

Hyndburn Borough Council – Committee Report

Application Ref: 11/22/0270

Application Address: 4 Richmond Crescent, Oswaldtwistle, BB1 3LU.

Description of Development: Erection of two storey side extension and single storey rear extension.

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 description and development

The application site consists of a semi-detached dwelling house located on Richmond Crescent in Oswaldtwistle. The surrounding area is predominantly residential with dwellings of similar style and character.

Planning permission is sought for the erection of a two storey side extension and single storey rear extension. The two storey side extension would comprise a ground floor snug room and w.c.room and a first floor home office and en-suite bathroom, whilst the single storey rear extension would comprise a kitchen and dining room. Materials would match that of the existing dwelling – facing brickwork and roof tiles.

An amended plan (AM26 – 001 D) was received on 16th September 2022 reducing the rearward projection of the single storey rear extension to 4m and 6.9m wide with a shallow dual pitched roof – eaves 2.5m high and ridge 3.5m high above adjoining rear garden ground level. A gap of around 0.5m is shown between the side of the proposed extension and the shared side boundary of the back gardens at the application property (4 Richmond Crescent) and the neighbour's property, 6 Richmond Crescent.

The main glazed patio doors would be situated in its rear elevation facing the remaining rear garden of this property and estimated to be at an approximate distance of 12m to the facing rear boundary of the back garden and at an approximate distance of 20m to the rear elevation of the facing dwelling to the rear south side of this property at no.1 Brantwood Avenue.

The proposed two storey side extension would be 2.7m wide and its ground floor front elevation would be set-back by 215mm and its first floor front elevation would be set-back 1.5m whilst its full two storey rear elevation would be flush with the main rear elevation of the existing dwelling. Therefore, its ground floor depth front to rear would be 7.6m and its first floor depth front to rear would be 6.1m.

As such, by virtue of the 1.5m first floor set-back the matching hipped roof would reach matching eaves height 5.3m above rear garden ground level and the ridge height 7.3m above rear garden ground level. This is approximately 0.3m lower than the existing main ridge height of the original dwelling height. There would be no windows in the side west facing elevation towards no.2 Richmond Crescent.

The amended plan (AM26 – 001 D) received 16th September 2022 also includes 2 off-road car parking spaces within the front curtilage, as requested by the County Highways Authority.

Planning History: None.

Consultations:

Neighbours – 7 letters have been received from 3 properties with the following concerns –

Rear Single Storey Extension

- It is on the boundary between no's. 4 and 6, and there is an existing 4m long conservatory on the other side of the boundary used regularly as living space, and its light would be blocked.
- Its excessive 6m by 7.2m size on the boundary leaves less than 11" to the side of the neighbour's conservatory, creating maintenance problems and stopping fully opened windows and is unnecessary for 3 bedrooms.
- Its floor level drops from the neighbour's conservatory floor level by 0.6m and if built within 0.3m of the neighbours conservatory may leave the neighbours foundations and structure at risk.
- There are 30+ houses in close vicinity, some with rear extensions, but none more than 4m long or more than 3m wide.
- It covers over 50% of the garden which reduces light to the neighbour's rear garden and its patio doors will reduce privacy for neighbours and applicants.
- The neighbours installed the boundary fence to provide for a secure garden.

Two Storey Side Extension

- It is to be built on the boundary line between no's. 4 and 2 with no access down the side of the property and should be set in 1.5m at the front and rear
- Wheelie bins will need to be located in front of the house with no side access.
- The plans say there is no uprooting of trees but this is doubted.
- The noise and dirt caused due to the building of a large extension lasting many months will be intolerable.
- The rear conservatory at no.6 replaced a bay window with small slated roof. Ground drains were laid on the boundary of no's.4 and 6 which fed into a drain under the concrete base. The proposed rear extension on the border will remove this drain and no longer provide drainage, creating potential flooding.

Environmental Health: have requested a number of conditions as follows –

Landfill Gas Protection: The proposed development is within the 250m consultation zone of a landfill site. Therefore a well-constructed ground slab and a gas proof membrane of 1200g thickness must be incorporated into the foundations, which should provide adequate protection against the ingress of any landfill gas. The membrane should be: (1) laid carefully so as to avoid tears or perforations; (2) well capped and taped at the joints; and (3) continuous across the whole area of the new development.

Reason - To protect the amenities of future residents of this dwelling house and other existing occupiers at nearby neighbouring premises from nuisance sources associated with the site.

Nuisance: Measures should be in place to prevent nuisance being caused to residents from, the manner of keeping animals on site, any accumulation, any odour and any smoke from the premises. There should be no burning off on site of construction waste.

Reason- To protect the amenities of other existing occupiers at nearby neighbouring premises from nuisance sources associated with the site.

Highways: have commented that there are currently three bedrooms at the dwelling and there are no additional bedrooms as a result of the proposal. There is a loss of the garage which results in a single driveway parking space. We would seek an extension to the existing driveway to provide two side by side parking spaces and a secure, covered cycle store. The driveway extension should be laid in a bound, porous material and the vehicle crossing on Richmond Crescent will need extending to cover the full width. Subject to the amendments, there are no objections.

Relevant Policies

Development Management DPD: Policies DM10, DM26 and DM29

Hyndburn Core Strategy: Policies Env6 and 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 extensions and its impact on residential amenity.

Design

Policy Env6 of the Hyndburn Core Strategy and Policy DM26 of the Development Management DPD seek to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design, and also add that all new development will be expected to maintain and enhance local distinctiveness, including the character and quality of both townscape and landscape.

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, and proposals which would cause harm to the character of the existing building or the street scene will not be allowed. In this case, the scale, massing, heights and proportions of these proposed extensions are considered to represent sympathetic additions to the original dwelling.

Design Guidance 2 of the Householder Design Guide SPD states that two storey extensions will not normally be granted unless they incorporate roofs of a similar design, form and pitch to the original building where the extension is visible from public areas. Design Guidance 8 states that a two storey side extension to a semi-detached house should normally be setback from the existing front elevation of the dwelling by 0.15m at the ground floor level and by 1.5m at first floor level in order to avoid a terracing effect and to ensure that such extensions appear subservient to the original house.

This proposed two storey side extension incorporates a hipped roof design to mirror that of the original house and would result in a balanced appearance. It also includes appropriate ground and first floor set-backs from the main front elevation and the materials proposed would match the original dwelling. It therefore accords with Design Guidance 2 and 8 and also the aims of Policy Env6 and Policy DM10. The submitted amended plan also reduces the rear projection of the single storey rear extension to 4m only, which again accords with the Council's planning policies.

Overall, it is considered that the scale, design and appearance of these proposed extensions would not have a significantly detrimental impact on the character and appearance of the host dwelling or the wider surrounding residential street scene.

Amenity

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

The proposed two storey extension would have windows facing out towards the front elevation which would not overlook any neighbouring properties significantly more than existing windows in this elevation. The window size and alignment would be in proportion with the original dwelling and there would still remain a distance of approximately 20m between the proposed rear extension and the facing rear elevation of no.1 Brantwood Avenue to the south of this application property.

The position of the proposed two storey side extension would not have a significant impact in terms of overshadowing or have an over-bearing visual impact on the outlook of neighbours. The proposed extensions would not therefore significantly impact the amenity of the occupiers of the neighbouring properties, which complies with Policy Env7 of the Core Strategy and Policy DM 29 of the Development Management DPD.

Design Guidance 5 of the Householder Design Guide SPD states that single storey rear extensions on semi-detached houses should project no more than 4m from the rear wall of the property. In all cases at least one third of the garden/yard area 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. This proposed rear extension, in the submitted amended plan, now complies with this requirement and more than one third of the garden area would still be available for amenity and bin-storage purposes.

The submitted amended plan also annotates that a gap of around 0.5m will be retained between the side of the proposed single storey rear extension and the boundary with no.6. Therefore, together with the gap between the side of the adjacent rear conservatory at no.6 Richmond Crescent it is considered that this would retain an appropriate gap for maintenance purposes.

A number of concerns raised by neighbours relate to matters which fall under the control of Building Regulations (positions of land drains) and would not therefore provide for a justified reason to refuse planning permission.

Off Road Parking

The submitted amended plan provides off-road parking with the required 2 spaces this is now acceptable and there are no objections.

Conclusion

This application has been considered alongside the provisions of the Council's Core strategy and Development Plan, the Hyndburn Householder Design Guide and the National Planning Policy Framework. It is therefore concluded that the proposed development is acceptable and would not have any undue impacts upon residential amenity of adjacent properties and would not harm the character or appearance of the surrounding area. It would therefore comply with the above policies and, as such, is 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 form and location plan received by Hyndburn Borough Council on 19th July 2022.

(b) Plan drawing numbered AM26 – 001 D received by Hyndburn Borough Council on 16th September 2022.

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.

3. Site preparation and construction phase control of noise / dust / fumes / vibration:

Measures shall be in place to prevent nuisance being caused to residents from smoke, fumes, dust, noise and vibration arising from the building works prior to the commencement of development works, and shall be retained for the duration of the development. There shall be no burning on site of construction waste.

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7.

4. Landfill Gas

The proposed development is within the 250m consultation zone of a landfill site. Therefore a well constructed ground slab and a gas proof membrane of 1200g thickness must be incorporated into the foundations, which should provide adequate protection against the ingress of any landfill gas. The membrane should be (1) laid carefully so as to avoid tears or perforations; (2) well capped and taped at the joints; and (3) continuous across the whole area of the new development.

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7.

5. Site preparation and construction phase times of operation:

Construction deliveries to and from the site, and construction works, are restricted to between 08.00 and 18.00hrs Monday to Friday, 09.00 to 13.00hrs on Saturdays, and will not take place on Sundays and Bank Holidays, unless otherwise prior agreed in writing with the local planning authority. All works will be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

6. The parking areas must be constructed of a bound porous material and created before first occupation up until the life time of the dwelling existing in its proposed state.

Reason: To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative.

Informative Notes:

1. Subject to conditional control the proposal would not cause demonstrable harm to visual / residential amenity or highway safety or to any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular Policies Env 6 and Env 7 of the Hyndburn Core Strategy, the Hyndburn Householder Design Guide and the Hyndburn car parking and access standards.

The Local Planning Authority operates a pre-planning application advice service. All applicants are encouraged to engage with the Local Planning Authority at pre-planning application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant ensuring that upon receipt all representations and consultation responses are available to view on the Council's web site.

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.

2. This planning permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

- (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.

3. This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.

- (b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application. If any other type of condition is breached then you will be liable to a breach of condition notice.

4. The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. Low Risk Coal - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022.

6. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at - <http://www.lancashire.gov.uk/roadsparking-and-travel/roads/vehiclecrossings.aspx> .

Decision	
Approved + Conditions	
Informative Note(s)	
Refuse No. of reasons	
Date	
Signed	