

## **Hyndburn Borough Council – Committee Report**

<b>Application Ref:</b>	11/19/0423
<b>Application Address:</b>	128 Hollins Lane, BB5 2JS
<b>Date Registered:</b>	6 <sup>th</sup> December 2019
<b>Date for Decision:</b>	27 <sup>th</sup> February 2020 (extended)
<b>Date Report Written:</b>	17 <sup>th</sup> February 2020
<b>Description of Development:</b>	Erection of single storey side and rear extension including internal remodelling

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 detached dwelling located on Hollins Lane within the urban boundary of Baxenden, Accrington. The dwelling overlooks the Christchurch Conservation Area and Grade II listed Haworth Art Gallery and is brick built with gravel render on the top half with a roof incorporating a hipped design. The dwelling has traditional bay windows and an internal garage on the front elevation.

Planning permission is sought for the erection of a side and rear wrap around extension. The side extension would project by 2.1m from the side whilst the rear extension would project by 4m. Both would incorporate a hipped roof. The extensions would be used to enlarge the kitchen and dining areas with the addition of a 'snug' and a 'cinema room' in the area where the internal garage exists. The entire property would be rendered in cream.

The original plans included a front extension which wrapped around to the side, but on request this was amended to the current scheme.

## **Consultations**

Neighbours: Neighbours consulted by letter – 2 letters of objection received.

- Over development of the site (great increase of footprint)
- Too close to boundary fence with neighbour
- Overbearing nature of rear extension
- Undermine the overall character and appearance of the two detached properties (128 and 130)
- Sound pollution from 'cinema room'
- Impact on Haworth Art Gallery
- Loss of parking

Environmental Health: No comments

LCC Highways: No objection

HBC Conservation Officer: Objected to the original scheme on the grounds that the front extension would have a detrimental impact on the setting of the Christchurch Conservation Area and Haworth Art Gallery

## **Relevant Planning History**

No relevant planning history

## **Relevant Policies**

National Planning Policy Framework

Development Management DPD: DM 10, DM22, DM 29.

Hyndburn Core Strategy: Policies Env6, Env7

Householder Design Guide SPD

## **Observations**

A main issue for consideration in the determination of this application is its overall design, and its impact upon neighbouring amenity, heritage and highways.

## **Amenity**

Policy Env7 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.

An objection comment received states that the rear extension would create an overbearing impact, especially on their patio. In most cases, the Council only assess the impacts from the view of a habitable room. The rear of the properties are south west facing and therefore most of the days sunlight throughout the day would still shine upon the rear garden area of no 130 Hollins Lane. Whilst the proposed extension would be visible from the neighbouring

property, the single storey scale and hipped roof style would not give way to significant harm. The applicants property is set forward of the neighbouring property which has no windows or doors along its western elevation (that abutting the application site), also helping to reduce the impact of the proposed development to an acceptable level.

Another concern raised surrounds the increased noise pollution from the proposed 'cinema room'. It is considered that refusing an application of this kind on a detached dwelling or applying a soundproofing condition due to a perceived increase in noise is unreasonable. Most dwellings have TV and stereo systems and if it becomes a nuisance then it would be managed through environmental health powers. Environmental Health have been consulted on the application and have made no comments and therefore no objection. Additionally, the planning department have no control over internal developments.

The proposed development accords with Policy Env7 of the Hyndburn Core Strategy and Policy DM 29 of the Development Management DPD.

### **Design and Heritage**

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.

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. Design Guidance 5 of the Householder Design Guide SPD states that single storey rear extensions should project no more than 4m from the rear wall of the property. In all cases at least one third of the garden area must be retained for amenity and bin-storage purposes.

Granted that this objection was received before the front element was removed it raises the concern that the proposal would represent over development of the site. The 4m projection at the rear complies with Design Guidance 5 and in the absence of the side extension a 4m rear extension would comprise permitted development. The same can be said about the majority of the side extension. In any case, this form of development, as a whole is not disproportionate to the main dwelling and officers are satisfied in this instance.

Policy DM22 of the Development Management DPD states that the Council will support development proposals where they seek to minimise harm to the significance of heritage assets and their setting. In this case, the site overlooks the Christchurch Conservation Area and the Grade II Listed Haworth Art Gallery. An objection comments received states that the original proposal would undermine the character of these assets and the dwelling itself,

mostly due to the front proposals. The Council's Conservation Officer concurred with this view and the applicant was subsequently asked to remove the front element. The amendments are sufficient and as mentioned previously, mostly fall within permitted development. In any case, this kind of development would not look out of character in a residential area. Additionally, the replacement of the garage door with a window would improve the visual aesthetics of the front elevation. It is considered that on balance, the proposal would not significantly harm the character and appearance of the area or significantly harm the setting of the Christchurch Conservation Area and Haworth Art Gallery and therefore satisfies Policy Env6 of the Hyndburn Core Strategy, Policy DM10 and DM22 of the Development Management DPD and the Householder Design Guide DPD.

## **Highways**

An objection comment received has concern over parking capacity due to the loss of the garage.

LCC Highways have been consulted on the application and offer the following comments:

*I have viewed the submitted information. I have the following comments to make:  
The proposal sees a reduction in the number of bedrooms from the current 5 (Ref: Existing plans 01, 19061-01, Sept 19) to a proposed 3 bedrooms with the loss of the garage (Ref: Drawing no. 19061-08-D, Proposed plans Oct 19).*

*As this is a proposed reduction of bedrooms with an increase in the size of the property, then the proposal should meet the following parking requirements:*

*Under the adopted parking and access standards a 3 bedroom dwelling should have a minimum of 2 off road parking places associated with it. If it continues to cater for 2 parking spaces (2.5m x 5.0m) within the curtilage of the property then there is no objection to this proposal on highway grounds.*

It is worth noting that the existing garage is only 2.5m wide internally and as such does not meet the required 3m width to park a vehicle and therefore it is reasonable to conclude that there would not be any loss in parking and the parking requirement has lessened. The Council are therefore satisfied in highway terms.

## **Other issues**

An objection comment received raises the concern that the proposal would be only 300mm from the boundary with the neighbour's fence, which they believe would result in issues if the side extension had to be repaired or maintained, as well as access onto neighbours land for the construction period. This is more of a civil matter and the planning department cannot get involved. As such, this is not a material consideration.

## **Conclusion**

The application has been assessed against the relevant policies contained within the Hyndburn Core Strategy, the Development Management DPD and the Householder Design Guide SPD. The proposal is mostly permitted development albeit the rear wrap around corner. In any case, the amended proposal as a whole is considered acceptable in terms of design, heritage, amenity and highways and no significant harm would arise as a result. The proposal is therefore recommended for approval.

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 28<sup>th</sup> November 2019;
  - (b) Submitted drawing nos 19061-07-H and 19061-08-H received by Hyndburn Borough Council on 12<sup>th</sup> February 2020.

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, 19.