

Hyndburn Borough Council – Committee Report

Application Ref: 11/19/0264

Application Address: Hyannis Hindle Fold Lane, Great Harwood, BB6 7PT

Date Registered: 24th July 2019

Date for Decision: 10th October 2019

Date Report Written: 26th September 2019

Description of Development: Erection of 2-storey extension to replace existing garage building with new hipped roof above existing 2-storey front extension (resubmission 11/18/0491).

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.

Site and Proposal

The application site consists of a detached dwelling located on Hyannis, Hindle Fold Lane, within the urban boundary of Great Harwood. The existing dwelling is brick built with render and a gable end roof. A flat roofed two storey front extension exists on the dwelling with a single flat roofed garage extending further from the front elevation of the dwelling. The extension has 2 windows facing outwards from the front elevation and is brick built with wooden cladding. The garage has windows facing out the side elevation and is brick built with render. The surrounding area of Hyannis Hindle Fold Lane is predominantly residential with bespoke dwellings of differing styles. The lane is narrow and ends in a cul-de-sac. Parking exists in the form of a driveway adjacent to the garage.

Planning permission is sought for the erection of a two storey extension to replace the existing garage building with the addition of a new hipped roof on the two storey front extension. The two storey extension which would replace the garage would contain a lounge on the ground floor and a bedroom on the first floor. The first floor would extend from the front elevation by around 3.61m giving a setback from the ground floor by around 1.9m. Windows would be installed in the side elevations of the ground floor, the front elevation of the first floor and the side elevation the first floor on the southern side.

The extension would have a total height of around 6.5m whilst the addition of the hipped roof on the existing 2 storey front extension would give a total height of around 7m. Materials would match what is existing. The roof style would be hipped.

Consultations

Neighbours: Letters sent to neighbours, four comments received. One comment encourages the need for a Construction Method Statement as recommended by the Highways Authority because of the tightness of the road and cul-de-sac. The comment cites the need to control where skips are stored and how damages to the un-adopted highway are to be repaired and how during construction they plan to maintain highway safety. Other issues raised are:

- The property has reached its limit in terms of extensions.
- The applicant runs a business from their property.
- Parking is already a serious problem and would be exacerbated by the extension.
- Issues, especially regarding parking during the construction phase
- The proposal by virtue of height would dominate the street scene
- Overshadowing and oppressive impact
- Overlooking impact from first floor front window

LCC Highways: No objections subject to a condition requiring a construction method statement prior to commencement of development.

Environmental Health: No objections

Relevant Planning History

11/18/0491. Erection of 2-storey extension to replace existing garage building with new hipped roof above existing 2 storey front extension (resubmission 11/18/0491).

Relevant Policies

National Planning Policy Framework
Hyndburn Core Strategy Policies BD1, Env4, Env6, Env7
Development Management DPD: Policies DM26 and DM 29
Householder Design Guide SPD

Observations

The key issues for consideration in this application are the overall design and the impact of the proposal on neighbouring amenity and highways matters.

Amenity

Policy Env7 of the Hyndburn Core Strategy states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity. Policy DM 29 of the Development Management DPD has similar aims.

Initial correspondence with the agent consisted of a request to remove a first floor window from the side elevation facing the neighbouring property known as 'the cobbles'. This would remove the overlooking impact on this elevation. It is also noted that the first floor window on the front elevation would result in a significant overlooking impact on the property across the lane. However, this window could be obscurely glazed with the attachment of a condition. Submitted drawing no 04 shows a bathroom window facing the cobbles whilst the other plans do not show this. The agent has not responded to clarify this decision in time for the publication of this report, however, a bathroom window in this position would be subject to a condition for it to be obscurely glazed as to protect the privacy of the occupiers and the neighbours.

It is well noted that the applicant has attempted to address the previous reason for refusal relating to loss of light by setting the first floor in by some 1.9m. To assess the impact of the development on the neighbouring property, officer's undertook a site visit to view the applicants property from the neighbouring property. From this visit, it was clear that the height and scale of the amended extension would still result in a significant loss of light for a number of hours during the afternoon for the property particularly the dining room and bedroom on the ground floor to the detriment of their amenity. The proposed development would result in the gable end of Hyannis becoming over-bearing and the proposal would therefore fail to accord with Policy Env7 of the Hyndburn Core Strategy and Policy DM29 of the Development Management DPD by virtue of the gable end being over-bearing and resulting in it over-shadowing the neighbouring property.

Design

Policy Env6 of the Hyndburn Core Strategy states that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design and protection of heritage assets. Policy DM26 of the Development Management DPD has similar aims. Design Guidance 1 of the Householder Design Guide states that planning permission will only be given for extensions which are well designed and relate well to the original house and the local street scene in terms of design and use of materials. Proposals which would cause material harm to the character or appearance of the existing building or street scene will not be allowed. In order to minimise the impact of the extension the design should replicate the proportions, roof pitch and type of roof as on the main house.

Officers met with the applicant and agent for pre-application discussions to attempt to find a compromised design which would be acceptable in terms of its impact on the character of the area. Dwellings in the immediate vicinity are bespoke - of differing styles, character and orientation. The application dwelling is unique to the area, owing to a more 1950s modernist

design. It is considered that the amended design, on balance would not have a negative impact upon the host dwelling and the surrounding area in aesthetic design terms.

However, the Householder Design Guide states that all extensions should be designed to avoid overshadowing and not be physically dominating to neighbouring properties. Design Guidance 7 relates to two storey rear extensions, however, the guidance can be adapted to include the proposed development. The guidance states that two storey rear extensions (front in this case) will not normally be granted for terraced and semi-detached properties, unless it can be shown that such proposals will not have an unacceptable impact on neighbouring properties in terms of overshadowing, loss of privacy, loss of light and enclosing impacts. Although it is the case the host dwelling is detached and the guidance points out that two storey extensions can be acceptable on such properties, the proposal would by reason of its height and scale would result in a loss of light for the occupiers of the property known as the Cobbles.

Highways

LCC Highways have been consulted on the application and offer no objection provided that a Construction Method Statement is submitted to and approved in writing prior to the development commencing. This would look to address issues raised by neighbours by developing a suitable scheme and programme. The proposal would look to increase the number of bedrooms from 2 to 3. It is not considered that as a result of this there would be an increase in traffic. It must be noted however that the highway issues raised would not warrant a refusal as the site could be subject to a scheme under permitted development where construction vehicles and skips would be present on the site anyway. Additionally, the lane is un-adopted and outside of the red edge and as such, it would be difficult for the Local Authority to enforce.

Other issue

It is claimed from an objection comment that a business is being run from the property which results in delivery vehicles frequenting the site. This activity is not something that can be considered within this planning condition as it bears no relationship with the proposed development. In any case, the acid test for planning permission for running a business from home requires the property to still mainly be used as a home and not as mainly a business premises. Officers have no evidence to suggest the latter is the case.

Conclusion

The proposal has been considered against the relevant policies of the Development Management DPD, the Hyndburn Core Strategy, the Householder Design Guide and the National Planning Policy Framework. It has been noted that the applicant did attempt to address the reasons for refusal from the previous application and from the plans and maps the proposal was finely balanced. On visiting the site, it was considered that the proposal by reason of its height and scale would still result in over-shadowing and a loss of light for a number of hours during the afternoon for the neighbouring property known as the Cobbles

and as such the proposal would fail to accord with Policy Env7 of the Hyndburn Core Strategy and Policy DM29 of the Development Management DPD and is recommended for refusal.

Recommendation: Refuse

Reasons:

- 1) The overall height and scale of the extension would result in the gable end of Hyannis becoming over-bearing and resulting in over-shadowing and a loss of light for a number of hours during the afternoon for the neighbouring property of known as the Cobbles to the detriment of their amenity. For this reason the proposed development fails to comply with Policy Env7 of the Hyndburn Core Strategy, Policy DM29 of the Development Management DPD and National Planning Policy Framework.

Informatives

- 1) 20
- 2) NPPF

Note for Members of Planning Committee to consider

If members of Planning Committee are minded to approve the application, Officer's believe a number of conditions should be attached:

- Development to commence within 3 years of approval
- The development shall be implemented in accordance with the approved plans
- A construction method statement shall be submitted prior to commencement of development
- Any bathroom window installed and the first floor window on the front elevation shall be obscurely glazed.