

<b>Application Number:</b>	2012/372	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of pair of semi detached bungalows with rooms in the roof space and the erection of No.5 garages	<b>Location:</b>	Garage Site, Weir Lane, Weir
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	18 September 2012
<b>Applicant:</b>	Mr R Nuttall	<b>Determination Expiry Date:</b>	19 September 2012
<b>Agent:</b>	APB Bulding Surveyors		

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REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	<input type="checkbox"/>
<b>3 or more objections received</b>	<input type="checkbox"/> <b>3 objections received</b>
<b>Other (please state):</b>	

## 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. RECOMMENDATION

That the application be approved for the reasons set out in Section 10 of the Report

## 2. SITE

The application relates to an existing garage site which is located to the south side of Weir Lane and currently occupied by 6 garages of varying size, design and facing materials. The site is bounded to the east by Melrose Terrace which is a residential row of terrace properties at a level approximately 1.7m below the level of the site. To the west properties on Burnley Road back on to

the site and are raised above the level of the site by approximately 1.8m. The site slopes from west to east and also from north to south.

The site is accessed off Weir Lane near to its junction with Burnley Road (A671). At present there is an open access into the garage site and a separate dead-end access immediately adjacent to Melrose Terrace that is used for bin storage.

The site is located within the Urban Boundary of Weir as designated in Policy 1 of the adopted Core Strategy DPD and illustrated on the Proposals Map 2011.

### **3. RELEVANT PLANNING HISTORY**

No relevant planning history

### **4. THE PROPOSAL**

The applicant seeks permission for the erection of a pair of semi detached bungalows with rooms in the roof space, with a block of 5 garages to their rear.

The pair of semi-detached properties would be situated approximately 10m back from Weir Lane, 9m from the rear of properties on Melrose Terrace and 9m from the rear of properties on Burnley Road. The building would have a height to ridge of 6.8m and the height to eaves would be 2.4m, both roof planes possessing rooflights. The design of the property means it has a projecting front gable that would be 6.7m at the highest point and 4.5m to eaves. The property would be constructed of stone under a slate pitched roof.

There would be generous areas of hardstanding to the front of the proposed pair of semi-detached properties to meet the occupiers parking needs, and small gardens bound by fencing to the rear. This space also provides bin storage for the properties.

To the east of the proposed properties there would be an access track to the block of 5 garages. The garages would be constructed of the same facing materials as the dwellings. Each would measure 5.8m x 3m, with an eaves height of 2.4m and a ridge-height of 3.6m. There would be 6m reversing space between the rear garden fence of the properties and the garage entrances.

### **5. POLICY CONTEXT**

#### **National Planning Guidance**

National Planning Policy Framework (2012)

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 11 Conserving and Enhancing the Natural Environment

#### **Development Plan**

Regional Spatial Strategy for the NW of England (2008)

Policy DP1-9 Spatial Principles

Policy RDF1 Spatial Priorities

Policy L4 Regional Housing Provision

Policy RT2 Managing Travel Demand

Policy RT4 Management of the Highway Network

Policy EM1 Environmental Assets

Rossendale Core Strategy DPD (2011)

- AVP2 Bacup, Stacksteads, Britannia and Weir
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable and Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 23 Promoting High Quality Designed Spaces
- Policy 24 Planning Application Requirements

**Other Material Planning Considerations**

RBC Alterations & Extensions to Residential Properties SPD (2008)

**6. CONSULTATION RESPONSES**

LCC (Highways)

No Objection

Weir Lane is an un-adopted highway that is privately maintained. In the evenings and weekends the sightlines from Weir Lane onto Burnley Road are restricted due to parked vehicles. There has been 1 collision resulting in an injury in the previous 5 years (June 2008) at the junction as a result of poor sightlines. It is unlikely that the traffic generated by these 2 dwellings would be of detriment to highway safety.

LCC parking standards require 2 off street parking spaces for each property and 2 have been proposed at each property.

There are currently 8 garages on the site that are mainly used for domestic storage by the nearby residents. The garages vary in size and quality and most are too small to accommodate a standard sized car. The proposed 5 garages are an improvement on security and will be more desirable to residents for parking off the highway. The internal garage dimensions should be 6m x 3m.

The new footway running adjacent to Weir Lane should be 1.8 metres wide (minimum). The new footway should link to the existing footway from Burnley Road for continuity.

The new access road and driveways should be constructed of a bound porous material to ensure that no loose material is washed onto the highway and causes a hazard for highway users.

The properties should have a secure covered place to store cycles.

**7. REPRESENTATIONS**

To accord with the General Development Procedure Order two site notices were posted on 10/08/2012 and 26 neighbours were consulted by letter on the 30/07/2012.

Four letters of objections (from three different addresses) have been received. The concerns expressed are summarised below :

- Poor visibility at the junction with Burnley Road and Weir Lane as well as increased traffic will increase the risk of traffic accidents
- The associated cars will cause more disruption on Weir Lane than there is already
- The condition of the road is poor and the increased traffic will make it worse
- In the winter Weir Lane is hard to drive on and more vehicles will park on the main road which is very congested
- The semi-detached bungalows are not in-keeping with the visual appearance of the area
- The proposed building will adversely affect daylight to/privacy of my property and will overshadow my garden, diminishing enjoyment of this amenity space
- The garages will effect outlook from property
- The construction process presents potential hazards in the form of building dust, noise pollution and movement of heavy machinery

## **8. ASSESSMENT**

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

### Principle

The site is previously developed land and within the Urban Boundary of Weir. Accordingly, the scheme is considered acceptable in principle.

### Housing Policy

The proposal is in accordance with Policy 2 and Policy 3 of the adopted Core Strategy, which encourage development on previously developed sites in Rossendale and for minimal numbers of new housing to be built in smaller and more isolated settlements which includes Weir.

### Visual Amenity

The proposed pair of semi-detached properties will be set back from Weir Lane by approximately 10m. They will not be prominent in the street scene by virtue of this set back. The dominant property type in the immediate area is traditional stone/slate two storey terrace properties; 12 Melrose Terrace possessing a flat-roofed 2-storey rear extension and 8 & 10 Melrose Terrace a 2-storey gabled rear extension with single pitched roof over, all visible from Weir Lane (over the application site).

The proposed building would be constructed of stone and slate. It is of a design that has a ridge somewhat higher than might be expected of a bungalow as it is to have habitable space within the roofspace. It also incorporates a central gabled section in the front elevation that projects forward by 1.5m, with windows at ground and first-floor level and with a single pitched roof over.

Thus, whilst it might be said that a conventional 2-storey building would be more in-keeping with the surrounding terraced houses, it would impinge to a greater extent on light to/outlook from neighbouring dwellings and has picked-up on design features of the surrounding buildings.

.design of the building is of simple form and As a result of its setback from Weir Lane it will not be eye catching or unduly prominent in the street-scene.

The site does not currently possess a high level of design quality, with a hotch-potch of garages of varying size/design/facing materials.

The proposed garages which would be of standard size and matching design/facing materials design, constructed of stone and slate.

Accordingly, the scheme is considered to have had regard to the constraints of the site and will not detract to an unacceptable extent from the character and appearance of the area. To soften the impact of the buildings and associated hardstandings as well as to ensure boundaries nearest to neighbours are finished acceptably it is considered necessary to condition that a detailed scheme of landscaping/boundary treatments is submitted to and agreed in writing with the LPA.

Subject to the relevant conditions the scheme is considered acceptable in terms of visual amenity.

#### Neighbour Amenity

The proposed height of the property is 6.8m above ground level, having regard to the levels compared with the dwellings on Melrose Terrace the separation distance between habitable room windows in the rear elevations and extensions of properties should be 8m. This is based on the calculation of 6.5m between principle window to a habitable room and a single storey blank gable plus an extra 3m of separation for each 2.5m or one storey of height difference. There is a height difference of approximately 1.7m between the proposed building and the properties on Melrose Terrace. The separation distance proposed is 9m and therefore the proposed dwelling would accord with the separation distances the Council normally requires. Similarly the separation distance between the proposed dwellings fronting Burnley Road is acceptable being 9m from the proposed development. In considering the impact of the development I am also mindful of the position of existing garages on the site which are currently situated along the boundary with Melrose Terrace. The side elevations of the proposed building have a single obscure-glazed window and would not enable direct overlooking into neighbouring properties.

The front windows in the property would be 17.2+m from habitable room windows in existing properties on Weir Lane. The RBC Alterations and Extensions SPD states that the separation distance should be 20m. No residents of Weir Lane have raised objection or commented on the scheme. The separation distances are a guide and in this instance the resulting separation distances are considered adequate. The existing properties fronting Weir Lane are at an angle so there is 20m separation between the proposal and 1 Weir Lane, diminishing to 17.2m at 5 Weir Lane. Furthermore, the gable of 14 Melrose Terrace and its rear extension (which includes habitable room windows facing properties on the opposite side of Weir Lane) fails to meet the current spacing standards, with a separation of 13m to the front windows of 11 and 13 Weir Lane. Although the proposal will impact on privacy at properties on Weir Lane it is not considered that the impact would be unduly detrimental for reasons given above.

The scheme is in accordance with the Council's separation distances in relation to properties on Burnley Road and Melrose Terrace. The scheme will result in the loss of a handful of conifers near this party-boundary which, though not of significant visual amenity value, will expose the development site to greater view from these properties. It is considered appropriate to condition that a detailed scheme of landscaping/boundary treatments is submitted to and agreed in writing with the LPA in order to secure replacement planting here.

On this basis the scheme is not considered to result in unacceptable detriment for any neighbours.

#### Access/Parking

LCC parking standards require 2 off street parking spaces for a 2 bedroom property and 2 have been provided at both properties. There has been no objection from the Highway Authority. It is satisfied that the proposal will not be unduly detrimental to highway safety. Its request that a footway to Weir Lane fronting the site be slightly wider than shown on the originally submitted drawing is possible without loss of off-street parking.

Its wish for the new access road and driveways to be constructed of a bound porous material and for properties to have a secure covered place to store cycles are conditioned.

The scheme is considered acceptable in terms of highway safety.

## 9. SUMMARY REASON FOR APPROVAL

The proposed development is considered appropriate in principle within the Urban Boundary and, subject to the conditions, it is considered that it will not result in unacceptable detriment to visual & neighbour amenity or highway safety, having regard to the NPPF (2012), Policies RDF1/L4/RT2/RT4/EM1 of the Regional Spatial Strategy for the NW of England (2008), and Policies 1 / 8 / 9 / 16 / 17 / 18 / 23 / 24 of the Council's adopted Core Strategy DPD (2011).

## 10. RECOMMENDATION

That the application be permitted 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 amended drawings numbered DWG/007 received 03/09/2012, amended drawing numbered DWG/01 received 24/08/2012, drawing numbered DWG/03 dated 25 May 2012 and drawing numbered DWG/06 dated 30/07/2012 but with the footway to Weir Lane widened to be a minimum of 1.8m in width, unless otherwise required by the conditions below or otherwise first agreed in writing by the Local Planning Authority.  
Reason: To accord with the permission sought and in the interests of Highway Safety to comply with Policy 8 of the Council's Core Strategy DPD (2011).
3. The vehicular hardstanding and parking spaces shown on the approved drawing shall be constructed and surfaced with a bound porous material and all spaces shall be made available for use prior to first use of the dwellings hereby permitted and thereafter kept freely available for use as such.  
Reason: In the interests of highway safety, and to accord with Policies 1, 8 and 24 of the Council's Core Strategy DPD (November 2011).
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Classes A to H or Part 2 Classes A to C, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.  
Reason: To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area and in the interests of neighbour amenity, to comply with Policy 1 and 24 of the Council's Core Strategy DPD (November 2011).
5. No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved by the Local Planning Authority.

Such a scheme shall be constructed and completed in accordance with the approved plans.  
Reason: As required by United Utilities and to ensure the development has satisfactory drainage in accordance with Policy 24 of the adopted Core Strategy DPD.

6. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of landscaping/boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, to include details of existing boundary planting to be retained and any necessary measures for the protection of planting. Any fences/walls/gates/hard-surfaced areas forming part of the approved scheme shall be completed prior to first occupation of the building hereby permitted and any new planting shall be undertaken in the first planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any of the plants which are removed, die or becomes seriously damaged or diseased within 5 years shall be replaced by others of the same siting/size/species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect visual and neighbour amenity, in accordance with Policies 1 & 24 of the adopted Core Strategy DPD 2011.

7. Notwithstanding what is shown on the submitted drawings, prior to the commencement of development full details of secure covered cycle storage facility to be provided for each property shall be submitted to and in agreed in writing by the Local Planning Authority

Reason: To promote sustainable travel in accordance with Policy 8 of the adopted Core Strategy DPD 2011.

8. Prior to the commencement of development a sample of the facing stone and roofing materials to be used shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken with the approved facing materials and shall not be varied unless otherwise first agreed in writing by the local planning authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policy 24 of the adopted Core Strategy DPD 2011

9. Any demolition or 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 to 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 neighbours, in accordance with Policy 24 of the Council's Core Strategy DPD (November 2011).