

Application Number:	2022/0394	Application Type:	Householder
Proposal:	Householder: Two storey rear extension (retrospective)	Location:	272 Helmshore Road, Haslingden. Rossendale. BB4 4DJ.
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	06/12/22
Applicant:	Mr Paul Hurrudge	Determination Expiry Date:	26/10/22 EoT until 13/12/22
Agent:	Mr Steven Hartley		

Contact Officer:	Ian Lunn
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	Yes Councillor Granville Morris has asked that this application be reported to the Planning Committee for consideration. His reason for so doing 'relates to the design of the upper floor and the appearance of the materials of the timber cladding which are inappropriate. In comparison to the properties adjoining this property which are painted render.'
3 or more objections received	Yes
Other (please state):	No

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 proposal be refused.

2. SITE

272 Helmshore Road is an end-terraced house constructed of a combination of regular coursed natural stone and buff rendered stonework, for the external walls, under a natural stone slate roof. It is located approximately 20 metres south west of the junction of Helmshore Road and Dean Road in an area of predominantly residential development.

3. RELEVANT PLANNING HISTORY

A two storey flat roofed dining room/bedroom extension has been added to the rear (south eastern) facing elevation of the property but without the necessary planning permission. An application seeking retrospective approval for this was refused on 10th December 2021 on visual and neighbour amenity grounds (see 2021/0534). An Enforcement Notice was issued on the same day requiring the extension to be removed and the land on which it stands suitably restored.

A combined appeal against the planning refusal and the enforcement notice was subsequently lodged on 30th December 2021 and a decision on this was given on 24th May 2022. The Inspector dismissed the planning appeal and upheld the Enforcement Notice although, in the latter case, they extended the period for complying with the notice from six to eight months. This means that the unauthorised extension will currently need to be removed by 24th January 2023.

4. PROPOSAL

The existing extension is constructed of natural stone at ground floor level, is vertically timber clad at first floor level and has a flat roof. This application seeks approval to retain the structure but with the following amendments to its design:-

- a) the replacement of the timber cladding at first floor level with a matching stone coloured render, and
- b) the introduction of a matching natural stone slate pitched roof.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2021)

Section 12 Achieving well-designed places

Section 15 Conserving and enhancing the natural environment

Development Plan Policies

Rossendale Local Plan

Policy SD1: Presumption in Favour of Sustainable Development

Policy SD2: Urban Boundary and Green Belt

Policy ENV1: High Quality Development in the Borough

Policy HS9 House Extensions

Policy TR4: Parking

Other Material Planning Considerations

National Design Guide

National Planning Practice Guidance

RBC Alterations & Extensions to Residential Properties SPD (2008)

6. **CONSULTATION RESPONSES**

Consultee	Summary of Comments received
LCC Highways	No objections subject to a condition requiring the associated parking area to be surfaced using a bound porous material to prevent loose material being dragged onto the highway.
Growth Lancashire (Trees)	Object. Concerned that neighbouring protected trees may have been damaged during the construction of the original extension but are unable to ascertain this for certain without the submission of further information in the form of an arboricultural impact assessment and a method statement.

7. **REPRESENTATIONS**

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 1st September 2022. Three letters of objection were subsequently received, the concerns being:-

a) that the extension would appear out of scale and keeping with the surrounding area,

- b) that the extension would adversely affect the level of light currently received by the adjoining properties,
- c) that the development would not make adequate provision for the drainage of surface water which means it may discharge onto the neighbouring property.
- d) that the development may affect adjoining trees.
- e) that the proposal would represent overdevelopment of the site.

Questions were also raised about the level of publicity that has been given to this application.

The scheme has since been amended and surrounding local residents have been given a further 21 days to comment. A site notice giving the proposal wider publicity was also posted next to the site on 20th October 2022. The additional publicity period has now expired and six further letters of objection have subsequently been received. These re-iterate the concerns outlined in (a) (b) (d) and (e) above and also raise additional concerns about the development being unduly overbearing, about highway safety, about its possible impact upon bats and other wildlife, and about the extension encroaching onto the neighbouring property.

Some of the people who have objected have indicated that they would be prepared to accept a single storey extension here subject to it being constructed in accordance with all necessary planning and building regulations.

The agent has also submitted a Planning Statement and an e-mail in support of their application in which they state:-

- a) that in considering the recent appeal the Inspector raised no specific concerns about the design of the ground floor element of the existing extension. It was the appearance of the first floor element that they had concerns about. Consequently the proposal is to retain the ground floor element in its current form and address the Inspector's concerns about the first floor element by introducing matching render and a pitched roof
- b) that the extension will comply with the '45 degree' rule and will not therefore adversely affect the level of light currently received by the neighbouring properties.
- c) that adjoining trees are unlikely to have been affected by the erection of the extension because there is an outbuilding in between the two.
- d) that an extension similar to this could be erected as 'permitted development'.

8. ASSESSMENT

The main issues for consideration in this instance are:-

- a) Principle
- b) Visual Amenity
- c) Neighbour Amenity
- d) Highway Safety
- e) Tree Issues
- f) Other Issues

Principle

The proposal involves the extension of a property that is sustainably located within the identified Urban Boundary. It is therefore considered to be acceptable in principle.

Visual Amenity

Whilst the extension is to be located to the rear of the dwelling it will be visible from Dean Street to the north east, the publicly accessible open land to the south west and, to a more limited extent, from Helmshore Road to the north west. It is accepted that in pure design terms the extension now proposed is better than the refused scheme having a pitched roof constructed of matching stone slates and with the first floor now faced in matching render. However, the ground floor element of the structure remains some 1.8 metres wider than the first floor, extends up to the boundary with 270 Helmshore Road next door and incorporates a slightly odd looking sloping roof. Furthermore, the extension as a whole continues to cover over three quarters of the original rear wall of the host property. It is considered that the combination of these factors means that overall the design of the extension does not respect the character of the host dwelling or that of other properties in the terrace, and it relates in an unsatisfactory manner to, and appears out of scale with, both. The proposal is therefore considered to be contrary to the requirements of Policies HS9 and ENV1 of the Local Plan, Sections 12 and 15 of the National Planning Policy Framework, and the relevant provisions of the Council's Alterations & Extensions to Residential Properties SPD (2008)

The applicant has been asked to amend the scheme to overcome these concerns. However, while they have made some amendments these are not considered to be sufficient to overcome them. It is therefore recommended that the application is refused, at least in part, for those reasons.

Neighbour Amenity

a) Light

The extension will not unduly affect the level of light currently received by, or appear unduly overbearing when viewed from, the neighbouring properties despite concerns to the contrary. The property most likely to be affected in this case is 270 Helmshore Road next door. However, the extension will project just 2.8 metres out from the rear wall of the host

dwelling and will not intersect an imaginary '45 degree' line when drawn from the centre of any window in the rear elevation of that property. In coming to this view consideration has been given to the fact that the 'footprint' of the extension remains the same as previously refused and the previous application was not refused on light loss grounds.

b) Overlooking

The proposal will not give rise to unacceptable overlooking of neighbouring properties either. All new window and door openings to be formed within the extension will either directly face the rear (south eastern facing) boundary of the property at a minimum distance of over 10.5 metres or public open space located to the south west.

c) Overdevelopment

The proposal will not lead to more than 50% of the defined application site being developed. Consequently, it will not represent overdevelopment despite concerns to the contrary.

d) Other Issues

The previous application was refused, in part, because of concerns about the way surface water was being drained from the extension and in particular because of concerns that this had led to surface water being discharged onto neighbouring property. However, in the event of the application being approved, and despite concerns to the contrary, it is considered that satisfactory provision could be made for the disposal of surface water from the development. This view was supported by the Inspector, when considering the appeal, who concluded that 'the development does not result in harm to the living conditions of the occupants of the neighbouring residential property with particular reference to drainage'.

In view of the above, it is considered that the proposal will meet the requirements of Policies HS9 and ENV1 of the adopted Local Plan, and the provisions of the Council's Alterations & Extensions to Residential Properties SPD (2008), in 'Neighbour Amenity' terms.

Highway Safety

The introduction of the extension would not change the current situation from a highway safety point of view. The existing property currently has two bedrooms, and whilst formally retaining the extension in its amended form would increase this to three, no more than two 'off street' parking spaces would be required in either case. It is understood that the existing parking/turning/access arrangements have not been affected by the erection of the extension to date and these would not be affected by the current proposal either. In view of this it is considered that the proposal would not give rise to any undue highway safety concerns despite concerns to the contrary.

The proposal has been considered by County Highways who raise no objections subject to a condition requiring the parking areas to be surfaced in a bound porous material to prevent loose material being dragged onto the highway. However, in the event of the application

being approved it is considered that such a condition could not reasonably be imposed given that there would be no need to alter the existing parking/turning/access arrangements to render this proposal acceptable from a highway safety perspective.

Tree Issues

The land to the south west of the property is occupied by substantial early mature trees that are the subject of a Tree Preservation Order (T2/8/G5). Despite the presence of an outbuilding in between the root protection areas of these extend into the site and the Council's Tree Consultant is concerned that roots may have been damaged when the existing extension was constructed. They are, however, unable to establish this for certain without first viewing further information, in the form of an arboricultural impact assessment and a method statement, which demonstrates how the trees were safeguarded during that time. Given that this information has not been supplied the Tree Consultant considers that currently the impact of the development on the trees cannot be properly assessed. A further refusal of the application on these grounds is therefore recommended.

The agent contends that an extension of similar size to this could be erected as 'permitted development'. However, whilst this is not disputed the extension currently under consideration requires formal approval and the likely effect that it has had upon the adjoining trees is a material consideration when considering this application.

Other Issues

The concerns raised by objectors to the development, as outlined in the 'Representations' section above, have been considered. However, with the exception of those outlined in (a) and (d) they are not accepted both for the reasons given earlier in the report and below:-

- a) the site is not currently known to be the habitat of any protected flora or fauna,
- b) publicity for this application has been carried out wholly in accordance with the requirements of the planning legislation (see 'Representations' section above).
- c) concern that the development may encroach onto neighbouring property cannot in itself be taken into consideration when determining a planning application. This is because this is a legal rather than a planning matter.

Conclusion

The proposal is considered to be unacceptable for the reasons given earlier in the report. The visual amenity and tree impact concerns outlined above are considered to outweigh the other relevant considerations in this instance. Accordingly, refusal of this application on these grounds is recommended.

9. RECOMMENDATION

Refuse for the following reasons:-

- 1) It is considered that the proposed extension, because of its size, design, position and prominence, would appear out of keeping and scale with, and would relate in an unsatisfactory manner to, the host dwelling and the remainder of the terrace in which that dwelling is located. It is considered that it would therefore harm the appearance of the host dwelling, the appearance of the remaining terrace and the character of the surrounding area in general. The proposal is therefore considered to be contrary to the requirements of Policies ENV1 and HS9 of the Council's adopted Rossendale Local Plan 2019 to 2036, Sections 12 and 15 of the National Planning Policy Framework, and the provisions of the Council's Alterations & Extensions to Residential Properties SPD.
- 2) Insufficient information has been submitted with this application to enable the effect of the development on the neighbouring protected trees to be properly judged. In the absence of satisfactory information to this end it is not considered possible to ensure that these trees have not been harmed as a result of the development. The subsequent loss of any of these trees would be harmful to the visual amenity of the area. The proposal is therefore considered to be contrary to the requirements of Policies ENV1 and ENV10 of the Council's adopted Rossendale Local Plan 2019 to 2036 and Sections 12 and 15 of the National Planning Policy Framework

10. **INFORMATIVES**

- 1) The proposals in their current form do not comply with the development plan and would not improve the economic, social and environmental conditions of the area. Amendments could be made that would render the scheme acceptable but whilst these have been requested they have not been forthcoming to the extent that it has proved possible to approve the application. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
- 2) The refusal was made having regard to the details shown on the following plans:-

<u>Drawing</u>	<u>Drawing No.</u>	<u>Date Received</u>
Location Plan, Existing Site Layout Plan, Floor Plans and Elevations	GH_001/01 Rev P1	31/08/22
Proposed Floor Plans		31/08/22
Existing and Proposed Elevations, and Proposed Site Layout Plan	HSR-16-07-22-2	21/11/22