

Application Recommended for Approval
Gannow

VAR/2020/0071

Town and Country Planning Act 1990

Variation of Condition 2 (approved plans-window openings and height); Condition 3 (glazing) and Condition 4 (landscaping) of planning application ref: APP/2018/0126 and NMA/2019/0201

32 Ighten Road, Burnley, Lancashire BB12 0HP

Background:

The site relates to an area of land to the rear of 32/34 Ighten Road, Burnley which is in the ownership of the applicant who resides at 32 Ighten Road, Burnley. The site can be accessed along an unmade highway from either Ighten Road or Ightenhill Park Lane, Burnley.

Planning permission was granted in June 2018 for a 3 storey 4-bed dwelling in the rear garden of 32 Ighten Road, Burnley (APP/2018/0126). A further Non-Material Amendment application was submitted due to the change of development from a 3-storey 4-bed detached dwelling to a 2-storey 4-bed detached dwelling (NMA/2019/0201), this was approved in May, 2019.



Proposal:

The application seeks to vary Conditions 2, 3 and 4 on previously approved planning application APP/2018/0126. The conditions relate to the overall height of the dwelling, change in window openings/glazing of windows and landscaping.

Condition 2 (approved plans – overall height of dwelling and location of window openings), the wording of the condition is as follows:

The development hereby permitted shall be carried out in accordance with the following approved plans and any subsequent amended plan as may be agreed: Drawing No. 01A (location and site plan); 02A (site plan); 03A (ground floor layout); 04A (first floor layout); 05A (basement layout); 07A (general section); and 8A (site section) received 11 April 2018. Drawing No. 06B (Proposed elevations) received 4 June 2018.

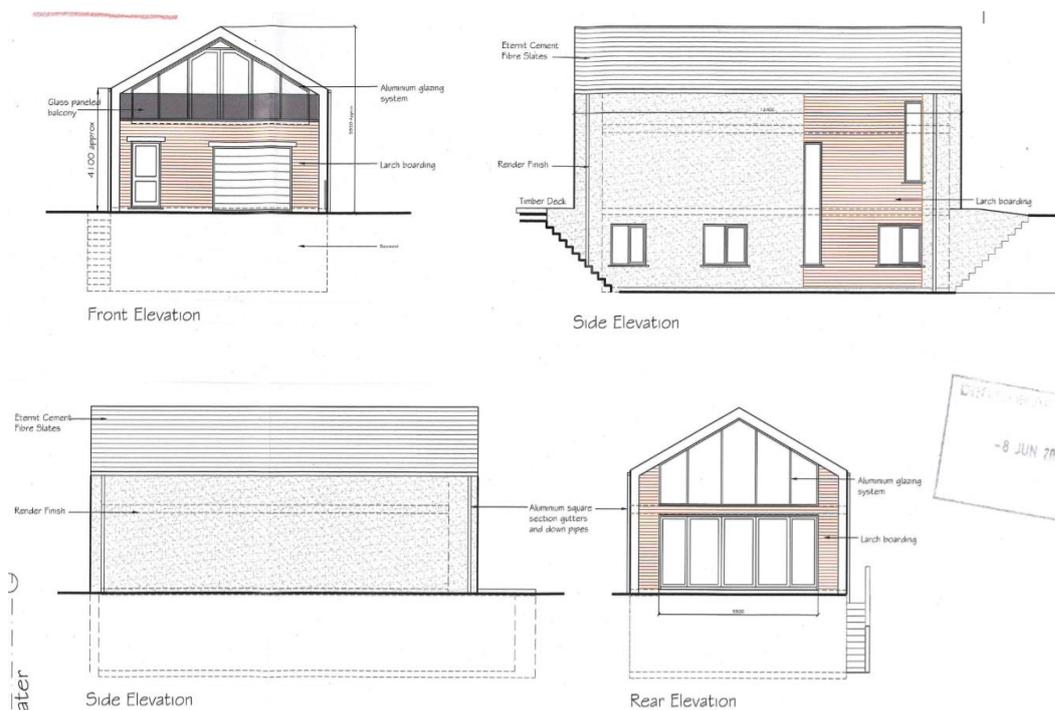
Reason: To ensure the development is implemented in accordance with the approved plan and to avoid ambiguity.

Condition 3 (glazing of windows), the wording of the condition is as follows:

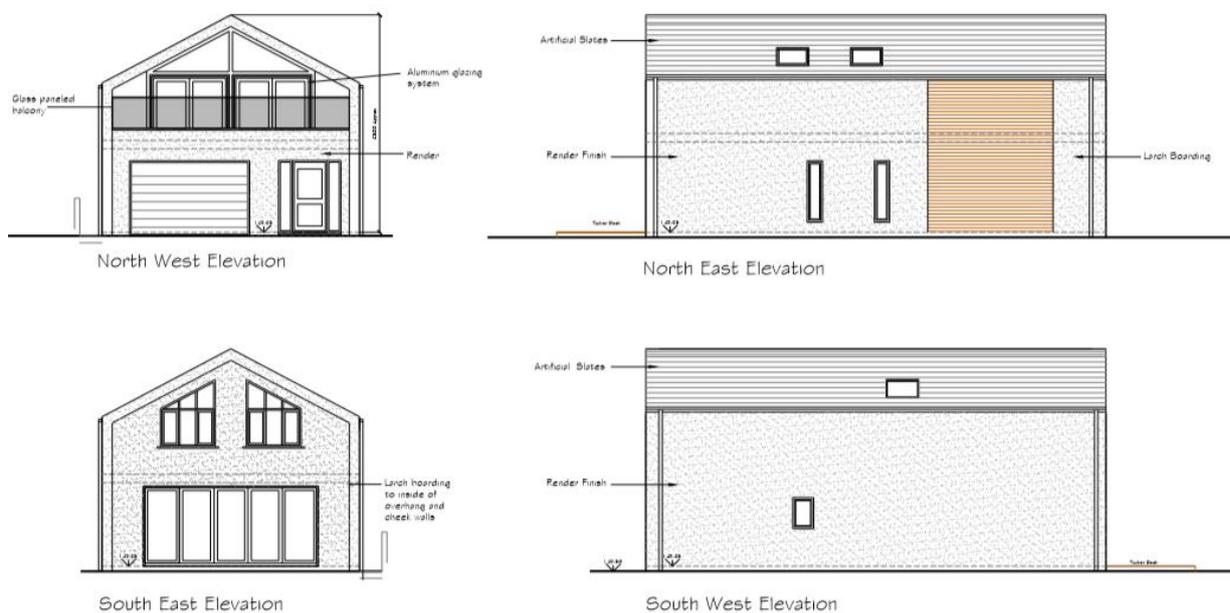
The windows on the ground and first floor level of side gable elevation of proposed dwelling shall be obscurely glazed. The windows shall thereafter remain obscurely glazed to the satisfaction of the local planning authority.

Reason: In order to protect the residential amenities of the occupiers of the neighbouring property, in particular No. 34 Ighten Road, Burnley.

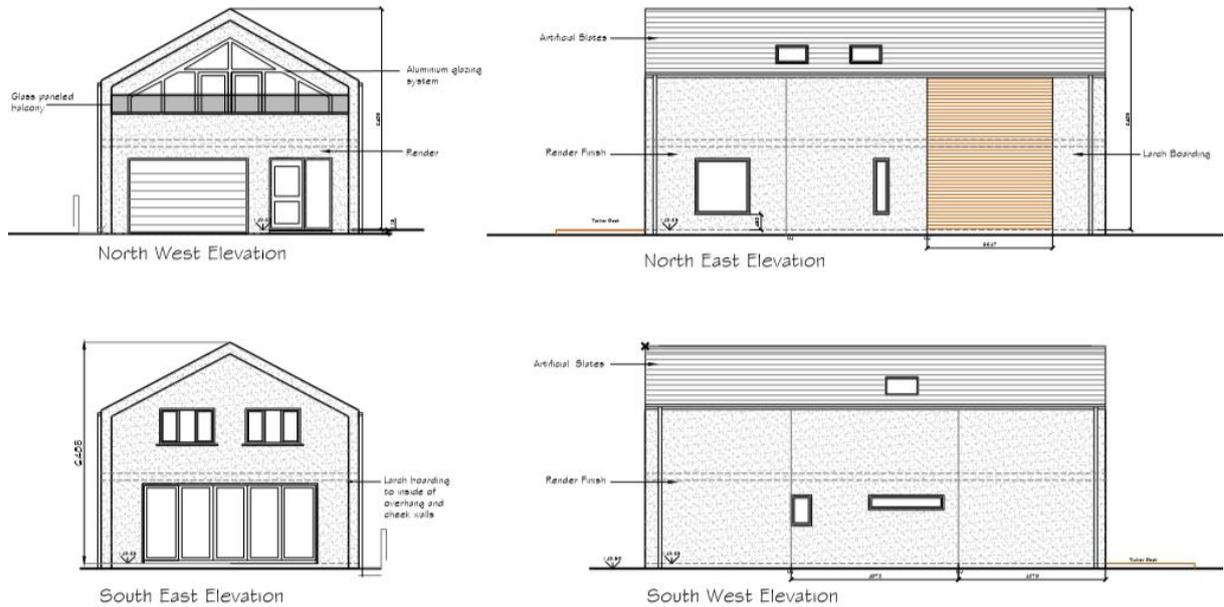
Drawing 06B – Previously approved height/elevations plan under APP/2018/0126



Drawing 06C – Elevations approved under Non-material amendment NMA/2019/0201



Drawing 06A – This Variation Application seeks to replace the previously approved height and elevations with the following plan



The main alterations to the dwelling are the change in the overall height of the dwelling and the re-configuration of the window openings to the North East and South West Elevations to allow more natural light into the dwelling.

The detached dwelling was first approved in June 2018 as a 3 storey 4 bed detached dwelling with the lower floor set into the land forming a basement level. It was intended to be of modern design and provide four bedrooms in the basement area, a garage, kitchen/dining room on the ground floor and a lounge on the first floor, which would be set into the building to provide access to a covered balcony off the lounge.

A Non-Material Amendment application was submitted in April 2019 to allow the change from a 3-storey dwelling to a 2-storey dwelling with the overall ridge height remaining the same. There were also changes to the external appearance of the detached dwelling by inserting two ground floor window openings and two velux windows on the North East elevation and one window opening on ground floor level and one velux window on the South West elevation. This application was approved in May 2019 but still required the windows on the side gable elevation to be of obscure glazing.

The variation of conditions application seeks to amend the overall height by 105mm (10.5cm). This minor change is not considered to be detrimental to the amenity of the adjoining properties (16 Telford Street and 34 Ighten Road).

The gable of No.16 Telford Street faces the site and there is a non-habitable landing window in the gable which faces the rear corner of the roof of the dwelling. The minimal increase in height of 105mm will have limited impact on the amenities of the occupants, particularly considering the difference in levels between the properties.

The increase in height in relation to the property at 34 Ighten Road, is also considered to be minimal and not be detrimental to the amenity of the property.

The application also seeks to retain the changes to the size/location of a window on the North East elevation and the insertion of an extra high-level window in the South West elevation of the dwelling to allow for a little more natural light into the dwelling. In relation to the insertion of the extra window this is not considered to cause harm to the neighbouring property (16 Telford St) as it is not visible due to the difference in land levels as it faces out onto the boundary wall. The change in size and location of the window on the N/E elevation is not considered to cause any additional visual or detrimental harm to the resident(s) at No.34 Ighten Rd by way of lack of privacy or overlooking as its repositioning now overlooks 32 Ighten Rd which is within the ownership of the applicant.

The applicant also requests the removal of the condition relating to obscure glazing. By removing this condition, which was initially required for the privacy of the property at 34 Ighten Road due to property being at a lower level, the applicant can overcome this by way of installing a 1.8m high timber boarded fence along the whole boundary, which is included in this application. This can be conditioned to be retained at all times.

Condition 4 (landscaping), the wording of the condition is as follows:

A scheme for the hard and soft landscaping of the site shall be submitted to the local planning authority before the dwelling hereby approved is first occupied.

The scheme as may be approved shall be implemented no later than within the first planting season following the occupation of the dwelling.

Reason: In order to ensure that the landscaping of the site enhances to site and the surrounding area in the interests of visual amenity.

The landscaping scheme submitted allows for low-level planting beds at the front of the dwelling at either side of a permeable tarmac driveway with steps leading to the front of the dwelling. To the sides and rear, this will include gravel stones, a paved area and further planting beds. The erection of a 1.8m high timber boarded fence along the South West boundary of the site (bounding 32/34 Ighten Rd) provides privacy for these properties and this will be conditioned to be retained at all times.

Relevant Policies:

Burnley Local Plan

- SP4 - Development Strategy
- SP5 - Development Quality and Sustainability
- HS4 - Housing Developments
- HS5 – House Extensions and Alterations

Site History:

APP/2017/0593 - Erection of 4 bedroom dwelling in rear garden - Withdrawn

APP/2018/0126 - Erection of 4 bedroom dwelling in rear garden (re-submission of APP/2017/0593) – Approved

NMA/2019/0201 – Non-material amendment - Proposed erection of 4 bedroom dwelling in rear garden of 32 Ighten Rd, Burnley (APP/2018/0126) – Approved

Consultation Responses:

Two letters from neighbouring residents – object to the application on the following grounds

- Concerns over increase in height before roof installed
The increase in height of 105mm is not considerable to cause any further detrimental harm
- Loss of sunlight to landing window and to rear garden/kitchen and conservatory
The minimal increase would not cause any additional harm
- Velux window on S/W elevation
This was previously approved under the NMA (NMA/2019/0201)
- Ground movement where pre-fabricated wall was erected
This is not a planning issue and is controlled under building regulations
- Lack of natural screening/soft landscaping minimal
Several trees have previously been removed from the land prior to development. These were not covered by any tree preservation orders. The applicant intends to plant bedding areas around the site and install privacy fencing
- Change of window locations
The change on windows does not materially affect the neighbouring properties
- Access to garage due to slop/ground levels
This has now been incorporated in the landscaping scheme drawing to show how access is to be obtained

Planning and Environmental Considerations:

The principle of the development has already been established by the approval APP/2018/0126 which allowed initially for a 3 storey, 4 bed detached dwelling. The main considerations for the application concern the minimal increase in height, the windows/glazing and the compliance to carry out a landscaping scheme within the site. These have been assessed and I do not consider there to be a material impact on the neighbouring properties by these minor changes.

Recommendation: Approve subject to the following conditions

Conditions

1. The development shall be carried out in accordance with the application drawings, namely: AHA/118/16/BH 01A (Location and Site Plan); AHA/118/16/BH 02A (Landscape Plan), AHA/118/16/BH 02B (Site Plan), AHA/118/16/BH 03A (Proposed Ground Floor), AHA/118/16/BH 04 (Proposed First Floor), AHA/118/16/BH 06A (Proposed Elevations) and AHA/118/16/BH 09A (Site Section) received 23rd April, 2020

Reason: To ensure that the development remains in accordance with the development plan.

2. The 1.8m high fencing indicated on the landscape drawing AHA/118/16/BH 02A shall be retained at all times. Any replacement fencing thereafter shall be at a minimum of 1.8m in height and no more than 2m in height unless a further planning permission has been sought and granted.

Reason: To protect the privacy of the occupiers of the neighbouring properties, namely 32 and 34 Ighten Road, Burnley in accordance with Policy HS5 of the Burnley Local Plan 2018.