

**Application No:** 2006/542

**Application Type:** Householder

**Proposal:** Erection of single storey extensions to side & rear. Erection of two storey extension to front elevation & erection of garage at rear.

**Location:** 92 Cherry Crescent, Rawtenstall, Rossendale, BB4 6DS

**Report of:** Team Manager Development Control

**Status:** For Publication

**Report to:** Development Control Committee      **Date:** 29th November 2006

**Applicant:** Mrs Reynolds

**Determination Expiry Date:**  
23rd November 2006

**Agent:** Graham Hill Associates

#### **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.

#### **APPLICATION DETAILS**

##### **1. The Proposal and the Site**

The applicant seeks permission for the erection of single storey extensions to the side and rear of the property, as well as the erection of a two storey extension to the front elevation. The applicant also seeks consent for the erection of a detached garage in the rear garden of the property.

The dwelling is located on a double plot, in the middle of a residential estate in Rawtenstall. The site is located within the urban boundary.

## 2. Relevant Planning History

1983/475 – Erection of side and rear extension at 92 Cherry Crescent, Rawtenstall. APPROVED

1986/587 – Erection of ground and first floor extension at 92 Cherry Crescent, Rawtenstall. APPROVED

2002/316 – First floor extension over garage at 94 Cherry Crescent, Rawtenstall. APPROVED

## 3. Policy Context

### Rossendale District Local Plan

Policy DS1

Policy DC1

Policy DC4

Parking standards

### Other Material Planning Considerations

None.

## 4. CONSULTATIONS

### LCC(Highways)

No objections.

### Whitworth Town Council

No objections.

## 5. REPRESENTATIONS

The neighbours were notified by means of a letter and to date, there have been four letters from three properties, which have raised the following points:

- The proposed extension would make a better use of the land between the two properties (88 & 92 Cherry Crescent), although we would object strongly if the property was to be used for commercial purposes.
- No objections to the proposed development if it was to continue to be used as a private residence
- Although denied, the new layout of the property would lend itself for use as a children's home.
- A second children's home would have a great impact upon the privacy of the residents by means of increasing activity on the road and noise.

- The development is a large extension and is not in keeping with the area.
- The access arrangements are to be altered and therefore there is an intention to increase the number of vehicles entering the site, which would cause disturbance during unsociable hours.
- A number of hot tubs are to be installed, highlighting the risk of legionella bacteria within the drainage system for the area.
- The number of hot tubs and bathrooms in the property may put a strain on the existing drainage/sewerage system
- The ceiling price for properties on this estate is far below the price she would need to recuperate her spend upon the project. This casts doubts on the use of the property solely for single occupancy residency.
- The style of conservatory requested is more in keeping with a residential home than a family home.
- A fear that the request for this planning approval being granted will at some stage lead to this becoming a mixed business and residential estate. This is not a style of estate that we chose to put into and may affect property prices within the area.
- Any foundations for the proposed garage will undermine the adjacent property.
- Surface water may impact unless suitable drainage is incorporated
- The proposed garage will take away the amount of natural light currently enjoyed by the occupiers of No. 20 Chestnut Drive.
- The plans are not accurate in relation to the trees present within the site.

## **6. ASSESSMENT**

The main issues to be considered when determining this application are the principle of the development, the impact upon the amenity of the neighbouring residents, the proposed use of the dwelling and highway issues.

### Principle

The location for the proposed development is within the Urban Boundary and, therefore, the proposal is in accordance with Policy DS1 of the Rossendale District Local Plan.

### Neighbour Amenity

The proposed development will not have an adverse impact upon the amenity of the neighbouring residents. In relation to the proposed side extension which runs along the boundary with No. 94 Cherry Crescent, it is considered that this will have no more adverse an impact than the existing garage and single storey extension. There is no potential to overlook the curtilage of the neighbouring property, as the only openings will be rooflights within this elevation and the proposed extension is only marginally bigger than the existing outbuilding. It is considered that this element of the proposal will not have an adverse impact upon the amenity of the occupiers of the adjacent property and is in accordance with Policy DC1 of the Rossendale District Local Plan.

The proposed two storey extension to the northwest elevation of the dwelling will not have an adverse impact upon the amenity of the neighbouring residents. The proposed two storey extension to the side and front of the dwelling will not have any worse an adverse impact than the existing first floor windows and the proposed two storey extension will be screened from view by the existing trees. Therefore, it is considered that the proposed development will not have an adverse impact upon the properties directly opposite and is in accordance with Policy DC1 of the Rossendale District Local Plan.

The proposed conservatory extension on the north west elevation will not impact adversely upon the amenity of the neighbouring residents as there is a distance of 4 metres between the proposed extension and the nearest dwelling and it will be screened from view by the existing trees, which are to be retained. Therefore, it is considered that the proposed development will not have an adverse impact upon the amenity of the adjacent property and is in accordance with Policy DC1 of the Rossendale District Local Plan.

The proposed garage at the rear of the site will not have a significant adverse impact upon the amenity of the neighbouring residents. The nearest property to the proposed garage is No. 20 Chestnut Drive, which will be 8.2metres away at the nearest point. However, as No. 20 Chestnut Drive is sited on an angle, it is considered that the proposed single storey garage will not have a significantly adverse impact upon the occupiers of this property in terms of loss of light and privacy. Therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

It is acknowledged that the proposed development will represent a substantial addition to the property. However, the dwelling to which the proposed development relates is sited on a double plot of land and the property will still enjoy substantial curtilage following completion of the proposed development. Therefore, it is considered that the scale of development is appropriate and will not look out of place within the locality and is in accordance with Policy DC1 and DC4 of the Rossendale District Local Plan.

#### Use of the property & impact upon the locality

During the consultation process, the neighbouring residents have raised the issue of the proposed use of the dwelling. One of the main concerns from the neighbouring residents is the proposal that the building may be used in the future for either a commercial use or as a residential care home. There has been no indication from the applicant that this is the case. However, it should be noted that the change of use of a dwelling to a commercial property would require consent and the neighbouring residents would be notified accordingly. Therefore, it is considered that the proposed development will not have an adverse impact upon the locality and is in accordance with Policy DC1 of the Rossendale District Local Plan.

During the consultation process, the issue of the impact of the proposed development upon the existing water and drainage systems in the locality was raised. It is considered that although the number of bathrooms within the proposed development is almost doubling from the existing dwelling, the

proposed development will not have an adverse impact upon the existing drainage system. It was the intention of the developer of the estate to place two dwellings on this piece of land and therefore, it is considered that drainage system for the area is capable of accommodating the additional requirements without difficulty. Therefore, the proposed development will not impact upon existing conditions within the locality and is in accordance with Policy DC1 of the Rossendale District Local Plan.

#### Traffic/Parking

The proposed development will involve an increase in the number of bedrooms from three to four and will involve the loss of a garage. However, the proposed development includes the erection of a detached double garage to the rear of the property. It is considered that the proposed garage and the associated driveway will provide adequate parking for a property of this size, in accordance with the Council's adopted car parking standards. The proposed driveway will also have the added benefit of vehicles being able to enter and leave the site in a forward gear. Therefore, it is considered that the proposed development will not have an adverse impact upon highway safety or the existing conditions within the locality. Therefore, the proposed development is in accordance with Policy DC1 of the Rossendale District Local Plan.

The proposed development is located within the urban boundary and will not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development will not look out of place within the locality, subject to conditional control and will not have an adverse impact upon highway safety. Therefore, the proposed development is in accordance with Policies DS1, DC1 and DC4 of the Rossendale District Local Plan.

## **7. CONCLUSION**

The proposed development is located within the urban boundary and will not have a significant adverse impact upon the amenity of the neighbouring residents. The proposed development will not look out of place within the locality, subject to conditional control and will not have an adverse impact upon highway safety. Therefore, the proposed development is in accordance with Policies DS1, DC1 and DC4 of the Rossendale District Local Plan.

## **8. RECOMMENDATION**

That planning permission should be granted, subject to the following 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 plans numbered 1124/06/01B received on 28<sup>th</sup> September and 1124/06/02 received on 19<sup>th</sup> October 2006.

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

2. All the external materials and finishes to be used on the roof and elevations of the development shall match those on the existing dwelling in terms of type, size, shape, thickness, colour and texture.

REASON: To ensure that the materials are in keeping with those existing and to accord with Policy DC4 of the Rossendale District Local Plan.

3. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that Order) the garage shall not be used for any purpose which would preclude its use for the parking of a motor car.

REASON: The retention of the parking space within the site is important in terms of amenity and highway safety.

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

REASON: To safeguard the amenities of nearby residential properties in accordance with Policy DC1 of the Rossendale District Local Plan.

Contact Officer	
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