

Application Recommended for Approval
Cliviger with Worsthorne Ward

APP/2016/0468

Full Planning Application
Proposal to erect home office/studio/store, potting shed and greenhouse
11 MOUNT LANE CLIVIGER

Background:

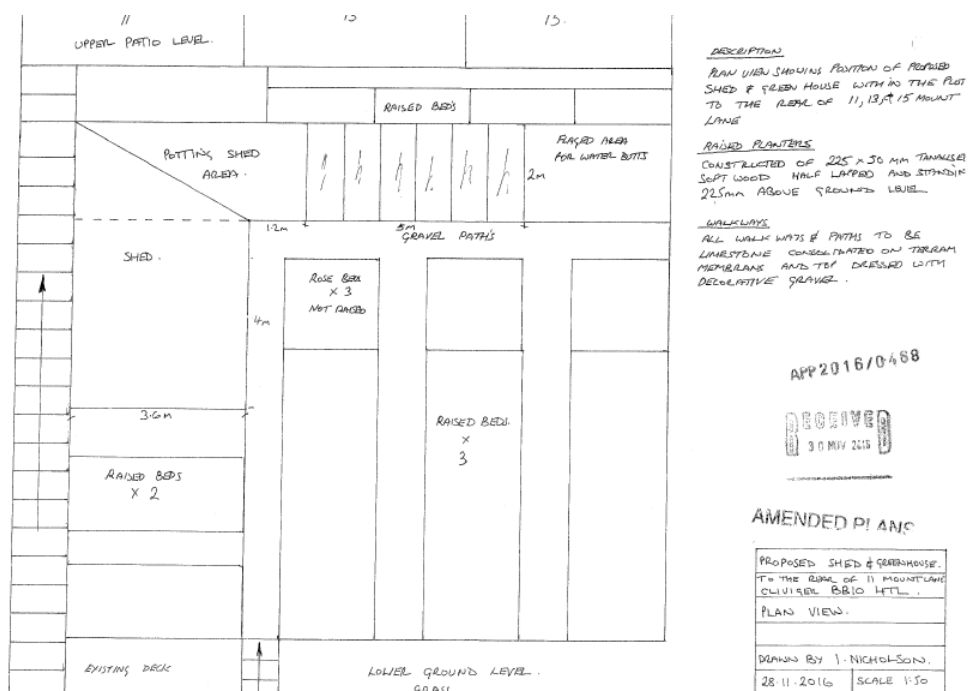
The application is for new buildings on land used as a private garden area at the rear of the terraced properties on Mount Lane. It is intended to use the buildings in connection with the use of the land as a private garden, ancillary to the residential use of the applicant's adjacent dwelling.

The development is intended as an alternative to previously approved reinstatement works following the requirements of an enforcement notice (ENF/2007/00006).

Following unauthorised excavations and building works, the Enforcement Notice required that the land should be re-instated to its former levels and returned to its former state; the unauthorised structures should be removed and any remaining walls faced with natural stone.

In 2009, a scheme for the restoration works was granted planning permission. It included permission for the erection of a garden shed and greenhouse together with details of how the applicant wished to reinstate the land following the requirements of the Enforcement Notice. The reinstatement works showed the land regraded in a 'terrace' style arrangement, with stone retaining walls and landscaping. (APP/2009/0276).

The 2009 permission was not implemented in full and the applicant now proposes the alternative scheme, subject of this application. It involves the construction of buildings against the high retaining wall to the back street, instead of regrading the land.

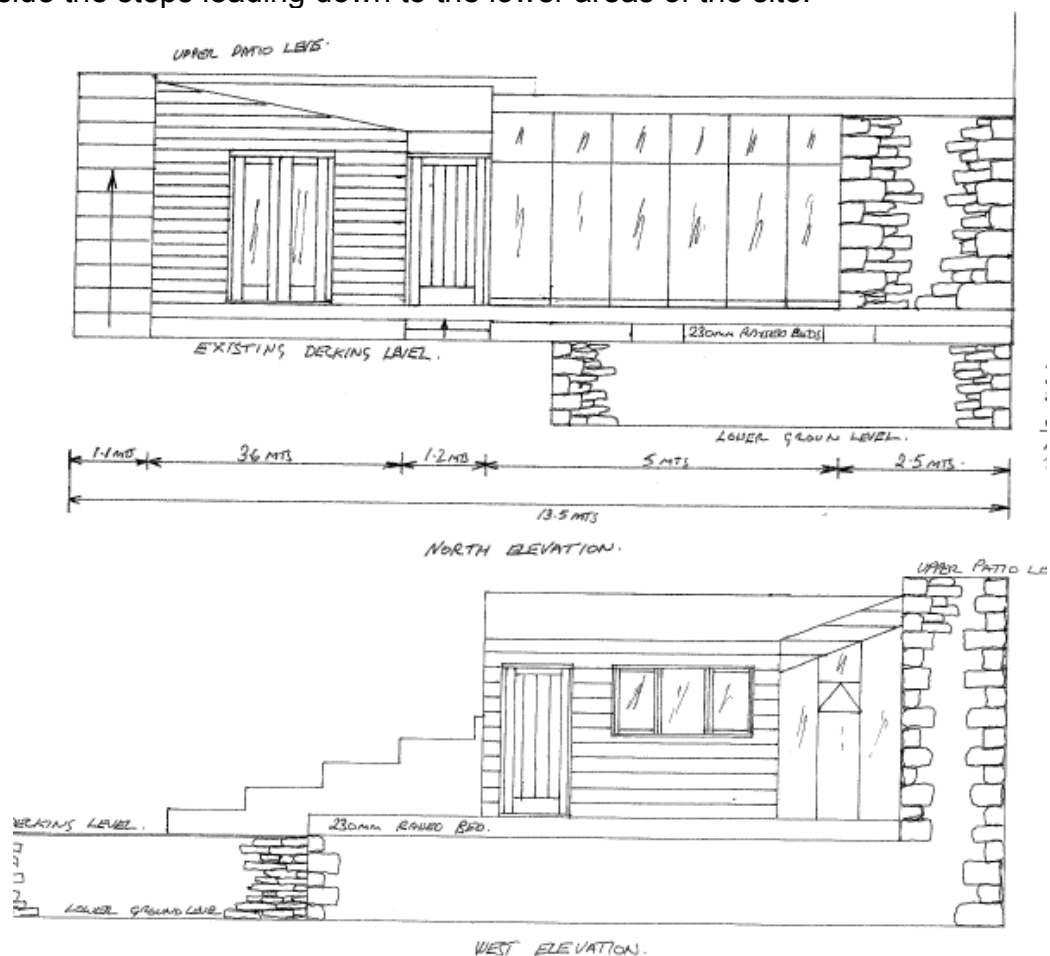


Layout of proposed buildings

The proposed greenhouse and adjoining potting shed would run parallel to the back street and the ancillary building to be used as an office / studio / store would run at a right angle from the potting shed to form an L-shape.

The size of the buildings has been reduced following discussions with the applicant. The ridge height of the buildings would be 3.2 metres, reaching close to the top of the retaining wall to the back street and obscuring the exposed breeze block wall.

The greenhouse would measure 5 metres in length running along the retaining wall and would extend into the site by 2 metres. The adjoining potting shed would measure 4.8 metres in length, along the retaining wall and would also be 2 metres deep. The attached ancillary building would be 3.6 metres wide, attached to the potting shed, forming the L-shape and would extend into the site by a further 4 metres, running alongside the steps leading down to the lower areas of the site.



Proposed buildings

The greenhouse would be constructed in timber and glazing panels with a glazed roof. The ancillary building and the potting shed would be timber framed and with a timber boarding finish. The roof would be a 'living roof' of couch rye grass / pasture grass shown with wild meadow flowers.

The remaining land at the upper level would comprise raised flower beds set within gravel paths, with a small flagged area to accommodate water butts.

Objections have been received.

Relevant Policies:

Burnley Local Plan Second Review

E27 - Landscape, character and local distinctiveness in Rural Areas and Green Belt

GP2 - Development in the Rural Areas

GP3 - Design and Quality

Site History:

APP/2009/0276 – Reinstatement of garden, retention of decking, erection of garden shed and greenhouse and construction of new access steps – Granted

APP/2009/0029 – Erection of tractor shed/ garden store, timber shed with lean-to greenhouse, stone terracing and retention of half-decked area – refused.

ENF/2007/00006 – Following unauthorised excavations and building operations, the notice required that the land should be reinstated to its original condition and unauthorised structures removed. An appeal against the Notice was dismissed.

Consultation Responses:

Neighbouring residents were consulted on the original proposal for a larger building, before amended plans were received which reduced it in size. The following comments were received from 4 neighbouring residents:

1. A neighbour comments that no objections are raised providing the development fits in with the surrounding village environment. There would be concerns if the building became a future workshop.
2. A neighbour has no objection to a potting shed or greenhouse on the garden, but the studio/home office is out of scale and out of character in the rural area. A building of this size could be used for a different purpose in the future.
3. A neighbour wishes the following comments to be taken into consideration:
 - Design, layout and appearance. The buildings are too big for the plot and not in keeping with the character of the area.
 - The visual impact of such a large shed building would be detrimental to the residents of the area.
 - There is concern over loss of sunlight and overshadowing of the adjoining garden and patio areas.
4. A neighbour comments as follows:
 - The applicant has not adhered to the enforcement notice on the land and wants to build on the land instead of reinstating the tiered garden.
 - The plan is out of scale and character in the rural area
 - The plan is not in line with local plan policies for the rural area
 - The application will detract from the character of an open rural space where there has never been any significant building or been used as a curtilage to any property. It has always been a separate parcel of land.

Following the receipt of amended plans which reduced the size of the building, neighbours were reconsulted. The neighbours listed in Nos. 3 and 4 above confirmed that they still wished to object to the development on the same grounds as set out above.

Planning and Environmental Considerations:

The main issue relates to whether or not the measures proposed are an acceptable alternative to those required by the Enforcement Notice; the scale and design of the proposed buildings; their impact on the character and appearance of the rural area and the neighbouring residents.

Scheme required to reinstate the land

The scheme approved previously in 2009 set out an appropriate way of treating the land, following the unauthorised works. The unauthorised works included the removal of a large amount of earth and the construction of a high retaining wall to the back street which changed the rural character of the land to an unacceptable degree, contrary to Policy GP2 and EN27 of the Local Plan. Instead of the land being graded down from the back street, the excavation works resulted in a harsh urban appearance out of keeping with the rural landscape. The approved scheme showed the area behind the wall graded down in landscaped terraces and any remaining breezeblock walling faced with stone to soften the impact of the changes.



Site of proposed buildings

Whilst some work started on the scheme, it has not been completed, partly due to cost and difficulty of bringing the large quantities of materials required to form the terraces onto the land; the lack of resources; and the ill health and personal circumstances of the applicant.

Scale and Design and Impact on the character of the rural area and neighbouring residents.

The proposed buildings and works would obscure the high breezeblock wall and restore to some extent the graded appearance of the land. The landscaped raised planters and the 'living roof' to the potting shed and office/ studio/store would soften

the impact from longer views. The implementation of the scheme would tidy up the area which has been unsightly for several years.

The scale and design of the buildings are acceptable and would not have a significant impact on the surrounding area. The privacy or outlook from the properties on Mount Lane would not be significantly affected having regard to the lower level of the site.

There would be some impact on sunlight to the adjoining garden area and patio but this would not be sufficient to warrant refusal of the application.

It would be appropriate to impose conditions on any permission granted to ensure that the buildings remain ancillary to the residential garden use of the site and that they are not used in connection with a trade or business. The planted areas and gravel paths should be constructed to avoid a large expanse of hardstanding and soften the impact of the development. It would be appropriate to condition that these are provided before the building is brought into use.

Conclusion

On balance, the proposal subject of this application represents a compromise to achieve a realistic solution to a long standing enforcement issue. Whilst it would not fully compensate for the impact of the unauthorised works, it would go some way to reduce the impact and tidy up the area.

Subject to appropriate conditions to limit the use of the buildings to those ancillary to the residential garden and to ensure that the proposed landscape features are implemented as set out in the application, the proposals are an acceptable and achievable compromise.

Recommendation:

That planning permission is granted subject to the following conditions:

Conditions

1. The development hereby approved must be completed within two years of the date of this decision.
2. The development hereby permitted shall be carried out in full accordance with the following approved plans: Location Plan received 19 October 2016; Amended Elevations plan, Topographical Section plan and Site Layout plan received 30 November 2016.
3. The raised planters and planting beds shown on the approved plan shall be fully implemented as described before the buildings hereby granted are brought into use.
4. The buildings hereby approved shall remain ancillary to the use of the private garden and shall not be used in connection with a trade or business.

Reasons

1. To ensure that the works are implemented within a reasonable time period having regard to the impact of the unauthorised works on the rural character of the area, contrary to Policies GP2 and EN27.
2. To ensure that the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. To ensure that the landscaped planters, which are a necessary part of the scheme are fully implemented to soften the impact of the development in the surroundings and to ensure that the area does not become a hardstanding area out of keeping with the rural character of the area.
4. To enable the local planning authority to consider any future changes having regard to the proximity of residential properties, the character of the area and any other material considerations.