

<b>Application No:</b> 2008/070	<b>Application Type:</b> Full
<b>Proposal:</b> Retrospective planning application for balcony to rear	<b>Location:</b> 1 Broadley View, Market St., Whitworth
<b>Report of:</b> Executive Director of Regulatory Services	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 11 March 2008
<b>Applicant:</b> A Taylor	<b>Determination Expiry Date:</b> 24 March 2008
<b>Agent:</b>	

**REASON FOR REPORTING Tick Box**

**Outside Officer Scheme of Delegation**

**Member Call-In**

Name of Member: Cllr A Neal

Reason for Call-In: Some residents have expressed interest in this application. It is requested that the application be considered by the Development Control Committee so that Members and local residents may have an opportunity to express their views.

**More than 3 objections received**

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. APPLICATION DETAILS**

**The Site**

- 1.1 The application site, a three storey building, is located at the end of a terraced block of five dwellings situated off Market Street, Whitworth. The application property is constructed in stone with a rendered finish to the rear elevation. The dwellings in the row are all three storey and comprise kitchen at lower ground floor, living space at ground floor and bedrooms at first floor. The application site has views over the land and gardens to rear.

## **2. Relevant Planning History**

- 2.1 Planning application ref. 2007/710 for the erection of a balcony to rear of 1 Broadley View, Whitworth, was submitted on 29 November 2007. The application was made in retrospect and was refused permission on the grounds of adverse impact on the amenities of the adjoining residents on 28 December 2007. The application was determined under the delegated procedures.

## **3. The Current Proposal**

- 3.1 This application is a re-submission of the previous application which was refused on 28 December 2007. The application is made in retrospect and seeks consent for a balcony at upper ground floor level to the rear of the dwelling. The structure has been constructed from stained timber with wrought iron railings in front and timber panels on both sides to protect the amenity of the adjoining residents.

## **4. Policy Context**

- 4.1 **National Planning Guidance**  
PPS1 - Sustainable Development

- 4.2 **Development Plan Policies**

Joint Lancashire Structure Plan (Adopted 2005)  
Policy 1 - General Policy

Rossendale District Local Plan (Adopted 1995)  
DS1 - Urban Boundary  
DC1 - Development Criteria  
DC4 - Materials

- 4.3 **Other Material Planning Considerations**  
None

## **5. CONSULTATIONS**

Whitworth Council – No objection.

## **6. REPRESENTATIONS**

- 6.1 A site notice was posted on 11 February 2008 and the relevant neighbours were notified by letter on 19 February 2008 to accord with the General Development Procedure Order. The site notice has been posted to go above

and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

- 6.2 No responses have been received to date. However, the applicant has submitted, as part of the planning application, two letters, one from the residents of no. 2 Broadley View and other from The Villa, supporting the proposal. The residents point out that the balcony is neither intrusive nor impedes or impinges their amenity in any way. They feel that the balcony helps improve the rear outlook of the house.

## **7. ASSESSMENT**

- 7.1 In dealing with this application the main issues to consider are:

1. Principle of the development
2. Design/appearance
3. Neighbourhood amenity

### Principle

- 7.2 In the adopted Local Plan, the application site lies within the Urban Boundary. It is therefore considered that the proposal accords with Policy DS1 of the Local Plan and is acceptable in principle.

### Design/appearance

- 7.3 The balcony has been constructed from stained timber with wrought iron railings in front and timber panel fencing at sides. It is 5.2m long, 1.4m wide and 1.1m high. The balcony is located at the upper ground floor level on the rear elevation of the house. The balcony covers the full width of the house. The application site is an end terraced property and there are no similar structures/features erected on any of the adjacent properties in the block. It is considered that the proposed balcony, by virtue of its size, design and position, creates an intrusive feature which is clearly visible from the rear of the adjacent properties in the block as well as to the rear. This view, it is considered, is over-bearing to the detriment of the visual amenity of the residents which is unacceptable. It is therefore considered that the proposed balcony, in terms of its design and appearance, is unacceptable.

### Neighbourhood amenity

- 7.4 The balcony is located at the upper ground floor level and by virtue of its height, not only overlooks the rear gardens of the adjacent properties in the block but also the rear of no. 9 Healey Grove which has a conservatory to the rear. Although, the timber fencing on the southerly side of the balcony helps protect, to some extent, the privacy of the rear gardens of the adjacent properties, however, for most part, the rear gardens remain exposed to views when looked from the front of the balcony. It is considered that the balcony when used, provides an opportunity for overlooking of the neighbouring rear gardens and as such could result in the loss of privacy of the adjacent neighbours which is unacceptable. It is therefore considered that the proposed balcony does not accord with the criteria of Policy DC1 of the Rossendale District Local Plan.

7.5 With regard to the comments made by the residents in support of the proposal, it should be pointed out that whilst the present occupiers of the adjacent properties appear to remain unaffected and satisfied with the proposed development, however, in the interest of fairness, it is necessary that due considerations are given to protect the interests of any potential occupiers of the properties.

## 8. RECOMMENDATION(S)

8.1 It is recommended that planning permission be refused for the following reasons:

The proposed development, by reason of its size, position and design, creates an intrusive feature and is seriously detrimental to the visual amenity of the area and residential amenities of the adjacent properties. The proposed development therefore conflicts with development criteria of Policy DC1 of the adopted Rossendale District Local Plan.

<b>Contact Officer</b>	
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Hilston

Path

2007/710

BROADLEY

Allotment Gardens

River Spodden  
Boro Const Bdy

203.6m

BM 203.13m

Dawn Birch

Stonehaven

The Villa

Broadley View

Birch Villas

El Sub Sta

Rough Bank

104  
102  
106

100

10

5

4

1

1

MARKET STREET

MARKET STREET

The Willows

Otherlands

Greenbank

97

101

111

96

121

216.3m

HEALEY GROVE

Farm Lab

Broadley Wood

Works

681  
551  
531  
131  
121  
101  
621  
521

Petroc

Dellside

Dell Lodge

29 NOV 2007

Special Document  
056142



101

TONNACLIFFE ROAD

86

88

4

1

The Willows

5

10

Hilltop

MARKET ST

100

2007/710

216.2m

El Sub Sta

★	○	○	○	○	○
1	2	3			1

Birch Villas

Fern  
Lea

Broadley  
Wood

The Villa

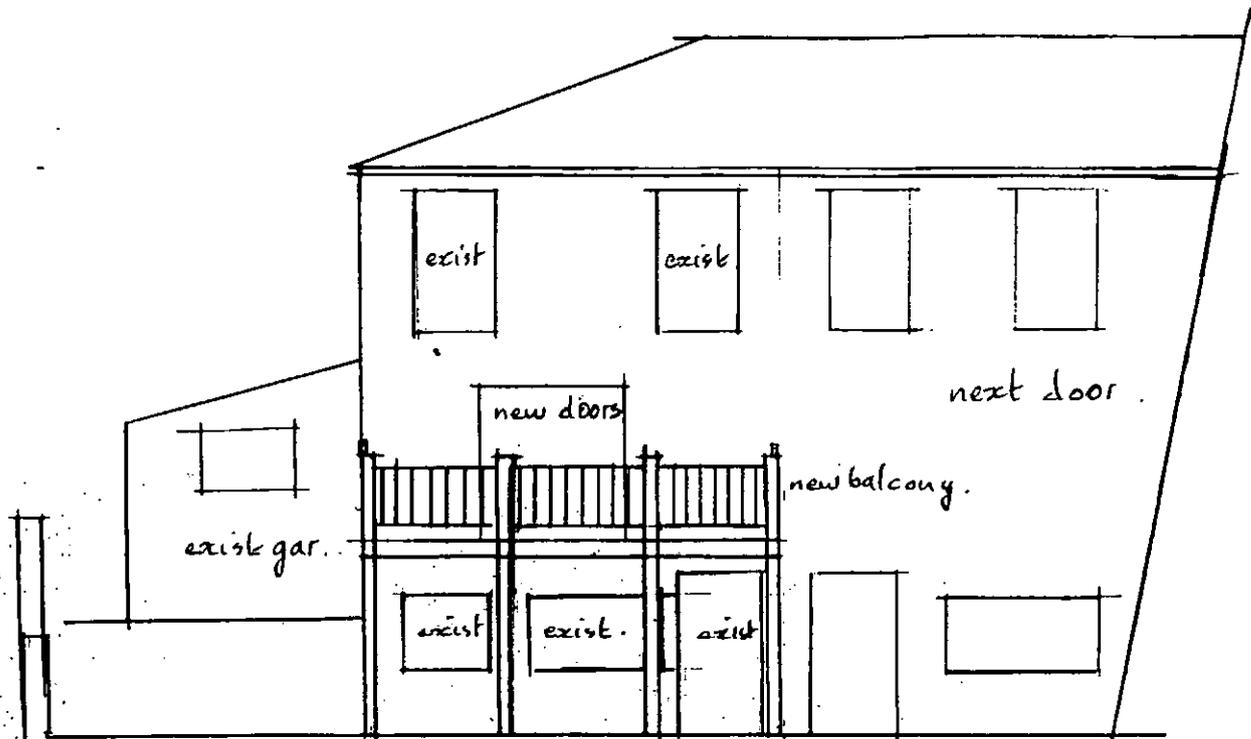
Broadley View

9

HEALEY GROVE

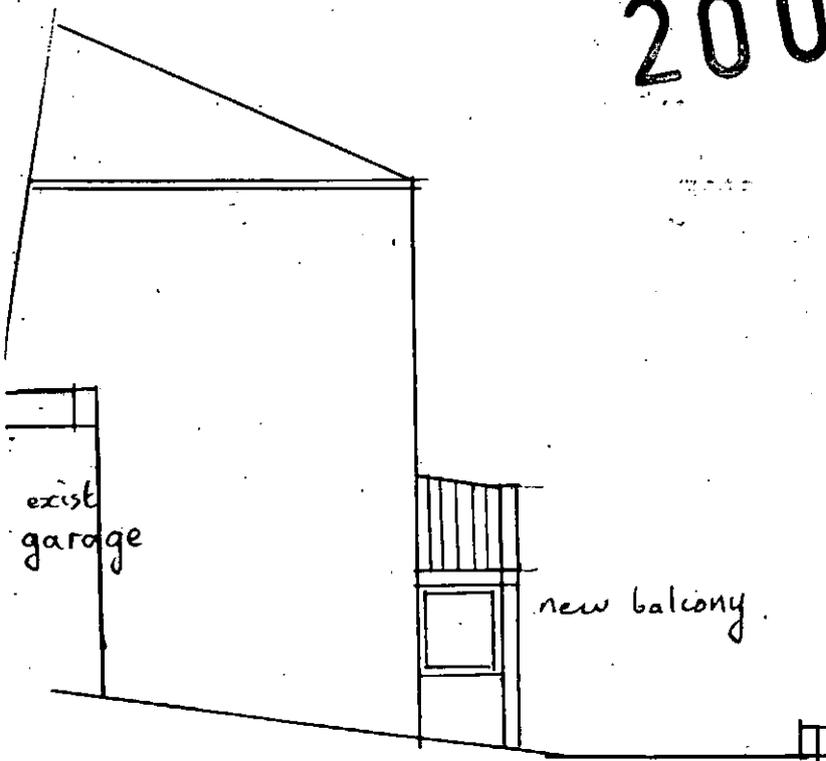
Stonehaven

29 NOV 2007

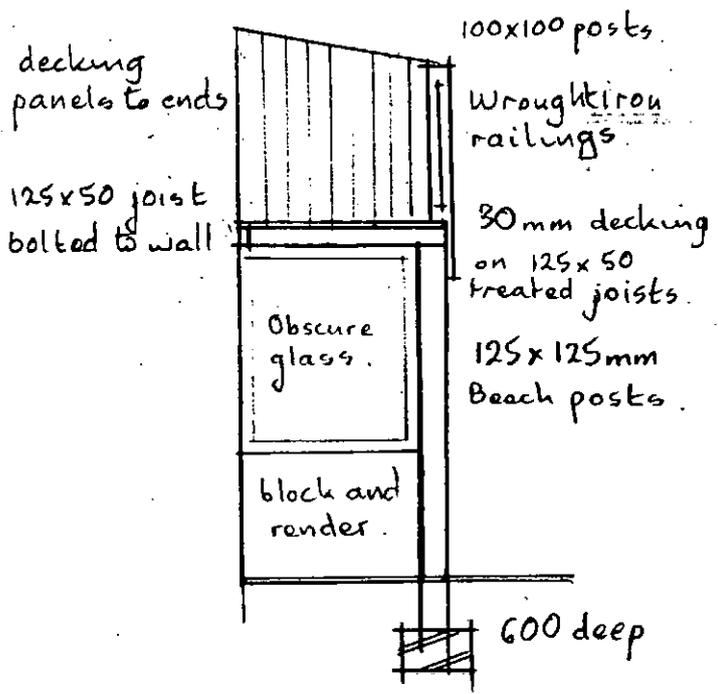


West Elevation.

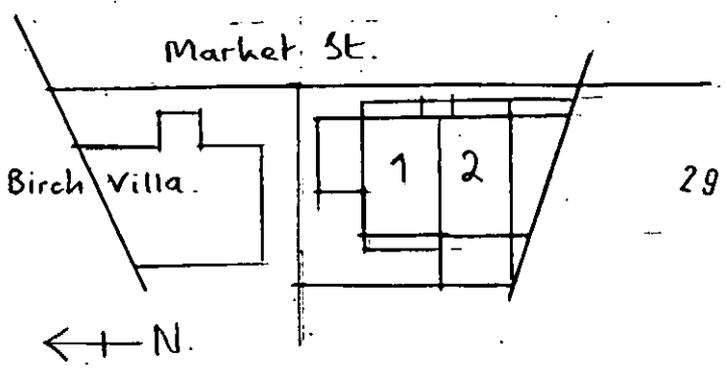
2007/710



North Elevation.



Section.



29 NOV 2007

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