

Application Recommended for Refusal
Daneshouse with Stoneyholme Ward

APP/2015/0120

Full Planning Application

Proposed extension to rear and erection of detached garage (Re-submission of APP/2014/0016)

4-6 TENNIS STREET BURNLEY

Background:

The application relates to 2 mid-terrace houses formed as a single dwelling, and a separate piece of land on which it is proposed to erect a garage.

Relevant Policies:

Burnley Local Plan Second Review

E12 - Development in or adjacent to Conservation Areas

CF3 – Protection of existing parks, informal recreation areas, major open areas, play areas and other areas of open space.

H13 – Extensions and conversions of existing single dwellings

National Planning Policy Framework (NPPF)

Article 35 Statement

The application as submitted was not in accordance with the local plan policies and the National Planning Policy Framework, issues could not be resolved by conditions and there was no need for any negotiation with the applicant.

Site History:

2011/0032: Proposed change of use of open land to private garden, erection of temporary 2.5m pallisade fencing and construction of 2.5m stone wall – Refused

2012/0175: Proposed change of use of open land to private garden and construction of 2.5m high stone wall (re-submission of APP/2011/0032) – Granted

2014/0016: Proposed 2 storey extension to rear of 4 Tennis Street, single storey extension to rear of 6 Tennis Street. Detached garage to land adjacent canal – Refused. APPEAL DISMISSED.

Consultation Responses: No representations in response to consultation on this application. Relevant responses on the previous application were as follows:

Highway Authority – No objections.

Canal and River Trust – No objections. Request attachment of a note to any grant of permission relating to canalside working.

Neighbouring residents – Representations from two neighbours regarding (summarised):

possible loss of light;

general points about attachment of the building and arrangements for rainwater goods. [*These are private matters to be resolved between the parties involved*]

Planning and Environmental Considerations:

The application proposes an extension to 2 mid-terrace houses formed as a single dwelling, and a separate piece of land on which it is proposed to erect a garage.

Proposed extension

The end of the terrace (No2) is formed by a house set back from the front line of the terrace, and correspondingly set around 2.5m out from the line of the rear wall of the terrace.

The proposed extension would be of 2 storey (rear of No.4) and single storey (rear of No.6). The extensions would project from the rear wall of the terrace to line in with the rear wall of No.2. Small outbuildings in the rear yard of No.6 would be replaced in similar proportions to provide an entrance lobby/wc.

The single storey element would have a lean-to roof. The upper storey extension would have a roof continuing downwards in the same slope, from the main house roof. Its eaves height would, therefore, be 4m high, around 1.7m lower than the previously refused extension.

The new upper floor would be lit by 3 roof lights – 2 to a bedroom and 1 to its ensuite wc/shower room. Because of the intended roof slope the proposed bedroom would have lower than normal headroom at its outer extremity. However, the submitted section drawing show that this would still be a minimum of around 1.8m and on that basis the room would provide reasonable living space. The proposed roof lights would, therefore, be above eye-line height and not likely, even when open, to afford over-looking views adversely affecting neighbouring residents.

The 2 storey part of the extension is designed to be generally in keeping with the rear of No.2 and would be in matching natural stone under a slated roof.

The face of the proposed extension would be around 11.75m from the rear wall of the facing terrace, with rear habitable room windows. **Policy H13** requires that extensions do not adversely affect the residential amenity of neighbouring property through overlooking, lack of privacy or reduction of outlook or daylight. **Policy H3** identifies 15m as a minimum separating distance to retain a reasonable outlook from a habitable room window facing a two-storey gable in the case of new housing. The Inspector considered that although this was directed at new dwellings it provided a useful yardstick in the present proposal.

The height of the proposed wall is now significantly lower than a typical two-storey house gable and the design that was dismissed in the appeal. The Inspector commented that the No.45 Colne Road has facing the application site two windows, the lower of which is the only window to a sitting room. The then proposed first floor rear wall would occupy almost the full width of the view from that window, worsening an already oppressive situation.

Presently the outlook from the lower rear window of No.45 is of a rear terrace house wall at a distance of 14m. The present proposal would place the 4m high wall at 11.75m, together with its upward sloping roof of the extension. Seen from the rear window, the outlook would, therefore, be even more curtailed and enclosing than the present arrangement. Refusal of the application is recommended for that reason.

It needs be noted that (as 'permitted development' granted by the 2015 Order) a 4m high flat roofed extension could be built within the applicants' rear yard, provided it

was 2m from any boundary. In any event, that would have significantly less impact than the present proposal as it would not have an upward sloping roof and would be across only part of the rear window outlook.

The Appeal decision letter reports that the applicant at the Appeal Hearing commented that the garage would positively contribute to the character of the CCA because it was designed to reflect the characteristics of similar walls and structures. The Inspector indicated that for that to be successful the garage would also have to appear as an extension, or part of a continuation of walls along the CCA boundary line.

The applicants, taking heed of this, included provision (by repair and addition) of a 2.7m high wall extending from an existing wall approximately following the CCA boundary to the Bank Hall access road, with the proposed garage incorporated within its length. The intention is to blend with existing features; and, the wall and garage would be finished in stone matching the locality. The new boundary wall and incorporated garage would presumably replace the boundary wall recently built in connection with the adjacent bungalow development. Built in this way (controlled by suitable planning conditions) the garage would preserve and enhance the appearance of the Canalside Conservation Area by giving it a firm and interesting boundary at this point.

The recommendation is made on that basis.

Recommendation:

That the application be refused for the following reason:

Reason:

By reason of its height and position the proposed two- storey extension would adversely affect the outlook from the rear ground floor window of N0.45 Colne Road thereby harming the visual amenities of that dwelling house. This would be contrary to Policy H13 of the Burnley Local Plan Second Review currently saved.

AR
3.6.2015