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
Grant planning permission subject to the conditions.

APPLICATION DETAILS

2. SITE
The site comprises of a large detached dwellinghouse located on the corner of Sunnyside Close in Reeds Holme. The dwelling has a single storey extension attached to its east side elevation with an integral garage to the front elevation. It is constructed from facing brick with interlocking...
concrete roof tiles. The property has a driveway and a lawned garden to the front with a private garden to the rear.

The dwelling is surrounded by large detached properties on all sides, with a small turning head to the rear and east. Two mature trees are located adjacent to the site beyond the rear boundary.

The site is located within the designated Urban Boundary. The property is not listed and it is not within a conservation area.

3. **RELEVANT PLANNING HISTORY**

87/130 Extension to side of house to form extra accommodation
Approved 01 May 1987

4. **PROPOSAL**

Part-retrospective planning permission is sought for the erection of a single storey lean-to extension to the rear elevation of the dwellinghouse. The application has been submitted as a result of a complaint to the Planning Enforcement Team. The development was found not to be permitted development by reason of it being attached to the previous extension, extending beyond a wall forming the side elevation of the original dwellinghouse and having a width greater than half the width of the original dwellinghouse. Therefore the Planning Enforcement Team invited an application for planning permission.

The extension provides additional ground floor living space to the existing kitchen. The extension projects beyond the rear elevation of the original rear wall by 2.715m flush with the rear elevation of the existing side extension. To the west elevation, the extension is flush with the original side wall.

The extension has been constructed using facing brick and is to have interlocking concrete roof tiles to match the main roof.

A scheme of boundary treatment and planting has been submitted at the request of Officers, including boundary fencing and evergreen planting.

5. **POLICY CONTEXT**

**National**


Core Planning Principles (paragraph 17)
Section 7 Requiring Good Design

**Development Plan Policies**

Rossendale Core Strategy DPD (2011)

AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
Policy 1 General Development Locations and Principles
Policy 18 Biodiversity, Geodiversity and Landscape Conservation
Policy 23 Promoting High Quality Design and Spaces
Other Material Considerations

RBC Alterations & Extensions to Residential Properties SPD (2008)

6. CONSULTATION RESPONSES

N/A

7. REPRESENTATIONS

To accord with the General Development Procedure Order, 5 no. neighbours were initially notified by letter on 20/04/2016. Following amendments to the proposed boundary treatment, neighbours were re-consulted on 02/06/2017.

Three letters of objection were received during the consultation periods. The comments received are summarised below:

- Extension significantly increases the footprint of the property – overly large for the site;
- Extension is obtrusive and not in keeping with the surrounding properties;
- The plans are incorrect and do not show the additional downstairs toilet facilities;
- Poor matching brickwork.
- Damage to existing boundary treatment between No.1 Sunnyside Close and Nos. 15 and 17 Crawshaw Drive including: loss of trees on site and adjacent to, undermining tree stability, creation of trenches between boundaries.
- Significant disturbances during building work and inappropriate times of day including, noise, traffic and fires

8. REPORT

The main considerations of the application are:

1) Principle; 2) Visual Amenity 3) Neighbour Amenity; & 4) Access, Parking and Highway Safety

Principle

Policy 1 of the Core Strategy directs new development to the Urban Boundary. As the application site is located within the Urban Boundary of Rawtenstall, the proposed extension is therefore acceptable in principle.

Visual Amenity

The extension would project beyond the rear elevation by 2.715m and extend 7.877m in width, flush to the existing side extension. Paragraph 3.2 of the Alterations and Extensions to Residential Properties SPD which relates to single storey rear extensions states that “where the proposed extension would be on or within 1m of the party boundary of an adjacent property it should not normally project in excess of 3m beyond the rear wall of that property”. Therefore, the extension is considered acceptable in this regard. Furthermore, owing to the small projection from the rear elevation the extension would not unduly dominate the rear elevation of the property.

Whilst the extension does increase the footprint of the building, this is not considered to be harmful to the character of the host dwelling. The extension also incorporates a mono-pitched roof
blending well with the existing single storey side extension. The development would be partly visible within the street scene above the proposed boundary fencing however is not considered to be detrimental to the visual quality or character of the street scene.

A scheme of additional planting and boundary treatment was submitted to the Local Planning Authority at the request of Officers (drawing number 2017/32-05 rev C) both in the interests of biodiversity and visual amenity. The scheme is considered to be acceptable subject to the use of a planning condition securing the implementation of these details.

The de-stabilisation of trees outside of the site boundaries which arose due to poor construction practices is a private matter.

Overall, subject to conditions the extension is compliant with Policies 23 and 24 of the adopted Core Strategy DPD and the Alterations and Extensions to Residential Properties SPD.

Neighbour Amenity

The Residential Extensions SPD Section 2 states that extensions will not normally be permitted unless they:

- Do not invade privacy through direct overlooking from windows or balconies;
- Does not significantly reduce the amount of usable amenity space for the property or an adjacent property to an unacceptable degree;
- Does not significantly harm the outlook of neighbouring properties.

Objections have been received from members of the public and the material planning considerations are considered below.

Further to discussions between the case officer and the applicant’s agent, several amendments to the boundary treatment have been made in an attempt to address some of the concerns over potential harm to neighbour amenity. Officers are satisfied that the proposed close boarded timber/concrete panel fencing to the rear and side boundaries as shown on drawing number 2017/32-05 rev C, would prevent any undue levels of overlooking and loss of privacy. Officers are satisfied that there would be no direct overlooking as a result of the development as there are no windows to the side elevation of the extension facing the neighbour No.17 Crawshaw Drive. However, it is considered necessary to attach a condition to prevent any future installation of windows and doors to the side elevation of the extension.

The extension would not significantly reduce the amount of useable amenity space for the property and post development the rear garden would measure approximately 15.5m x 8m which is considered acceptable.

The SPD recommends a separation distance of 6.5m between a principal window to a habitable room in one property and a single storey blank wall of a neighbouring property. The side elevation of the proposed extension is flush with the existing side elevation and is some 8.2m away from the closest neighbouring property No. 17 Crawshaw Drive, which is set approximately 1.7m on lower ground. Taking into account ground level differences, the proposed extension is acceptable with regards to separation distances. Moreover, given that the extension projects less than 3m from the rear elevation and is flush with the original side wall, officers are satisfied that the extension would not have a detrimental, significant overbearing impact or result in loss of light on any of the neighbours, compliant with paragraph 3.2 of the Alterations and Extensions to Residential Properties SPD.
Disturbance during construction was an objection received during the consultation period. To safeguard the remainder of the construction process, it is considered necessary to attach a condition restricting the hours of construction.

It is also noted that fires on site during the construction process was raised as a concern, however this is a matter for the Environmental Health department and not for the Planning department.

Overall, subject to conditions to implement the boundary treatment and to restrict the installation of windows to the side elevation, the scheme is considered to be acceptable with regards to neighbour amenity and complies with Policies 23 and 24 of the Core Strategy DPD, and the Alterations and Extensions to Residential Properties SPD.

Access, Parking and Highway Safety

The scheme would have no such impact on the existing parking arrangements and is therefore considered to be acceptable with regards to highway safety.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate within the Urban Boundary and it is considered that the scheme would not unduly detract from visual and neighbour amenity, or highway safety subject to conditions. It is considered that the development is in accordance with the National Planning Policy Framework and Policies 1, 18, 23, 24 and AVP4 of the adopted Core Strategy DPD, and the Alterations and Extensions to Residential Properties SPD.

10. CONDITIONS

1. The development shall be carried out in accordance with the following unless otherwise required by the conditions below:
   - Amended Application Form received 11\textsuperscript{th} May 2017 by the Local Planning Authority.
   - Site location plan date stamped 19\textsuperscript{th} April 2017 by the Local Planning Authority.
   - Proposed site plan drawing number 2017/32-05 rev C.
   - Existing and proposed plans and elevations 2017/32-04 rev B.

   \textbf{Reason:} To define the permission and in the interests of the proper development of the site.

2. Any 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 and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

   \textbf{Reason:} To safeguard the amenities of neighbours.

3. The boundary treatment as shown on the approved drawing number 2017/32-05 rev C shall be implemented within 3 months from the date of this decision. This comprises the timber fence panels with concrete posts and planting of evergreen trees to the locations shown on the approved plan. The boundary fencing shall be retained as approved thereafter. Any trees or plants which within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

   \textbf{Reason:} In the interests of biodiversity and to safeguard the amenities of neighbours.
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended) (or any revoking and re-enacting that Order with or without modification) upon the grant of this planning permission no windows or doors shall be inserted to the side (west) elevation of the extension hereby approved.

**Reason:** To ensure that the proposal does not harm the privacy of neighbouring properties.

5. The materials used in the construction of the external surfaces of the extensions hereby permitted shall match those of the existing dwelling.

**Reason:** In the interests of visual amenity.

11. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at: [http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1 adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1 adopted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The Party Wall etc. Act 1996 requires a building owner to notify and obtain formal agreement from adjoining owner(s) where the building owner intends to carry out building work which involves:

   1. work on an existing wall shared with another property;
   2. Building on the boundary with a neighbouring property;
   3. Excavating near a neighbouring building, and that work falls within the scope of the Act.

Procedures under this Act are quite separate from the need for planning permission or building regulations approval.

Project: 1 Sunnyside Close, Reedsholme, Rossendale BB4 8PE

Project No.: 2017-32

Title: OS Site Plan

Scale: 1:1250@A4
Single Storey Rear Extension at
20 Sunnyside Close, Reedsholme
Rossendale BB4 8PE

Job No.: B

Existing and Proposed Plans and
Sections

Existing Ground Floor Plan (1:50)

Existing Front Elevation (1:100)

Existing Gable Elevation (1:100)

Existing Rear Elevation (1:100)

Proposed Ground Floor Plan (1:50)

Proposed Front Elevation (1:100)

Proposed Gable Elevation (1:100)

Proposed Gable Elevation (1:100)

Proposed Site Plan (1:200)

Nick Pritchard
Client

Project

Elevations

Title

File Ref

Area

Date

Checked

Scale

AS Noted

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2017/32

2017/32-04

320 B"