

## Application Recommended for Delegation

APP/2019/0009

Whittlefield with Ightenhill Ward

Full Planning Application

Erection of new dwelling on present side garden of existing dwelling

106 WELLFIELD DRIVE BURNLEY

### Background:

The application relates to a dwelling house, more particularly its side garden on which it is proposed to erect a small single storey dwelling.

Delegation is requested as a final drawing relating to driver visibility at the access will be submitted at the meeting.

An objection has been received.

### Relevant Policies:

National Planning Policy Framework (NPPF)

Burnley's Local Plan (BLP)

HS4: Housing Developments

H£3: Housing Density and Mix.

IC3: Car Parking Standards

**Site History:** No applications.

### Consultation Responses:

Highway Authority – Objection relating to the need to provide adequate driver visibility at the drive access to/from Wellfield Drive. [*Comment – The applicant has submitted a drawing showing how visibility would be achieved. This is discussed in the main report*]

Environmental Health – No objections, but request consideration of the need for restrictive conditions relating to the construction period and to external lighting at the dwelling. [*Comments – The setting of the site, close by other dwellings indicates the need for conditions in respect of both those matters*]

Neighbouring residents – Letter from a resident of a dwelling facing the site across Wellfield Drive making objections as follows (summarised):

- Loss of privacy – the new dwelling would be in an elevated position facing and overlooking the objectors dwelling. [*Comment – There would be a separating distance of over 20m which would be in accordance with the relevant policy HS4*]
- Concern about the height of the proposed house in relation to the highway. [*Comment – This is shown on the section submitted with the application. The ground level is around one metre above highway height*].
- Possible increase in water run-off adding to existing local pooling of water. [*Comment – This matter is referred to in the main report*].
- Disturbance during the construction period, particularly as the objector does shift work. [*Comment – A condition is recommended on this matter (Condition 3)*].
- Comments about other problems perceived in the area which are not related to the application.

**Planning and Environmental Considerations.**

The application relates to the side garden of a dwelling as shown on the application plan copied as follows.



**Application site**



**Application site**

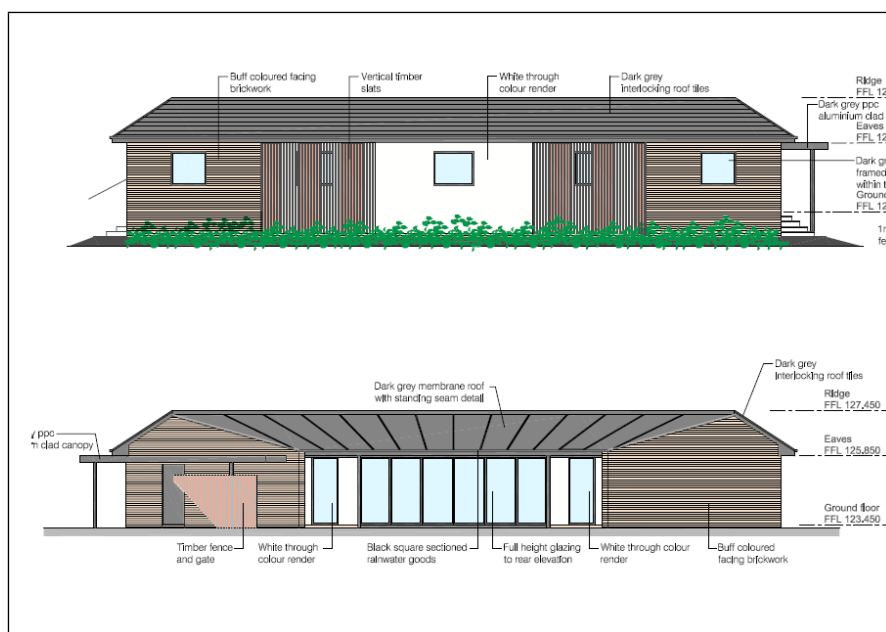
The roughly triangular site fronts Wellfield Drive on the inside of a bend; it is elevated around 2m above highway level. The proposal is to erect a detached single storey dwelling laid out as shown on the application layout plan as follows.



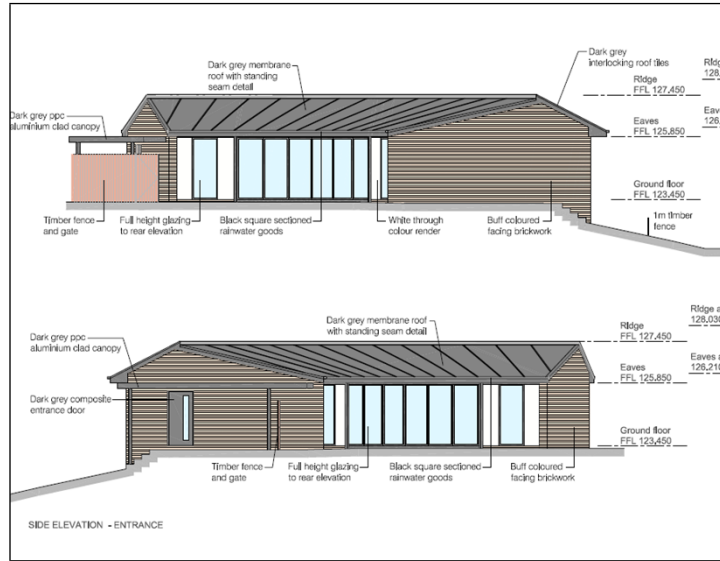
**Layout plan**

The building would be purpose designed to fit the site, essentially having a long, low curved form. Its materials would be a blend of buff coloured brick, white render and vertical timber boarding, under a pitched roof – clad in grey tiles on the front slope and a dark grey membrane with standing seams at the rear.

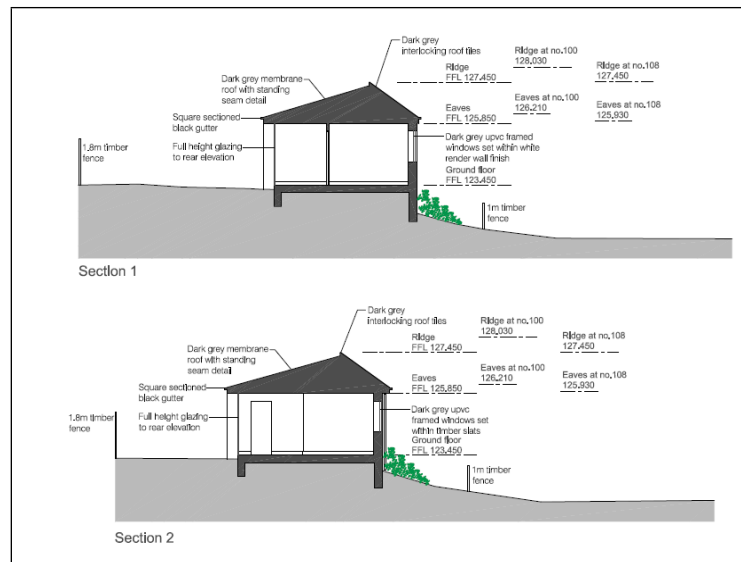
The external appearance if the dwelling would be as follows:



**Front and rear**



**Side views**



**Section through site**

*Policies and Assessment*

The main planning considerations are the qualities of the built development, how it fits the surroundings, adverse impacts (if any) on neighbouring properties and, driver visibility at the point of access.

**Policy HS4** requires that:

*New housing developments should be high quality in their construction and design in accordance with Policy SP5.*

The proposed building would be of an innovative design to meet the requirements of the site and its surroundings. The materials would harmonise with those of its neighbours.

*Provide appropriate levels of privacy and outlook for occupants and for existing adjacent residents.*

The policy expects a privacy distance between facing habitable rooms of 20m which is achieved by the proposal.

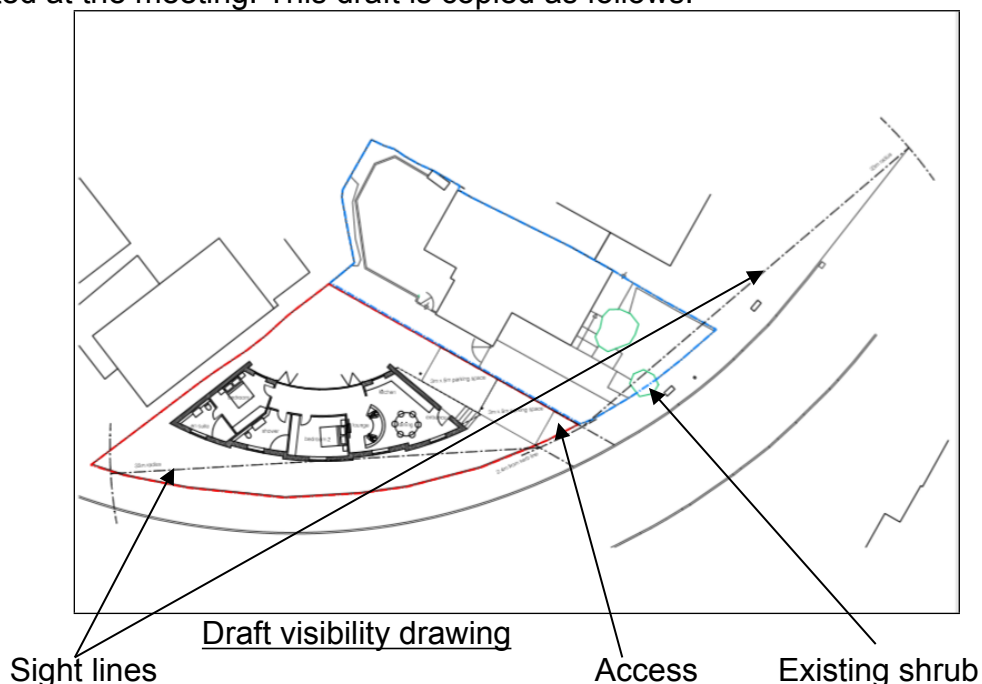
**Policy CC5** sets policies for management of surface water in relation to climate change requiring, as is relevant to this application, that the use of permeable materials should be maximised.

In this development the hard surfaces used in the driveway and other paved areas should, to be in accordance with the policy, be formed in permeable material. A condition is recommended to put that into effect.

#### *Highway representation*

Wellfield Drive is speed restricted to 20mph and provided with substantial traffic calming road 'humps'. The Highway Authority refers to currently applicable survey work that indicates that driver behaviour results in a general speed of 24mph, and that speed is used in specifying the required driver lines of sight at the access now proposed.

The applicant has submitted a draft drawing demonstrating that appropriate visibility is available for drivers leaving the driveway. The final copy of that drawing will be presented at the meeting. This draft is copied as follows.



This has been confirmed as acceptable by the Highway Authority. However, the concern is that, as the line of sight is across the front garden of two adjacent houses, in the future the lines of sight could be obscured by residents of those dwellings.

The line of sight would be secure against infringement as regards the erection of fences, wall, or similar (built) means of enclosure, because permitted development rights (a general permission for the erection of fences, walls and other means of enclosure) have a height restriction of one metre where adjacent to the highway. And, there is a general limitation against the creation (under most permitted development rights) of any obstruction to the view of persons using a highway used by vehicular traffic.

This would, however, not prevent obstruction by planting (such as hedges, bushes, over-grown grass).

A restrictive condition should be imposed to maintain lines of sight in both directions.

This would apply so as to safeguard the sight line across the garden of the adjoining house (the applicant's house) as it forms part of the application and is land in the applicant's control. Such a condition would be an enduring, requirement on the property, enforceable against any future resident. The application already provides for the removal of an existing shrub and that would be included in the requirements of such condition.



The condition would have to refer to the driver visibility drawing (to be submitted) and will be presented at the meeting.

The required line of sight would also be across the extreme front of the garden of the next house. This could not be controlled by condition.

The front gardens along the frontage were designed and built as 'open – plan' and have generally been so retained. In fact, each existing driveway would be as troubled as the access now proposed should neighbours adopt a practice of hedging in their front

gardens. It is a matter of mutual cooperation – and this report gives the opinion that such cooperation is sufficient to ensure that reasonable driver visibility is maintained.

In conclusion, given the imposition of the recommended conditions, the proposed dwelling would fit well with the location, with minimal, if any, harm to neighbouring dwellings.

### **Recommendation:**

That planning permission be Granted subject to the following conditions:

### **Condition**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Drawings number: 1810-LP01; 1810-SP01; 1810-SP02; 1810-PL05; 1810-PL01; 1810-PL02; 1810-PL03; 1810-PL04, received 2 January 2019; 1810-LP10
3. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.
4. Any external lighting provided at the dwelling shall be so angled and/or shrouded/screened to prevent light spill to neighbouring dwellings.
5. Any external hardstanding, pathways or other hard surface shall be formed of a permeable material unless otherwise approved in writing by the Local Planning Authority.

### **Reason**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To safeguard the amenities of nearby residents from noise, dust, and general disturbance during the construction period, in accordance with Policy NE5 of the Burnley's Local Plan (2018).
4. To safeguard nearby residents from light pollution, in accordance with Policy NE5 of the Burnley's Local Plan (2018).

5. In the interests of proper surface water management and to avoid localised surface water flooding in accordance with Policy CC5 of the Burnley's Local Plan (2018).

AR

20.5.2019