

**Application Recommended for Approve with Conditions**  
Gawthorpe

FUL/2019/0191

Town and Country Planning Act 1990  
Proposed development of detached house with new access from Pennine Grove  
14 Higham Road Padiham Lancashire BB12 9AP

**Background:**

The proposal is to erect a dwelling in part of the large rear garden of an existing dormer bungalow on Higham Road. The site is bound by Pennine Grove to its western side and by Barrowford Road (A6068) to its rear (south side).

Rear of 14 Higham Road

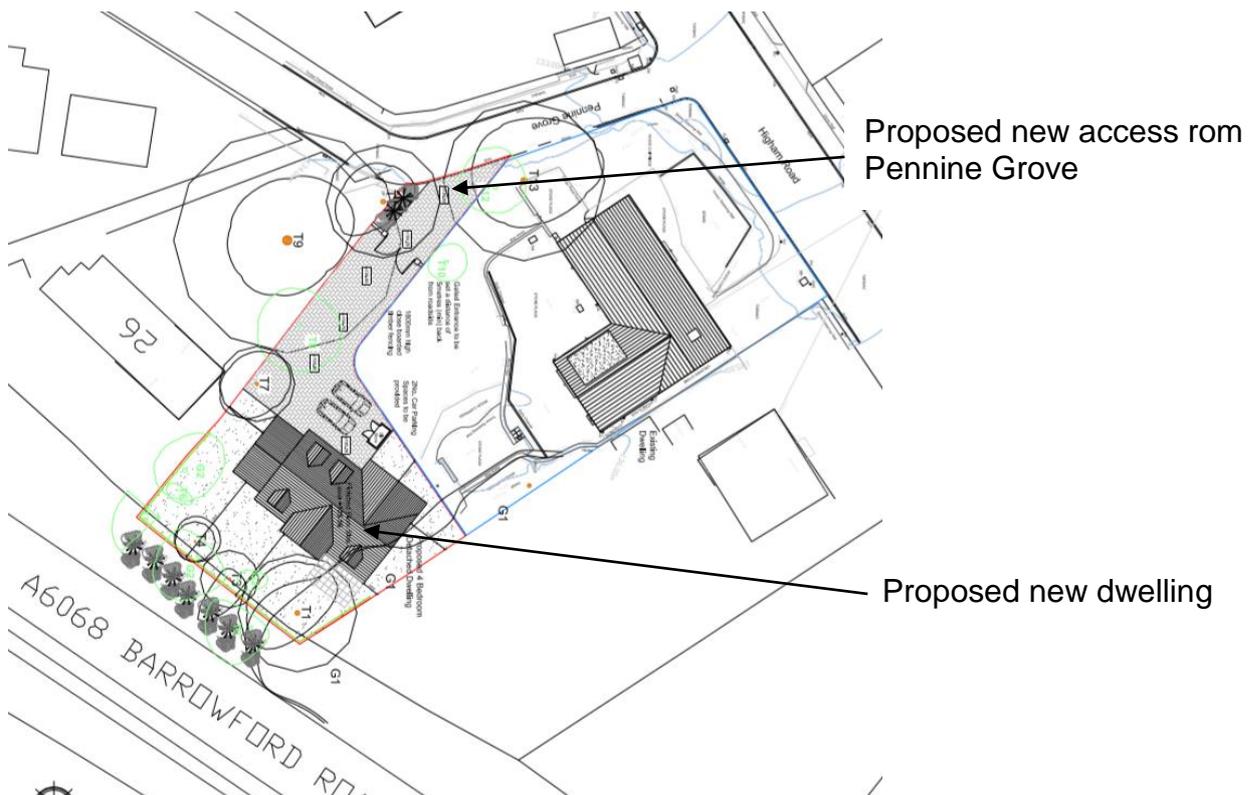


Garden

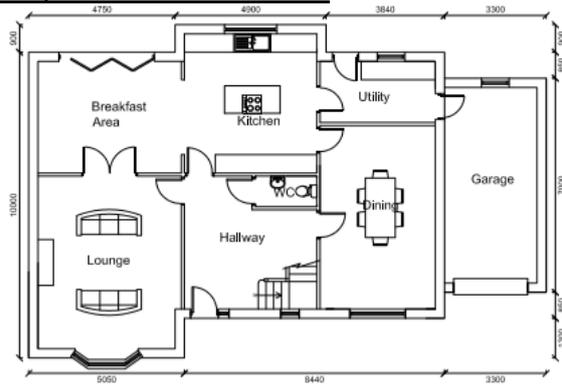


The proposed dwelling would be constructed similar to the form of the existing property in a bungalow style with dormers and rooms in the roofspace.

Proposed Site Layout

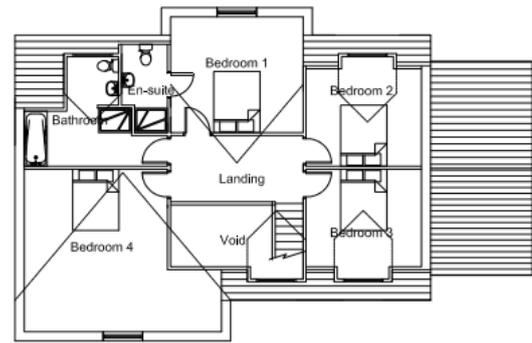


## Proposed Ground Floor



Ground Floor Plan

## Proposed First Floor



First Floor Plan



Front (North West) Elevation



Side (South West) Elevation



Rear (South East) Elevation



Side (South West) Elevation

## Relevant Policies:

A new vehicular access is proposed from Pennine Grove to serve the proposed dwelling. The front elevation of the proposed dwelling would face towards the rear of the existing property at 14 Higham Road with a separation distance between 19m and 30m. The distance between the proposed rear elevation and the site's tree and hedge boundary with Barrowford Road (A6068) would be between 7 and 9m.

The proposal has been amended since first submitted to increase the distance of the western side of the proposed dwelling (the attached garage) to the common side boundary with no. 26 Pennine Grove. The side elevation of the garage would, as amended, be 4m to the boundary and its ridge height has been reduced from 5.3m to 4.5m. External refuse storage has also been relocated away from this boundary.

A minimum of three car parking spaces are indicated on the proposed layout (includes one garage space). The dwelling would be constructed in brickwork with stone quoins and a natural slate roof.

## Burnley's Local Plan (July 2018)

- SP1 – Achieving sustainable development
- SP2 – Housing requirement 2012-2032
- SP4 – Development strategy
- SP5 – Development quality and sustainability
- HS4 – Housing developments
- NE1 – Biodiversity and ecological networks

NE4 – Trees, hedgerows and woodland  
NE5 – Environmental protection  
CC4 – Development and flood risk  
IC1 – Sustainable travel  
IC3 – Car parking standards

The National Planning Policy Framework

**Site History:**

APP/2006/0977 – Proposed kitchen extension and new roof over garage. Approved December 2006.

**Consultation Responses:**

LCC Highways

No objections. No details have been provided in respect of surface water drainage of the new drive and a condition should be imposed to ensure details are agreed to avoid surface water running onto the existing highway. Due to the constricted nature of the access to Pennine Grove some consideration should be given to the management of the construction process and additional care taken when the refuse and recycling collection is due. Conditions are recommended relating to wheel washing facilities during construction, the level of the new driveway, engineering, drainage and constructional details of the proposed access, and a construction method statement.

United Utilities

The site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Coal Authority

The application site falls within the defined Development High risk Area where there are coal mining features and hazards which need to be considered in relation to the determination of this application. The Coal Authority records indicate likely unrecorded coal mining at shallow depth beneath the application site, indicated by an outcropping shallow coal seam. The applicant has submitted a Coal Mining Risk Assessment which contains appropriate and up to date information, including an intrusive site investigation close to this site that suggests in that case that the shallow coal seam poses a low risk to the development. The Coal Authority accepts the professional judgement of competent author of the Coal Mining Risk Assessment that there is a negligible risk to the proposed development and concludes that it has no objection to this application. It notes, however, that further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Environmental Health (land contamination)

Recommend a condition to require gas protection measures to be incorporated into the design and to require a validation report to indicate that the measures have been implemented and the site is suitable for its intended use.

Publicity

Letters of objection have been received from four properties at Pennine Grove/the local area. A further letter has also been received maintaining an objection following

re-consultation on amended plans. A list of the main points is provided below:

- Pennine Grove is unsuitable for a new access, is too narrow for two cars to pass
- Position of the access is on a bend and hill at hazardous position
- No street lights at this point
- Risk of accidents
- Insufficient parking for both properties
- Vehicles already park on Higham Road which causes problems
- Back garden is greenfield land
- Not in keeping with the current cul-de-sac
- Does not respect the existing street layout, scale and massing which is spacious plots at some distance from neighbours
- Does not meet separation distances between existing and new dwelling – less than 15m between the neighbour's kitchen and bedroom windows and the gable of the development
- Loss of light, privacy and increased noise
- Affect on the site's drainage and risk of flooding across the front of the adjoining property and road
- Removal/impact on oak tree(s) to the front of the adjoining property. Concern that the proximity of the proposed drive would affect the oak tree closest and affirm that a radius of 3m is required to protect its root base
- Loss of trees within the site
- Insufficient room for building contractors without impacting on neighbours

### **Planning and Environmental Considerations:**

#### Principle of proposal

The site falls within the urban boundary as defined by the Policies Map of Burnley's Local Plan. Policy SP4 identifies Padiham as a key service centre where it is expected that large scale, major and a variety of sites will deliver a comprehensive range of choice of types and tenures of housing. In addition to allocated sites, Policy SP4 states that new development will be supported within Development Boundaries where it is an appropriate type and scale and where, amongst other things, it makes efficient use of land and buildings. Residential gardens are defined by the National Planning Policy Framework as greenfield rather than brownfield which gives no advantage to their development but also does not protect sites where they fall within the urban boundary. The site is accessible to local facilities in Padiham by car, a bus service and by cycle. The proposal would in principle therefore comply with Policy SP4 subject to further considerations relating to the character of the residential area, its impact on residential amenity and, and on highway safety.

#### Impact on the character of the residential area

Policy HS4 states that new housing should be high quality in its construction and design in accordance with Policy SP5 which requires development to respect locally characteristic street layouts, scale and massing, as well as have regard to landscaping and high quality materials appropriate to the site's context.

The proposed dwelling having 1.5 storeys would be in scale with other properties on Higham Road and would be viewed at a distance from the edge of Pennine Grove. Its visual impact would therefore be limited from this perspective. The view of the site from Barrowford Road would be screened by existing trees and vegetation.

### Barrowford Road



### Pennine Grove



The development would be largely contained within the site and would respect the scale and massing of the surrounding properties which are individually designed.

There would be some loss of garden trees but these are unprotected and would not affect the larger trees towards the rear boundary of the site which contribute to the green corridor along the A6068.

An oak tree on adjacent land was initially indicated to be removed and an objection has been received regarding this. An amended plan shows that the bole of the tree would be protected by a retained grassed area and details of a 'no-dig' construction have been submitted to demonstrate how the roots of the tree can be protected during the construction of the site access.

### Oak tree indicated as T1



### Oak tree adjacent to proposed access



A condition is recommended to ensure the proposed no-dig techniques are agreed and carried out. Protection measures are also recommended to safeguard retained trees on the site.

The impact of the proposal on the character and appearance of this established residential area would be acceptable and would comply with Policies HS4 and SP5.

### Impact on residential amenities

Policies HS4 and SP5 seek to protect the amenities of existing occupants and future occupiers of development. Policy SP4 also states that new development will be supported within Development Boundaries where, amongst other things, it would not

have an unacceptably detrimental impact on residential amenity or other existing land users.

Policy HS4 requires appropriate outlook and privacy distances between habitable rooms; this requires a minimum distance of 20m between habitable windows and 15m between a blank elevation and habitable windows.

The interface distance between the existing house at 14 Higham Road and the proposed dwelling would be at 19m and greater (up to approximately 30m) and so would adequately comply with Policy HS4. An objection has been received in respect of the proximity of the side of the proposed dwelling to the side of the adjacent property. The distance between the facing properties would be approximately 7m with the nearest point of the proposed development (the garage) being approximately 5m from the common boundary.

Proposed dwelling

26 Pennine Grove

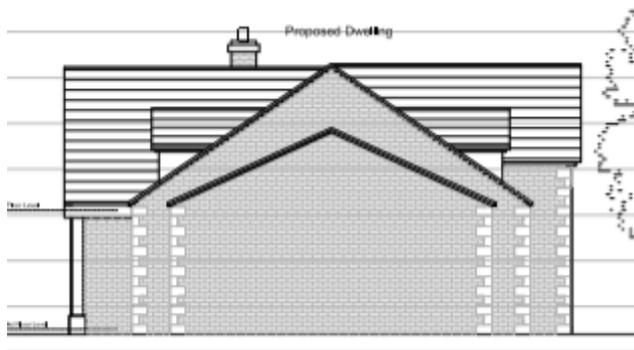


cross site

The outlook over the fence and landscaped boundary would be onto a single storey garage that has been lowered in height.

Side of garage - 4.5m high to ridge

View towards side of adjoining house



Whilst this distance would be less than 15m, it would be between the proposed garage and the neighbouring property which is at a lower height and massing than the main dwelling. This would not have a significant impact on daylight, sunlight or privacy.

The proposed dwelling is therefore adequately spaced and designed to respect existing residential amenities.

Neighbour concerns refer to an increase in noise and disturbance. The additional traffic and noise/activity would be limited and would not significantly affect residential amenities.

The impact of the proposal on the residential amenities of residents is therefore acceptable and would not conflict with Policies HS4 or SP5.

Impact on highway safety

Policy IC1 seeks to ensure that development is provided with safe and convenient access. The proposed access would have adequate visibility for drivers. Whilst Pennine Grove is narrow, there is sufficient visibility to allow cars to pass carefully, particularly where traffic speeds would be low. LCC Highways has no objections to the proposed access and recommends conditions which should be imposed. This also includes a condition to prevent surface water running from the driveway onto Pennine Grove.

Policy IC3 sets out the car parking standards for development, requiring three car parking spaces for a 4no. bedroom dwelling. Adequate off-street parking is provided to comply with this requirement. Retained parking for the existing property would also be adequate.

The proposal would not therefore significantly affect highway safety or parking provision and would comply with Policies IC1 and IC3.

Other issues

A condition is required to require a validation report following gas protection measures.

Conclusion

The proposal would provide a new dwelling within the urban boundary and complies with Policy SP4 and other development plan policies. Concerns raised by neighbours have been addressed by the applicant and the proposal would not significantly affect the character of the area or amenities. The proposal would comply with the development plan and there are no material considerations which outweigh this finding.

**Recommendation: Approve**

**Conditions to follow in Late Correspondence**

Janet Filbin  
9th October 2019