

**Application Recommended for Approval with
Conditions**

HOU/2022/0369

Rosehill With Burnley Wood

Town and Country Planning Act 1990

Single storey pitched roof outbuilding to be used as a granny flat
9 Fairholme Road Burnley Lancashire BB11 3EF

Background:

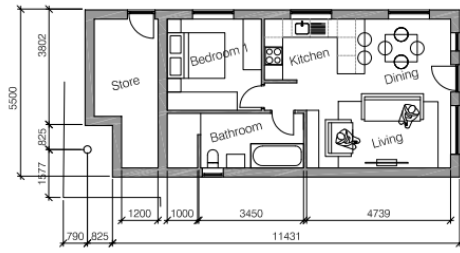
The application site relates to a semi-detached property located in Burnley. The property benefits from a garden to the rear with off street parking and a detached garage. The application site is located within Burnley Wood Conservation Area.

The application has been brought to Development Control Committee as a letter of objection has been received.



Proposed Development:

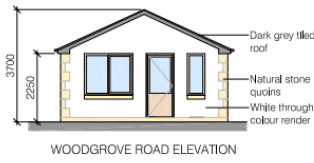
Consent is sought for the demolition of the existing detached garage and to erect an annexe in its place. The annexe will measure 5.5m at its maximum width and 12.2m in length. The annexe will have an eaves height of 2.25m and a ridge height of 3.7m. The building will be faced with render with stone quoins to the corners and a tiled roof.



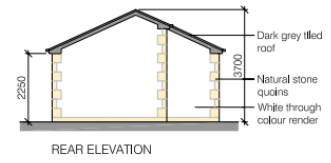
GROUND FLOOR PLAN



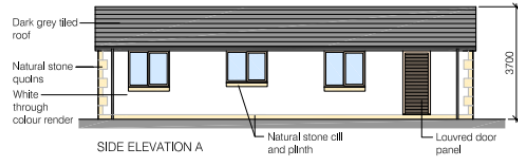
ROOF PLAN



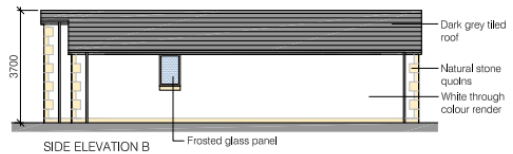
WOODGROVE ROAD ELEVATION



REAR ELEVATION



SIDE ELEVATION A



SIDE ELEVATION B

Relevant Policies:

Burnley Local Plan

SP1: Achieving Sustainable Development

SP4: Development Strategy

HS5: House Extensions and Alterations

SP5: Development Quality and Sustainability

HE2- Designated Heritage Assets: Listed Buildings; Conservation Areas; and Registered Parks and Gardens

NPPF

Site History:

None

Consultation Responses:

Highways - The Highways Depot (Burnley District)	No objection subject to condition
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Coal Authority	No objections
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Burnley Civic Trust	No Comment Received.
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Burnley & District Historical Society	No Comment Received.
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Interested Party Comments:

Two letters of representation have been received from one address objecting to the development. The objections are as follows

- Loss of parking
- The building looks like an independent dwelling
- The use of timber cladding, render and grey upvc is inappropriate
- The proposal will have a detrimental impact on the neighbours garden area.

Planning and Environmental Considerations:

- Principle of Development
- Impact on the character and appearance of the Conservation area/ Visual Amenity
- Impact on Residential Amenity
- Highways

Principle of Development

The site is located within the development boundary of Burnley within the adopted Local Plan, as such Policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale. As detailed in the design and access statement the annexe accommodation is for a relative.

Whilst the principle of an annexe is acceptable within the development boundary, proposals need to comply with all relevant policies, in this instance policies SP5, HE2 and HS5.

Impact on the character and appearance (significance) of the Conservation Area/ Visual Amenity.

Local Plan Policies SP5 and HE2, amongst other considerations, requires development to be of a high standard of design and to respect the character and appearance of their setting including the protection of the special character of conservation areas.

As the site is located in the Burnley Wood Conservation Area, special regard is to be paid to sections 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which confers upon the local planning authority a duty to “have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.” Preservation in this context means protecting the character and

appearance (significance) from harm as opposed to keeping it utterly unchanged.

The site is located within the eastern part of Burnley Wood Conservation Area. It is a compact area of C19 townscape, positioned between Todmorden Road and Towneley Park, comprising higher status and larger format mid to late 19th century stone-built terraces built on relatively small plots and positioned to take advantage of the long distance views across the Towneley Estate. While the individual houses are not remarkable in themselves, their simple but strong architectural features enrich the street scene. They have shallow garden forecourts with low stone boundary walls opening onto the street. To the rear, properties have all manner of low-rise extensions, some of which enclose the full depth of their rear yards. Car parking is predominately on street. It is the relatively high-density layout with a uniform style of architecture and unity of materials, scale and massing that impart string visual cohesiveness and a strong sense of place that is integral to the character of this part of the Conservation Area.

The original submission was considered to have a detrimental impact on the character and visual amenity of the conservation area due to the use of inappropriate building materials. The applicant's agent has submitted amended plans that propose materials that are considered acceptable and therefore it is considered that the development would not be of detriment to the character or visual amenities of the area or the character or visual amenities of the defined Conservation Area.

Paragraph 126 of the NPPF states the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The proposed development is sited in the rear garden and would remain subservient to the main dwelling in terms of its scale and size. The annexe is set back from the highway and will be single storey and constructed in acceptable building materials. Therefore, the development is not considered to result in a dominant addition when viewed from the highway. The building would provide a one-bedroom annexe with living room and kitchenette. The annexe would share its amenity space and driveway with the main dwelling and would access the main dwelling through the rear garden. It is considered that the development proposes a modest level of accommodation.

To ensure the annexe remains ancillary to the residential use of the main dwelling a condition will be attached to the permission ensuring that it shall only be occupied as an extended family unit in conjunction with the application property. The annexe cannot be used as a separate unit or divided by way of sale or subletting.

Impact on Residential Amenity:

Policies SP5 and HS5 seek to ensure that development does not result in an unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including by reasoning of overlooking, lack of privacy or reduction of outlook or daylight.

As the development relates to the southern corner of the dwelling the neighbouring properties with the most potential to be affected by the development are 7 Fairholme Road and 1 Redgate Close.

The extension proposes to have a maximum height of 3.7 m and the extension will be approximately 0.6m from the shared boundary of both neighbouring properties. When compared with the existing garage the proposed development would not bring the built form any closer to either neighbour. The main difference is the increased ridge height as the development proposes a pitch roof. The side elevation of the annexe to the shared boundary with 1 Redgate Close would measure 2.25m to the eaves and the roof would increase away from this shared boundary to its maximum height of 3.7m. As such it is not considered that the development would have a significant detrimental impact in terms of loss of light or an overbearing impact.

The end gable of the annex that faces the shared boundary of 7 Fairholme Road would measure 2.25m at the eaves and 3.7m at the ridge. The neighbour's garden does not extend the full depth of the proposed annexe and therefore the gable of the annexe will extend 3.8m in width along this boundary at the very end of the garden. Although the annex will be visible from within the garden area of this neighbouring property it is not considered that the development would result in a detrimental impact in terms of loss of light due to the separation distance from the rear wall of the neighbouring property, nor would the development have any overbearing impact due to the minimal expanse of the gable wall that would extend along the shared boundary.

Highways:

The highways officer has no objection to the development subject to the imposition of a condition restricting the use of the annexe. The highways officer does not raise any concerns in relation to loss of on street parking and the site plan indicates a sufficient number of parking spaces for the number of bedrooms within the property.

Recommendation:

That planning consent be granted subject to conditions.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan and Block Plan: 2201- LP01C
Outbuilding Plan and Elevations: 2201- PL01C

Reason: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

4. The annexe building hereby approved shall not be occupied or used for any other purposes than those ancillary to the residential use of the dwelling known as 9 Fairholme Road, Burnley and shall only be occupied as an extended family unit in conjunction with the property to which it is related.

The annexe shall not be used as a separate unit of living accommodation nor be divided by way of sale or sub-letting to form a unit or units of separate residential accommodation.

Reason: To define the scope of the permission hereby approved and prevent the use of the building for purpose(s) which may cause harm to the development strategy for the borough or neighbouring residential amenity.