

**Application No:** 2009/0014

**Application Type:** Full

**Proposal:** Re-cladding of existing house and erection of 1 and 2-storey extensions

**Location:** The Vicarage, Chatterton Road, Edenfield

**Report of:** Planning Unit Manager

**Status:** For Publication

**Report to:** Development Control Committee

**Date:** 20 April 2009

**Applicant:** Mr K Hacking

**Determination Expiry Date:**  
09/03/2009

**Agent:**

**REASON FOR REPORTING**

**Tick Box**

**Outside Officer Scheme of Delegation**

**X**

**Member Call-In**

Name of Member:  
Reason for Call-In:

**More than 3 objections received**

Other (please state) ..... Contrary to RBC Alterations & Extensions for Residential Properties SPG

**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. Site**

This application relates to a two-storey house which forms part of a ribbon of built-development washed-over by Green Belt. The house is situated to the west side of Chatterton Road, with other residential properties to its north side and on the opposite side of the road. It is at a lower level than Chatterton Road, and is partially screened from the road and these houses by mature trees on its northern and eastern boundaries.

The house is located to the north side of St Phillips Church. The Church is of traditional design and stone/slate construction. Although it is not a Listed Building, it is a key building within the Chatterton & Strongstry Conservation Area.

This house also lies at the heart of the Conservation Area. It was initially erected as a vicarage in the 1960's and faces towards the Church, sharing a vehicular access. It was built with a large flat-roofed single-storey element which projects towards the road and towards the church. It is faced with brick/timber-boarding and has a concrete-tile roof. Since its construction a detached garage, with pebble-dash finish, has been erected which stands still nearer to the road.

### **2. Relevant Planning History**

#### 2008/350 Two storey extension and sun lounge

This application sought permission for 1 and 2-storey extensions that would have increased the volume of the house by 147%, were to be constructed in materials matching the existing dwelling and incorporated dormers and other discordant features for a building forming part of the setting of the church.

Accordingly, the application was refused by Officers on the grounds that the resulting development would:

1. be inappropriate development within the Green Belt.
2. detract from the character of the original building and the surrounding area to an unacceptable extent.
3. detract from the privacy of the house on the north side to an unacceptable extent due to a proposed habitable room window that failed to provide the required separation distance.

### **3. The Current Proposal**

This application is a re-submission of 2008/350, but has been significantly revised.

The applicant now seeks permission for:

- the demolition of the existing flat-roofed single-storey projection to the front/E side and the detached garage.
- the erection here of a two-storey extension of greater footprint, incorporating an integral double-garage and a hipped-roof, to be constructed in stone/slate.
- the erection on the north side of a one-storey extension, with a mono-pitch roof.

- the re-cladding of the exterior of the existing house to incorporate elements of stone in the walls (for window/door surrounds, quoins), replacement of timber-boarding with render, replacement of upvc frames with timber, and hiping of the roof & replacement of the concrete-tiles with slates (& with a number of solar panels).

In support of the proposal the applicant says:

- The existing dwelling is not of a design/appearance commensurate with the status of the Conservation Area or the setting of the church and they are seeking to remedy this by the re-cladding/re-modelling proposed.
- The extensions now proposed are of a design and facing materials to harmonise with the re-modelled house, and are not intended to be sub-ordinate to and in-keeping with the existing house.
- The extensions now proposed do not result in: a) such significant increase in volume as proposed by Application 2008/350; b) extension towards the open countryside to the east; & c) do not now result in unacceptable loss of privacy for any neighbour.

#### **4. Policy Context**

##### **National**

PPS1 Sustainable Development  
 PPG2 Green Belts  
 PPS3 Housing  
 PPS7 Rural Areas  
 PPG13 Transport  
 PPG15 Historic Environment

##### **Development Plan**

##### **Regional Spatial Strategy for the NW of England Plan (2008)**

DP1-9 Spatial Principles  
 RDF1 Spatial Priorities  
 RDF2 Rural Areas  
 RDF4 Green Belts  
 RT2 Managing the Highway Network  
 EM1 Environmental Assets

##### **Rossendale District Local Plan (1995)**

DS3 Green Belts  
 DC1 Development Criteria  
 DC4 Materials  
 HP1 Conservation Areas

##### **Other Material Planning Policy Considerations**

LCC Parking Standards  
 RBC Chatterton & Strongstry Conservation Area  
 RBC Alterations and Extensions to Residential Properties SPD

#### **5. CONSULTATIONS**

##### **LCC (Highways)**

No objection.

RBC (Conservation Officer)

The proposed development is considered acceptable with regards to its impact on the Conservation Area.

## **6. REPRESENTATIONS**

To accord with the General Development Procedure Order the application was publicised by newspaper notice, site notice posted on 29/05/2008 and 6 letters to neighbours.

Four representations have been received. Three in support of the development (including one from the Church), the other opposed to the development (from the occupier of Chatterton Fold, the house on the north side). The following points are made:

- Extension to side would improve the exterior of the Vicarage, particularly when viewed from the Road.
- Extension would complement and enhance the setting adjacent to the Church and visually benefit the area.
- Detrimental effect on sunlight and privacy of neighbouring property
- Materials would make neighbouring property look odd.
- A six foot fence has to exist between properties as stated on deeds.

## **7 ASSESSMENT**

The main considerations of the application are:

- 1) Green Belt; 2) Impact on Character & Appearance;
- 3) Neighbour Amenity; & 4) Traffic/Parking.

### **Green Belt**

The site lies within the Green Belt.

PPG2 states that the most important attribute of Green Belts is their openness, and sets out a presumption against inappropriate development. Paragraph 3.4 indicates that the construction of new buildings inside Green Belts is inappropriate unless it is for one of the specified purposes, which include limited extension, alteration or replacement of existing dwellings. In amplification of the latter criterion Paragraph 3.6 states: *“Provided that the development does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belt”*.

In my view the proposed extensions will not unduly diminish the openness of the Green Belt. The house sits within a ribbon of built-development and the proposed extensions do not result in built-development which stands nearer to the open countryside to the east or which will be unduly prominent from the open countryside. Accordingly, the proposal does not constitute inappropriate development in terms of national guidance. However, the submitted scheme will contravene the Council's own Alterations and Extensions to Residential Properties SPD which states that extensions in Green Belt/Countryside areas should not normally increase the volume of the original building by more than a third.

In this instance the dwelling as originally built had a volume of 700cubic metres, the garage subsequently built having a volume of 49cubic metres. As a result of the re-modelling of the existing dwelling and proposed demolitions/extensions the dwelling have a volume of 1,044cubic metres. This equates to a 39% volume increase over existing volume and a 49% volume increase over original volume.

Whether it is appropriate to permit this proposal, which is contrary to the Council's own guidance upon volume and the need for extensions to be subordinate to/match the appearance of the existing building, turns most particularly upon whether the merits of the proposal in terms of improvements to the appearance of the building and its impact on the setting of the Church and the Conservation Area. This matter is dealt with in the section below.

### **Impact on Character & Appearance**

PPG15, setting out Government guidance towards Conservation Areas, states :

*"Section 72 of the Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.....Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own."*

Policy EM1 of the Regional Spatial Strategy and Policy HP1 of the Local Plan further emphasize the need to preserve and enhance the historic environment. The criteria of Policy HP1 refer specifically to the need for development within Conservation Areas to be assessed for compliance with Policy DC4 (requiring use of natural stone/slate) and for affect on trees.

It is clear that the existing house on the site is in a poor state of repair and does not make a positive contribution to the Conservation Area. The applicant is taking the opportunity to re-model the existing dwelling in a manner which is more sympathetic to its location adjacent to St Phillips Church, at the heart of the Chatterton & Strongstry Conservation Area. The proposed extensions are of a design in-keeping with this re-modelling, are to be constructed with facing materials that accord with Policy DC4 and will not cause harm to the mature trees that bound the site to the north and east. Accordingly, I consider it appropriate for permission to be granted in this instance, although the Council's SPD encourages extensions and alterations to reflect design characteristics and materials of the original house.

### **Neighbour Amenity**

Taking into consideration the existing situation, and the mature trees on the northern boundary, I am satisfied that there would be no significant detriment in terms of light, privacy or outlook from the proposed development for any neighbours. At first floor level, there will be an additional habitable room window facing north. However, this will face towards the blank gable of the neighbouring house. Another first-floor window of the

extension is to be obscure-glazed. Accordingly, the degree of overlooking of this neighbours front garden is not such as to warrant refusal of the application.

### **Traffic / Parking**

The scheme maintains an adequate amount of off-street parking spaces, with the facility for vehicles to turn and exit to the highway in forward gear.

### **8. Conclusion**

Although the proposal does not accord with the Council's SPD in this instance it is considered that permission should be granted having regard to the aims and objectives of PPG2 and PPG15, and the corresponding policies of the RSS and Local Plan.

### **9. Summary Reason for Approval**

The proposed development will serve to preserve and enhance the character and appearance of the Chatterton & Strongstry Conservation Area and will not diminish the openness of the Green Belt to a significant extent or detract to an unacceptable extent from the amenities of neighbours or highway safety. The application is therefore considered acceptable in terms of PPS1 / PPG2 / PPG15, Policies DP1-9 / RDF2 / RDF4 / EM1 of the Regional Spatial Strategy, and Policies DS3 / DC1 / DC4 / HP1 of the Rossendale District Local Plan.

### **10. RECOMMENDATION**

That permission be granted, subject to the following conditions:

#### **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 the drawings and supporting information dated 12 January 2009, unless otherwise required by the conditions below or first agreed to in writing by the Local Planning Authority.

*Reason: In the interest of visual and neighbour amenity, in accordance with Policy HP1 / DC1 / DC4 of the Rossendale District Local Plan.*

3. Prior to the commencement of development samples of all facing materials to be used in the elevations of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials, unless otherwise agreed to in writing by the Local Planning Authority.

*Reason: In the interest of visual and neighbour amenity, in accordance with Policy HP1 / DC1 / DC4 of the Rossendale District Local Plan.*

4. Notwithstanding what is shown on the approved drawings, a scheme of landscaping/ boundary treatment shall be submitted for approval by the Local Planning Authority within one month from the date of this permission. Any fences/walls/gates/hard-surfaced areas forming part of the approved scheme shall be completed within two months from the date of the approved scheme unless otherwise agreed in writing by the Local Planning Authority. Any planting forming part of the approved scheme shall be completed in the first planting season following the approval of the scheme, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted, unless otherwise first agreed in writing by the Local Planning Authority.

*Reason: In the interest of visual and neighbour amenity, in accordance with Policy HP1 / DC1 / DC4 of the Rossendale District Local Plan.*

5. During the construction period, all trees to be retained shall be protected by 1.2 metre high fencing as specified in paragraph 8.2.2 of British Standard BS5837:1991 at a distance from the tree trunk equivalent to the outermost limit of the branch spread, or at a distance from the tree trunk equal to half the height of the tree (whichever is further from the tree trunk), or as may be first agreed in writing with the Local Planning Authority. No construction materials, spoil, rubbish, vehicles or equipment shall be stored or tipped within the area(s) so fenced. All excavations within the area so fenced shall be carried out by hand.

*Reason: In the interest of visual and neighbour amenity, in accordance with Policy HP1 / DC1 / DC4 of the Rossendale District Local Plan.*

6. Any construction works associated with the development hereby approved shall not take place except between the hours of 07:00 and 19:00 Monday to Friday and 08:00 and 13:00 on Saturdays. No construction works shall take place on Sundays or any Bank Holiday.

*Reason: To safeguard the amenities of neighbours, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.*

<b>Contact Officer</b>	
Name	Richard Elliott
Position	Planning Assistant
Service / Team	Development Control
Telephone	01706-238649
Email address	planning@rossendalebc.gov.uk





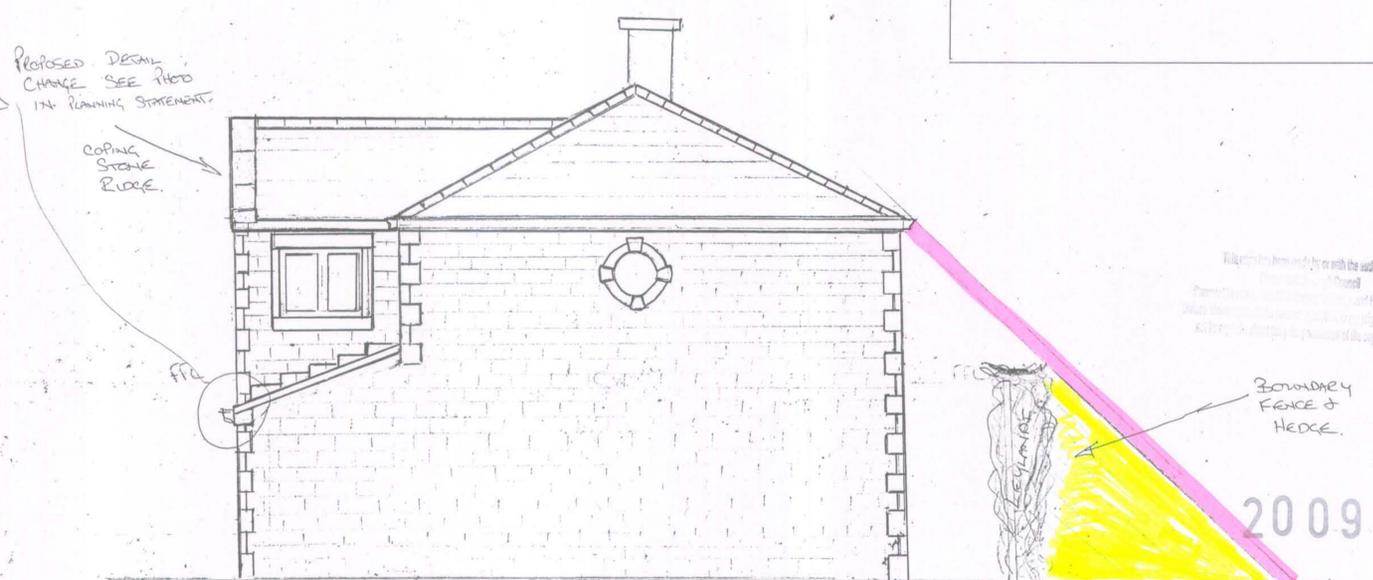
North Elevation



West Elevation



South Elevation



East Elevation

THE OLD VICARAGE	SCALE 1:50
ELEVATION PLAN	003
MR K.P. HARRING & MRS N WILSON.	

12 JAN 2009

2009/014

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Rossendale, York CM

EFFECT OF 45° RULE  
EXISTING FENCE

EFFECT OF 45° RULE  
PROPOSED EXTENSION

BOUNDARY FENCE & HEDGE

LEADLINE