

Hyndburn Borough Council – Committee Report

Application Ref:	11/19/0450
Application Address:	21 Southwood Drive, BB5 2PZ
Householder Application:	Erection of conservatory
Date Registered:	19 th December 2019
Date for Decision:	27 th February 2020 (extended)
Date Report Written:	13 th February 2020

Cllr Kath Pratt requested that this application be determined by the Council's Planning Committee.

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 semi-detached bungalow located on Southwood Drive within the urban boundary of Baxenden, Accrington. The bungalow is brick built with a gable end roof, a design typical of bungalows in the surrounding area. The bungalow, along with the neighbouring bungalow of no 23 Southwood Drive have existing rear conservatories which project around 2.3m and a total height of around 3.5m. The roofs are semi-opaque.

Planning permission is sought for an extension to the conservatory to give it a total projection of around 4.2m from the rear wall, the roof would also be tiled with a hipped design giving a new total height of around 3.8m.

Consultations

Neighbouring consultation: 1 representation received highlighting the following concerns:

- Discrepancies over the boundary and fence ownership

- The proposed extension would add another 6 feet to their conservatory as well as approx 12 feet in height
- Loss of light both internally and externally due to the new roofing materials and height
- Discrepancies surrounding what constitutes a conservatory.

Relevant Planning History

This planning application came about through enforcement action, works on the development having commenced without the benefit of planning permission. The applicants ordinarily would have been able to submit this kind of application under the prior approval route, but because the works had already started a full application was submitted.

Relevant Policies

Development Management DPD: Policies DM 10 and DM 29
Hyndburn Core Strategy: Env6, Env7
National Planning Policy Framework
Householder Design Guide SPD

Observations

Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. When considering planning applications for residential alterations, the policies of the development plan seek to ensure that development is well designed and does not have an unacceptable adverse impact on the amenity of neighbours.

The key issues to consider as part of this application is the impact of the design of the extension and its impact on residential amenity.

Design

Policy Env 6 of the Hyndburn Core Strategy seeks to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design, it also states in section A that a new development will be expected to maintain and enhance local distinctiveness including the character and quality of both townscape and landscape. Policy DM 10 of the Development Management DPD has similar aims. In addition, Design Guidance 1 of the Householder Design Guide SPD states that planning permission will only be granted 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 harm to the character of the existing building or the street scene will not be allowed.

The proposal is around 3.8m in total height, an increase of 30cm from what currently exists would not obstruct any of the first floor windows. The proposal would not be out of character

with the area and would not have a detrimental impact in terms of design and the materials proposed would match the existing and is thus in accordance with Policy Env 6 and Policies DM10 and DM 26 and the provisions of the Householder Design Guide.

Amenity

Policy Env 7 of the Hyndburn Core Strategy states that proposals for new developments will only be permitted if it does not result in unacceptable adverse impacts through (amongst other things), overbearing and loss of light. Policy DM 29 of the Development Management DPD has similar aims.

Design Guidance 5 of the Householder Design Guide (HHDG) SPD states that single storey extensions on semi-detached properties should project no more than 4m from the rear wall of the property. A greater projection may be allowed in exceptional circumstances where for example there is an overriding disability need. In all cases at least one third of the garden areas must be retained for amenity and bin-storage purposes. Extensions should be in proportion and scale with the original dwelling house and not dominate or overlook neighbouring properties.

The proposal would see a 4.2m projection meaning it is technically 20cm over what is generally seen as acceptable in the HHDG. In these instances, officers assess the harm of the extra projection.

An objection comments received cites the potential of a loss of light from the proposal, particularly the increased height and the roofing material. On visiting the site, officers observed this aspect carefully, and concluded that although there would be a very slight instance where light may not reach the conservatory, this would only be very minor at only a certain period of the day, the impact is also lessened due to the fact that the existing roofs on both conservatories are semi-opaque and do not let a significant amount of light through anyway.

On assessing the loss of light from the increase in projection, a sun path test and an angle test were carried out. To help assess the loss of light as a result of a proposed development to the rear of a residential property, the 60 degree and 45 degree lines (anything below this number would generally be acceptable). In the case of a single storey extension, it is the 60 degree line that is employed. These lines will be taken from the centre of the closest neighbouring window and run to the furthest point of the neighbouring extension. The angle test on this application gave a result of around 53 degrees and is therefore within the boundary and generally seen as acceptable.

In regards to the sun path test, the rear of the properties are west facing and therefore receive most of their direct sunlight later on in the day. The existence of a further 1.9m in projection on the neighbouring property would have a very minor impact in this sense and the conservatory of no23 Southwood Drive would still receive an acceptable amount of sunlight. In conclusion, officers recognise that there would be a very minor impact in terms of overshadowing and loss of light due to the proposal, however, this is in most cases to be

expected and is not a strong enough reason to warrant a refusal. As such, the proposal is in line with Policy Env7 of the Hyndburn Core Strategy and Policy DM29 of the Development Management DPD.

Other issues

Other issues raised by the objection comment raise the issue of ownership around the boundary and fence. This is a civil matter and therefore not a material planning consideration.

The objector has also questioned what constitutes the legal definition of a conservatory. Again, this is not a material planning consideration as the proposal is being assessed in the same way as a single storey rear extension.

Conclusion

The application has been assessed against the relevant policies contained within the Hyndburn Core Strategy, the Development Management DPD, the Householder Design Guide and the NPPF. Although the proposed extension will be visible from the neighbouring property, it is not considered that the harm arising from the proposed development is sufficient to justify refusal of this application, particularly when the policy framework supports the development of single storey extensions up to 4m in length. The application is therefore recommended for approval.

Recommendation

Approve with conditions.

Conditions/Reasons

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:
 - (a) The planning application forms and location plan received by Hyndburn Borough Council on 11th December 2019;
 - (b) Submitted drawings nos A101 and A102 received by Hyndburn Borough Council on 11th December 2019.

Reason: for the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

Informatives

13a, 14, 15, 16, 17, 18.