

Hyndburn Borough Council – Planning Committee

Application Ref: 11/22/0438

Application Address: 29 St Cecilia Street, Great Harwood, BB6 7BS

Full Application: Householder: Disabled facility to be constructed to the rear of the existing extension.

Date Registered: 24/10/2022

Date for decision: 16/12/2022

Date Report Written: 14/12/2022

Planning Committee: This application has been submitted by Hyndburn Borough Council and is being presented to Planning Committee for determination because the proposed extension would result in an extension that is longer than that supported by policy.

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 refers to a terrace house on the south side of St Cecilia St, a Victorian terrace, facing the grounds and wall of St Huberts Catholic Church. All the dwellings on the terrace possess similar design characteristics. The terrace has a pitched roof, with the 2 gables sitting on the end elevations, with the roofs all being topped with a grey slate. The elevations of the dwellings are finished with a stone work with a white stone detailing around the door and windows. All the properties are set back by approximately 3.50 metres from

the pavement, with small iron fencing on a stone wall and stone patio slabs separating the house from the street.

At the rear of all the dwellings on the terrace, are two storey outriggers that project approximately 3.10 metres. The applicant has previously erected a single storey rear extension (application 11/17/0038), which projects 6.00 metres from the rear end of the existing two storey outrigger, and is approximately 2.85 metres wide. The extension was designed with a dual pitch roof and finished with a cream coloured render.

The applicant is proposing the erection of a single storey rear extension projecting from the rear end of the existing single storey rear extension (11/17/0038). The application proposes the extension to project approximately 3.50 metres from the rear wall of the existing rear extension, which would give a total length of 9.50 metres. The roof is also dual pitch to match the existing building, with the elevations to be finished off in a pale render, also matching the existing building.

Consultations

LCC Highways

No objection to the proposal

Environmental Health

No objection, subject to conditions to protect residential amenity

Neighbouring representations

No neighbouring representations

Relevant Planning History

11/17/0038 Householder Prior Approval: Erection of a single-storey extension to rear 6 m in projection 2.5 m to eaves level 3.5 m in total height. Approved with conditions 22/03/2017

11/17/0003. HOUSEHOLDER PRIOR APPROVAL: ERECTION OF A SINGLE STOREY EXTENSION TO REAR 6 M IN PROJECTION 2.5 M TO EAVES LEVEL AND 3.5 M IN TOTAL HEIGHT WITHDRAWN 07/02/2017

Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

National Planning Policy Framework

Development Management DPD Jan 2018:

- Policy DM10- New residential development
- Policy DM26- Design quality and materials
- Policy DM29- Environmental Amenity

Hyndburn Core Strategy Jan 2012:

- Policy Env6- High quality design
- Policy Env7- Environmental amenity

Householder Design Guide (2009)

Observations

Procedural

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Hyndburn Core Strategy and Development Management DPD, whilst the Householder Design Guide and NPPF are material considerations.

Design and Appearance

Single storey rear extensions can have a significant effect on the appearance of the property and on the amenities of neighbours. They should be designed to ensure they are in scale and keeping with the original property. Design Guidance 5 in the Householder Design Guide (2009) states that single storey rear extensions on terrace houses should project no more than 4.00 metres from the rear wall of the original property. A greater projection may be allowed in exceptional circumstances where, for example, there is an overriding disability, which is the case in this application.

In all cases at least one third of the garden/yard area must be retained for amenity and bin storage purposes. The proposed extension is to extend approximately 3.50 metres from the rear end of the previous single storey extension, which be a total projection of 9.50 metres from the rear wall. This would consequently exceed the recommended length for a terrace house by 5.50 metres, which would be contrary to guidance and policy under usual circumstances. However, the disability needs of the occupant can be given appropriate weight.

The property has a large rear garden space, meaning the proposal doesn't create an overcrowded and overbearing environment in the garden space and there is sufficient room for bin storage.

Neighbouring amenity

Single storey rear extensions should be designed to avoid overshadowing, dominating or overlooking neighbouring properties. Policy DM29 1(b) and (c) of the Development Management DPD states that development will be required to protect, and where possible improve, the amenity of surrounding existing and future residents. The Council will require that new development does not result in the unacceptable loss of outlook and should aim to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing on neighbouring properties.

The proposed extension would be developed along the boundary line between the neighbouring property at 31 St Cecilia Street, which is situated South West to the dwelling, meaning that there would be less of an impact caused from overshadowing and loss of sunlight. The development would however still result in a long blank wall extending approximately 9.00 metres down the down the neighbouring garden boundary, which could create a sense of enclosure. However, the applicant has proposed a dual pitch roof, which

minimises the potential height of the wall, which reduces the overbearing impact on 31 St Cecilia Street. There is already a long extension in place, it is not considered in this instance that an additional 3.5 metres would justify refusal of the application on amenity grounds given the acknowledged need for development.

Conclusion

The proposed erection of a single storey rear extension on the property at 29 St Cecilia Street does not comply with policy, however, weight is given to the disabled needs of the occupants (which have been assessed) and on this basis it is considered that the development can be supported, subject to the following conditions.

Conditions

That planning permission be granted subject to the following conditions:

- 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 received by Hyndburn Borough Council on 24th October 2022.
 - (b) Drawing number 22068-ESP - Location plan.
Drawing number 22068-01 - Existing ground floor plans/ elevations.
Drawing number 22068-SK1-B – Proposed scheme.

Received by Hyndburn Borough Council on 24th October 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 and Env7 of the Hyndburn Core Strategy.

- 3- 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.

- 4- Measures shall be in place to prevent nuisance being caused to residents from noise, dust and vibration arising from the building works prior to the commencement of development works, and shall be retained for the duration of the development.

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.

Informative notes

1. Reasons for approval of the application

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 Env6 and Env7 of the Hyndburn Core Strategy, the Hyndburn Householder Design Guide and the Hyndburn car parking and access standards.

2. Strict accordance with approved plans

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. Conditions

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.

4. Building Regulations may be required

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. Coal Authority – Low Risk

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 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and

future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

6- 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.