



TITLE: 2004/792LB AND 2004/793 : DEMOLITION OF EXISTING DWELLING HOUSE AND EXTENSION TO PRINCIPAL DWELLING TO CREATE A SWIMMING POOL, TRIPLE GARAGE WITH FIRST FLOOR FLAT FOR OCCUPATION BY SECURITY STAFF, SUNNYSIDE HOUSE, BURNLEY ROAD, CRAWSHAWBOOTH.

TO/ON: DEVELOPMENT CONTROL COMMITTEE / 17 MARCH 2005

BY: DEVELOPMENT CONTROL MANAGER

APPLICANT: MR. AND MRS. P. NEVILLE

DETERMINATION EXPIRY DATE: 27 DECEMBER 2004

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.

Site and Proposal

Sunnyside House is a grade two listed detached house constructed of a combination of natural stone and buff rendered stonework for the external walls under a natural slate pitched roof. It is located approximately 110 metres due west of the junction of Burnley Road and Pinner Lane in an area of predominantly residential development. The site lies wholly on land forming part of a Countryside Area as defined by the Rossendale District Local Plan.

Planning permission and Listed Building Consent are sought to add a part single/part two storey natural stone and slate extension to the front (eastern) elevation of the dwelling. This is to be used to house a swimming pool and a triple garage with self contained flat over, the latter to be occupied by security staff. The former vicarage, which is located to the east of the dwelling, is to be demolished in order to make way for the development.

This application is being reported to Committee because a Council Member (Councillor Ormerod) has requested that it be dealt with in this way. Councillor Ormerod has also requested that Members visit the site before formally determining the proposal.

Relevant Planning History

1999/246LB – Listed Building Consent for the cleaning of the exterior walls and surrounding walls including gateposts – Approved 8 September 1999

1997/097 – Conversion to single dwelling including garage provision within the existing building and stair repositioning – Approved 23 April 1997

Notification Responses

The application has been advertised by way of site notices. 8 letters of support have been received from local residents to date. They argue that planning permission and Listed Building Consent should be granted for this proposal because:-

- a) the extension will be in keeping with the character of the building and, because it will not be readily visible from the main road, will not adversely affect the appearance of the area either
- b) the new building will not adversely affect adjoining properties either during its construction or thereafter
- c) the existing vicarage is of no architectural merit and no reasonable objection could therefore be raised to it being demolished
- d) the applicants do a lot of good work in the area including fundraising and charity work.

The applicant's agent has submitted a statement in support of these applications. They argue that planning permission and Listed Building Consent should be granted because:-

- a) the extension is to be designed so as to retain the character and appearance of the host building. It will also be subservient to that building and of an appropriate scale for its grounds. For Members information this property has previously been the subject of a variety of alterations and this is reflected in the Listed Building description.
- b) the extension will occupy a secluded location and will not therefore adversely impact upon the openness of the Countryside Area within which this property is located
- c) a precedent has already been set for the erection of an extension of this nature. There was previously a wall in the same position which delineated a former service area. Additionally, approval has previously been given for similar new development within the grounds of other Listed properties in the vicinity some of which are located within Countryside Areas
- d) this is the only practical location for the extension. Given the nature of the accommodation proposed it would be impractical to house it within a freestanding structure located elsewhere within the property grounds. The extension of the southern end of the building would lead to the loss of an attractive sunken garden. The levels to the rear of the building are such that it would make constructing an extension in that position difficult.
- e) the proposal is not contrary to adopted Countryside or Housing Needs policies. The flat will not be used as a separate dwelling but will be occupied

solely in conjunction with the host building. The applicants are prepared to accept a condition limiting occupancy in this way.

Consultation Responses

R.B.C.Engineers

No comments

Environment Agency

No objections

United Utilities

No objections subject to conditions

County Archaeology Unit

No objections

Rossendale Civic Trust

Object. Consider that in its current proposed position the extension would detract from the setting of the host building and, because the proposal would involve the removal of trees, the setting of the adjoining grade II Listed St. John's Church as well. Whilst extending the dwelling to the south would also have some effect upon the setting of the former it would have far less impact than the current proposal. This option should therefore be pursued.

Development Plan Policies

Rossendale District Local Plan

Policy DS.1 (Urban Boundary) states that *"the Council will seek to locate most new development within a defined boundary – the Urban Boundary – and will resist development beyond it unless it complies with policies DS3 and DS5. The urban boundary is indicated on the proposals map"*

Policy DS.5 (Development outside the Urban Boundary and the Green Belts) states that *"outside the urban boundary and the green belts, shown on the proposals map, development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area, or the rehabilitation and re-use of buildings provided that they comply with policies DC.1 and C.6"*

Policy C.1 (Countryside Areas) states that *"to enhance rural landscapes, known as countryside areas, with major programmes of tree planting and landscape management, with priority being given to locations adjoining the urban fringes. Any development will be required to be in scale and keeping with the character of the landscape and of a standard of design appropriate to the area"*

Policy DC.1 (Development Criteria) states that all applications for planning permission will be considered on the basis of a) location and nature of proposed development, b) size and intensity of proposed development; c) relationship to

existing services and community facilities, d) relationship to road and public transport network, e) likely scale and type of traffic generation, f) pollution, g) impact upon trees and other natural features, h) arrangements for servicing and access, i) car parking provision j) sun lighting, and day lighting and privacy provided k) density layout and relationship between buildings and l) visual appearance and relation to surroundings ,m) landscaping and open space provision, n) watercourses and o) impact upon man-made or other features of local importance.

Policy DC.4 (Materials) states that *“Local natural stone (or an alternative acceptable natural substitute which matches as closely as possible the colour, texture, general appearance and weathering characteristics of local natural stone) will normally be required for all new development in selected areas. Within those areas roofs shall normally be clad in natural stone slab or welsh blue slate, or in appropriate cases, with good quality substitute slates”*.

Policy HP.2 (Listed Buildings) states that:-

“a) the Council will safeguard Listed Buildings and structures by strict control of development proposals in relation to such buildings or structures and development of neighbouring sites.

b) the Council will not grant Listed Building Consent for the demolition of a Listed Building other than in the most exceptional circumstances.

c) the Council will not grant planning permission for alterations or additions to a Listed Building unless there is no adverse effect on its architectural or historic character”

Policy E.4 (Tree Preservation) states that *“ The Council will encourage the conservation of existing woodland, individual trees and hedgerows and will control development so that significant examples of each are protected from unnecessary damage or destruction”*.

Policy T.4 (Car Parking) states that *“ Development proposals will be required to provide, normally within the curtilage of the development, sufficient space to meet both operational and non operational parking requirements”*

Lancashire Structure Plan 1991-2006:

None relevant

Joint Lancashire Structure Plan 2001-2016 Proposed Changes to Deposit Edition

The parking standards require that a maximum of three car parking spaces should be provided in conjunction with dwellings with four or more bedrooms.

Other Material Planning Considerations

PPG15 (Planning and the Historic Environment)

Government guidance in the form of PPG15 provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment.

Planning Issues

Design and Amenity Issues

This is a substantial and attractive Grade II Listed Building which is visible both from Burnley Road, albeit at a distance of approximately 100 metres, and from Pinner Lane. There is no objection in principle to an appropriate extension of this building and it is conceivable that different design solutions could achieve the accommodation requirements of the applicants whilst preserving the character and appearance of the present listed building and its attractive landscaped setting. The proposed extension is L shaped in plan and would be built off the northerly more modern range to create a semi-enclosed courtyard effect. The style, choice of materials and architectural detailing replicate those of the present building and have been chosen in a deliberate attempt to harmonise the existing and proposed elements of the building. Whilst this is a perfectly legitimate solution it is considered that in terms of its location, scale and plan the extension takes on a visual dominance that is inappropriate to its purpose and detracts from the simple rectangular plan of the present listed host building. It is contended that this would be both detrimental to the character of the building itself and, because the enlarged building would be visible both from Burnley Road and Pinner Lane, to the character and appearance of the surrounding area in general. For Members information the applicant's agent has been asked to reduce the size of the extension and to alter its position. However, they have declined to do so asking instead that the applications be determined as they stand.

The applicant's agent, and a number of local residents, argue that approval should be given for this proposal for the reasons outlined in the 'Notification Responses' section above. The following is a commentary upon those statements of support:

- a) whilst accepting that this building has been the subject of a number of alterations over the years it is contended that those alterations have been carried out in a manner that has retained its character and setting
- b) the precedent argument is not accepted. Even if a wall did formerly exist in this position it is certainly not there now. Furthermore, even if it did formerly exist it seems unlikely that it would have been as substantial as the extension currently proposed. It is therefore not accepted that this would set any precedent for the erection of the extension now proposed. On a more general note, all applications are judged on their individual merits having regard to the planning policies and material considerations that are deemed relevant to the case in question. Consequently approving development in one instance does not necessarily set a precedent for approving similar development elsewhere unless it can be demonstrated that circumstances are exactly the same
- c) the reasons for locating the extension in the position proposed have been noted. However, it is considered that they do not represent sufficient justification for attaching an extension of the size proposed to the front elevation of the building. It is accepted that the site has some limitations. Nevertheless, it is contended that it would be possible to extend the property in a more appropriate way without detracting from its character
- d) whilst undoubtedly the applicants have been, and are, responsible for carrying out many good works in the area, this is not a factor that can legitimately be taken into consideration when determining a planning or Listed Building application.

Other Issues

- a) the proposal to provide a flat as part of the development would not contravene current planning policy subject to its occupancy being 'tied' by condition to use solely in conjunction with the existing dwelling
- b) the extension would not unacceptably overlook neighbouring properties or adversely affect the level of sunlight and daylight that those properties currently receive
- c) the former vicarage which is proposed to be demolished as part of this proposal, is not considered to be of any particular merit,
- d) The trees that would be required to be felled as part of the proposal are not considered to contribute greatly to the overall landscape character of the grounds.
- e) The Rossendale Civic Trust have recommended that alternative solutions be sought for the provision of a swimming pool and staff accommodation. In this regard it is considered that a free-standing swimming pool structure could be more discretely accommodated immediately to the south of the present house and that the vicarage be redeveloped or re-modelled to provide staff accommodation and garaging again as a free standing building. This solution would preserve the elongated rectangular plan of the present house.

The applicants have indicated their wish for the proposal as submitted to be considered on its merits. Whilst the architectural detailing and choice of materials of the proposed extension are sympathetic to the existing building the siting, scale and plan contrive to create a visually dominant structure to the front of the listed building which it is considered unacceptably alters the historic interest, architectural character and setting of the existing listed building. For this reason it is considered that the proposal is inappropriate.

Recommendation

That planning permission and Listed Building Consent be refused for the following reasons:-

Reason for refusal (application number 2004/792LB)

It is considered that the proposed extension, because of its size, position and prominence, would unduly harm the character, appearance and setting of the existing dwelling (a Grade II Listed Building). The proposal is therefore considered to be contrary to the provisions of policy HP.2 of the Rossendale District Local Plan.

Reason for refusal (application number 2004/793)

It is considered that the proposed extension, because of its size, position and prominence, would unduly harm the character, appearance and setting of the existing dwelling (a Grade II Listed Building) and the appearance of the surrounding area in general. The proposal is therefore considered to be contrary to the provisions of policies DC.1, C.1 and HP.2 of the Rossendale District Local Plan.

Local Plan Policies

DS.1
DS.5
DC.1
DC.4
HP.2
C.1
E.4
T.4