting in car headlights shining into habitable rooms
- There has been a massive sewer failure in the area some five years ago. The risk of damage to the complicated sewerage network is considerable.
- Steepness of driveway resulting in cars parking on Dalesford

8. **ASSESSMENT**

The main considerations of the application are:

1) Principle; 2) Housing Policy; 3) Visual Amenity; 4) Neighbour Amenity; 5) Access/Parking

Principle

The site is sustainably located within the Urban Boundary of Haslingden. Accordingly there is no objection in principle to residential development in this location.

The development would take up part of the garden of a property which since a change in the government's approach no longer classes gardens as brownfield. However, it is left for individual local authorities to determine whether the development of garden land remains appropriate. In this respect, regard should be had to the balance between allowing for residential development in suitable locations which is encouraged and safeguarding the character of established residential areas from over-intensive and inappropriate new development as referenced in policy 2 of the adopted Core Strategy. In light of the revisions made to the proposals which reduce the scale of the development proposed and the implications of these changes as referenced in the sections below, officers are content that the proposal would not unduly harm the established character of the area and is not inappropriate development.

Visual Amenity

The house has been reduced in size quite significantly from the previous scheme. I am satisfied that it is a size and height, and that such is the extent of screening that would be afforded to it, that the house would not cause harm to the character and appearance of the area.

The proposed access would be similar to that previously submitted. I am satisfied that it would not be detrimental to the character and appearance of the area providing that a condition is imposed requiring further details as the proposed heights of the road and retaining walls along its full length, including the provision of additional landscaping where necessary.

Neighbour Amenity

The proposed house would be set back further within the plot than the previous, and be smaller in size. I am satisfied that separation distances and screening is such that there would not be a significant impact on the privacy of neighbours. The proposed raised parking and turning area would be sited closer to No.10 Dalesford than previous, however, subject to suitable boundary treatments I do not consider that there would be a significant issue regarding light from the vehicles shining into windows, nor do I consider that this would be a significant issue for No.22.

Access / Parking

There has been no objection from the Highway Authority. Adequate access, parking and turning would be provided. Accordingly I cannot see that a refusal for highway safety reasons could be substantiated.

Drainage

Drainage issues can be satisfactorily controlled via condition. There is a public sewer that runs diagonally from the rear north western corner of No.16. The proposed access road and turning area would cross this in part. However, I do not consider a solution could not be found that would ensure works do not cause harm to it, or that if necessary it should be diverted.

Land Stability

Concerns have been expressed by neighbours and having regard to the site and the extensive works that would be required during construction I do consider it necessary for further details to be provided to ensure that any potential risks are identified and addressed.

9. RECOMMENDATION

That the application be approved.

SUMMARY REASON FOR APPROVAL

The proposed scheme is considered acceptable in principle and subject to conditions would not result in unacceptable detriment to visual and neighbour amenity or highway safety, having regard to the NPPF and Policies 1, 2, 3, 4, 18, 19, 23 and 24 of the Council's adopted Core Strategy DPD.

CONDITIONS

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

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

2) The development shall be carried out in accordance with proposed plans and drawings by Rae Connell Associates date stamped 30 January 2014 by the Local Planning Authority, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development complies with the approved plans and for the avoidance of doubt.

3) Prior to commencement of development samples of all external materials to be used in the elevations of the development and the retaining walls hereby permitted shall be submitted to the Local Planning Authority for their prior approval in writing. The development shall be constructed in accordance with materials approved and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to accord with Policies 1 and 24 of the Council's Core Strategy DPD 2011.

4) 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 works shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties, in accordance with to accord with Policies 1 and 24 of the Council's Core Strategy DPD 2011.

5) Prior to the commencement of development on site, a landscaping scheme, including details of all boundary treatments and full cross sections of the proposed access parking and turning areas, and measures to protect existing trees and hedges on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved

scheme for protection of trees/hedges during construction shall be adhered to. The fencing/walls/hardstanding shall be implemented prior to first occupation of the development; and the approved planting scheme shall be implemented in the first planting season following first occupation of the development; any materials, trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within five years of planting shall be replaced by trees or shrubs of a similar size or species to those originally required to be planted unless the Local Planning Authority has otherwise agreed in writing.

Reason: In the interests of visual amenity and in accordance with to accord with Policies 1 and 24 of the Council's Core Strategy DPD 2011.

6) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order amending or revoking and re-enacting that Order) no extensions, alterations or outbuildings shall be carried within the terms of Classes A, B and E of Part 1 of Schedule 2 without the prior consent of the Local Planning Authority.

Reason: In the interests of visual and neighbour amenity and to accord with Policies 1 and 24 of the Council's Core Strategy DPD 2011.

7) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans and shall not be varied unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To reduce the increased risk of flooding, in accordance with Policy DC1 of the Rossendale District Local Plan.

8) No development shall take place until an investigation of the site has been undertaken to ascertain whether the site is affected by slope instability. The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The brief shall include the Local Planning Authority's stipulations as to the methodology of the investigation and the points at which and the depth of which any survey of the site is to be taken. The results of the investigation shall be provided to and approved in writing by the Local Planning Authority and shall include a scheme for any necessary remedial measures and drainage provision. The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive. No development shall take place until the Local Planning Authority has approved a scheme for remedial measures. The approved remedial measures shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is first brought into use.

Reason: To ensure the area is fully stabilised and to ensure the successful development of the site, in accordance with to accord with Policies 1 and 24 of the Council's Core Strategy DPD 2011.