

Application Number:	2011/0004	Application Type:	Full
Proposal:	Formation of hard surface for parking purposes and 1.8m fence to boundary	Location:	3 Mount Pleasant, Rawtenstall
Report of:	Planning Unit Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	
Applicant:	Mr Basharat Ali	Determination Expiry Date:	14 March 2011
Agent:			

Contact Officer:	Paul Talbot	Telephone:	01706 238637
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REASON FOR REPORTING

Tick Box

Outside Officer Scheme of Delegation

Member Call-In

Name of Member:

Reason for Call-In:

X

3 or more 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.

	RECOMMENDATION
	Approve with Conditions

APPLICATION DETAILS

1. SITE

The application relates to an area of land situated to the south side of the applicant's mid terraced house, separated from it by a single track road that fronts the seven houses in the terrace on Mount Pleasant.

Several of the houses have carried out works to form small hard surfaced areas for the purposes of parking a car and the applicant and the occupier of 13 Mount Pleasant have also fenced the boundary of their parking areas. The applicant has fenced his plot with decorative lattice fencing, whereas the occupier of 13 Mount Pleasant has erected a 1.5m trellis to the edge of their plot.

The site overlooks the rear of a terraced row fronting Haslingden Road and is elevated above it so it is at the level of bedroom windows.

The application site lies within the Urban Boundary as designated in the Rossendale District Local Plan

2. RELEVANT PLANNING HISTORY

2010/0511 Formation of parking area
 Withdrawn 02/11/2010

3. THE PROPOSAL

The application has been submitted following investigation of a complaint by the Council's Enforcement Team.

The applicant seeks retrospective permission for extension of the hard surfaced area approximately 2m nearer to the terraced properties fronting Haslingden Road, requiring permission by reason of its elevation and the fence topping it.

The resulting hardstanding is 5m in width and 7.3m in depth to the edge of the vehicular access. It is supported by a breeze block retaining wall of approximately 1.5m in height, which is grey in colour and unpainted. The fence topping it has a 1m high solid panel solid panel above which is an arched decorative trellis, with a height itself of 1.5m.

The rear fence is situated 5.2m from the first floor windows of 227 Haslingden Road.

4. POLICY CONTEXT

National

PPS1 Sustainable Development

PPS3 Housing

PPG13 Transport

Development Plan

Regional Spatial Strategy for the North-West of England (2008)

DP1 Spatial Principles
RDF1 Spatial Priorities
RT2 Managing Travel Demand
RT4 Management of the Highway Network
EM1 Environmental Assets

Rossendale District Local Plan (19995)

DS1 Urban Boundary
DC1 Development Criteria
DC4 Materials

Other Material Planning Considerations

RBC Submitted Core Strategy (2010)
RBC Alterations & Extensions to Residential Properties SPD (2008)

5.

CONSULTEE RESPONSES

RBC (Drainage)

A condition is recommended to ensure measures are implemented to prevent surface water run-off onto neighbouring land and property.

LCC (Highways)

No objection

6.

REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 21/01/11 and 5 neighbours were notified by letter on 17/01/11.

A communal email from neighbours at 227, 229, 231 & 233 & 235 Haslingden Road has been received which makes the following summarised comments:

- Poor quality construction/appearance of the retaining wall
- A pedestrian access has been blocked.
- Excess water run-off due to the works having poor drainage
- Impact on standard of living due to Loss of light /privacy/ vehicle headlights
- Loss of landscaping
- Noise due to additional traffic
- Works were unnecessary as there was ample parking

7.

REPORT

The main considerations of the application are : 1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access/Parking; & 5) Drainage.

Principle

The application site is located within the defined Urban Boundary and, as such, the development is acceptable in principle.

Visual Amenity

The build-out towards the terraced houses fronting Haslingden Road does not look unduly prominent or intrusive, such is the position/height of structures and planting to each side. Likewise, the fencing that tops it is not unduly high and is of attractive appearance. Accordingly, the development does not appear unduly prominent or intrusive.

Neighbour Amenity

For the reasons set out in the paragraph above, I do not consider the development to be unduly overbearing. However, I do consider the unpainted breeze block retaining wall to be of unacceptable appearance so close to the windows of neighbouring houses and given the limited size of neighbours gardens. The fence is not unduly high and is of attractive appearance. It is necessary given the height of the drop to the neighbours gardens and need to stop headlight glare.

I do not consider this small extension of hardstanding to have added greatly to the traffic movements/parking on Mount Pleasant or to have caused an unacceptable loss of privacy. I do not consider the proposal to have caused unacceptable harm to the amenities of neighbours, subject to treatment to improve the appearance of the retaining wall.

If the works have blocked a private access this a matter the neighbours would need to pursue themselves.

Access/Parking

The Highway Authority has no objection.

I am satisfied that the development has not materially affected traffic flows or highway safety.

Drainage

The Council's Drainage Officer has recommended that a condition to secure adequate drainage arrangements to deal with surface water run-off.

8. REASONS FOR APPROVAL

The development for which permission is sought is appropriate in principle within the Urban Boundary and subject to the conditions, will not unduly affect visual and neighbour amenity, drainage or highway safety. Therefore, it is considered that the development accords with PPS1 / PPS3 / PPG13, Policies RDF1 / RT2 / RT4 / EM1 of the Regional Spatial Strategy, Policies DS1 / DC1 of the Rossendale District Local Plan, and the Council's approved Alterations & Extensions to Residential Properties SPD (June 2008).

9. RECOMMENDATION

Approve with Conditions

CONDITIONS

1. Within one month of the date of this permission a scheme shall be submitted for the approval of the Local Planning Authority to address land drainage and surface water drainage issues, together with a timetable for their implementation. The agreed scheme shall be implemented in accordance with the agreed timetable, unless a variation is first agreed in writing by the Local Planning Authority.
Reason: To minimise the risk of flooding, to accord with Policy DC1 of the adopted Rossendale District Local Plan.
2. Within one month of the date of this permission, a scheme for painting or otherwise treating the retaining wall shall be submitted for the approval of the Local Planning Authority to improve its appearance, together with a timetable for implementation of the scheme. The agreed scheme shall be implemented in accordance with the agreed timetable, unless a variation is first agreed in writing by the Local Planning Authority.
Reason : In the interests of neighbour amenity, to accord with Policy DC1 of the adopted Rossendale District Local Plan.
3. The area of hardstanding hereby permitted hereby shall not be used other than for purposes incidental to the enjoyment of the dwellinghouse at 3 Mount Pleasant as such, and not for any trade or business purpose.
Reason : In the interests of neighbour amenity and highway safety, to accord with Policy DC1 of the adopted Rossendale District Local Plan.