

**Application Recommended for Approve with
Conditions**

FUL/2022/0385

Lanehead

Town and Country Planning Act 1990

Erection of garden room with balcony over, construction of steps and hardsurfacing
(Regularisation of work already started)

92 Marsden Road, Burnley, Lancashire BB10 2BL

Background:

The host property is a traditional stone terraced dwelling. It has a very small yard, a vehicular access that runs along the rear of the houses and a long, thin garden beyond that. The garden contains a domestic garage and the elements for consideration in this planning application. The application is retrospective as the works are almost complete.

The property and garden are within the development boundary as defined by the adopted Local Plan.

Proposal:

Retrospective. Construction of a stone faced, flat roofed building of 4.14m wide, 6.55m deep and 2.73m high, on a stone-flagged base that sits 0.61m above ground level. The land to the south of the building between it and the boundary with the rear garden of No.90 Marsden Road has been flagged also, and steps have been constructed to allow easy access from the highest point of the garden (adjacent to the vehicular access) to the stone-flagged base. The door to the building once installed will face into the flagged area and the rest of the garden to the west. Wooden fencing has been constructed along the boundaries with adjacent gardens, although this does not form part of the application.

The property has an existing garage, which is to be retained.

Visuals:

Views from West



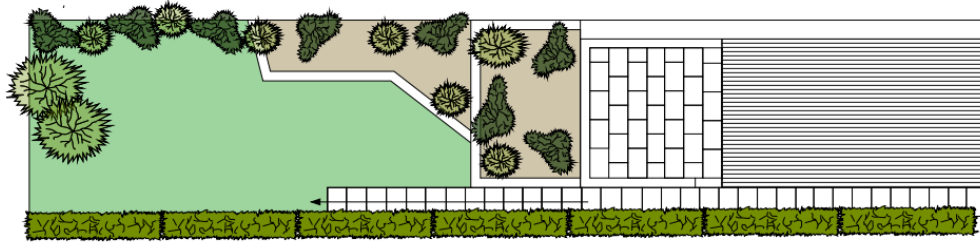
View of roof from east



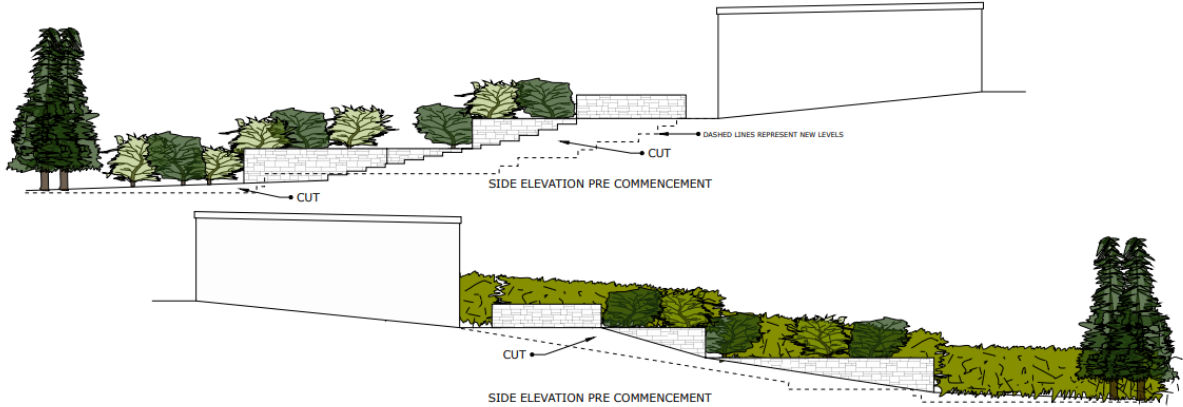
Location Plan



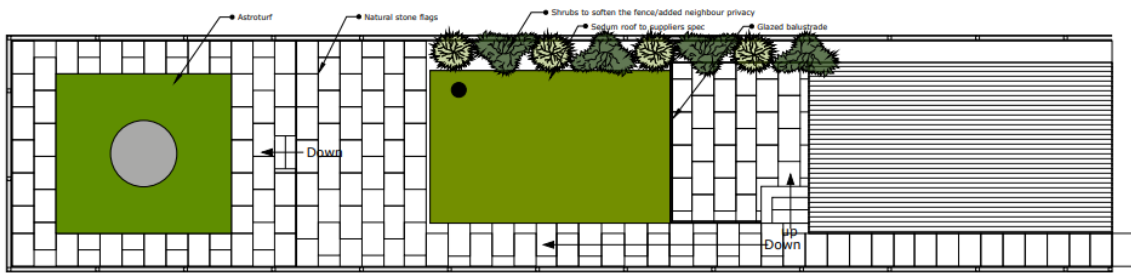
The Garden pre-works



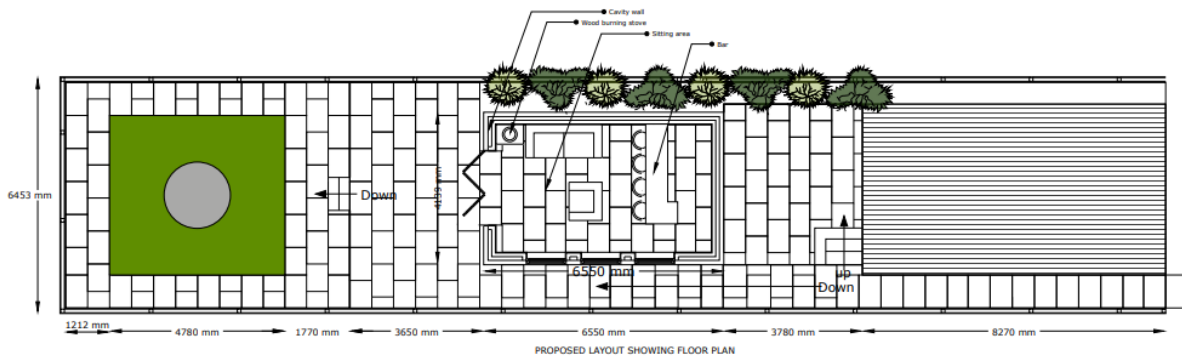
LAYOUT PRE COMMENCEMENT OF WORKS INC RAISED PATIO AND GARAGE ROOF LAYOUT



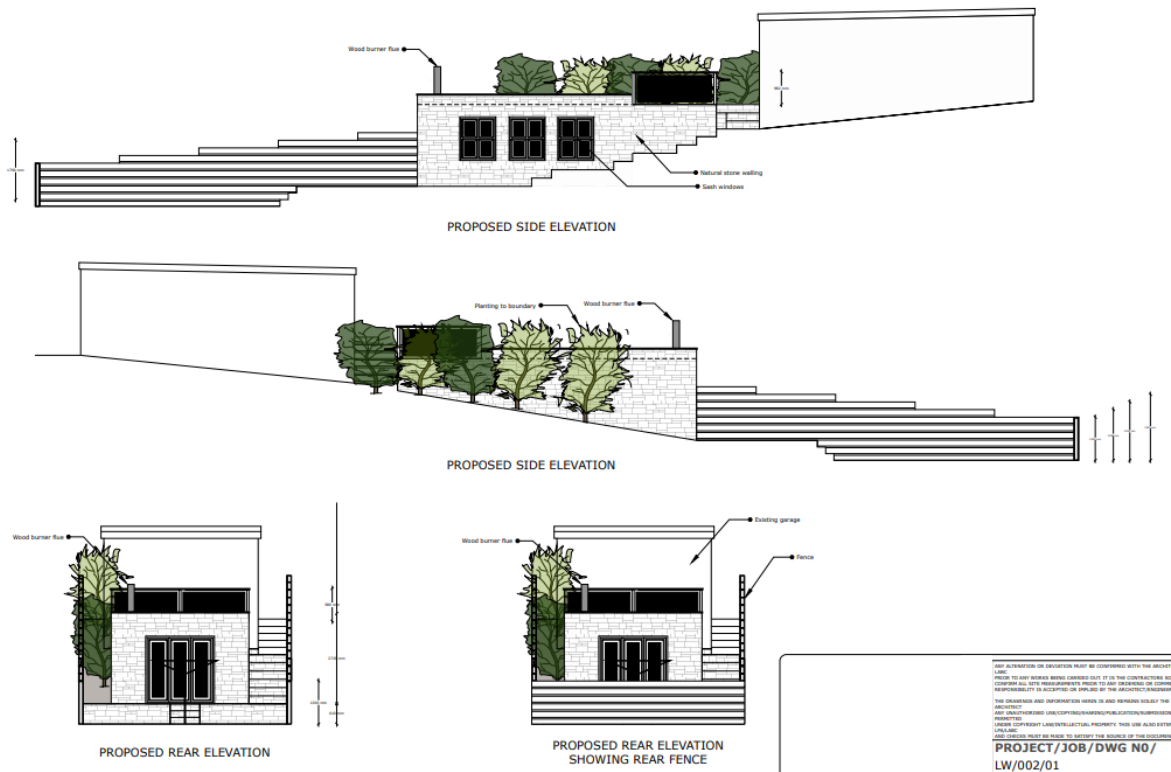
The Garden including works



PROPOSED LAYOUT/INC RAISED PATIO AS EXISTING LEVEL GRASS/EX GARAGE ROOFS



PROPOSED LAYOUT SHOWING FLOOR PLAN



Relevant Policies:

Burnley's Local Plan 2018

- HS4 – Housing Developments
- HS5 – House Extensions and Alterations
- SP5 – Development Quality and Sustainability
- IC3 – Parking
- CC5 – Surface Water Management and Sustainable Drainage Systems (SuDS)

NPPF 2021

Site History:

None of relevance

Consultation Responses:

None requested

Public Comments:

Two objections to date (31.08.2022). Points being:

Building too large and intrusive.

Images submitted with the application are unrepresentative of what has been constructed.

Not physically possible to screen the building along the boundary with No.94 as no room, nor along boundary with No.90 as strip to side flagged.

Potential for users to sit on top of the building and overlook adjacent private amenity space.

Changes character of gardens.

Proposed wood-burning stove in building will create nuisance for adjacent garden users.

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations, identifying matters of concern within the application as (originally submitted) and negotiating acceptable amendments to the proposal with the applicant in order to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development.

Consideration

The Principle of Development

The site is located within the development boundary of a Principal Town as identified within the adopted Local Plan. Policy SP4 states that within Burnley, development of an appropriate scale will be supported. I consider this to be development of an appropriate scale and therefore acceptable in principle.

Main Issues

- Design and appearance
- Impact upon residential amenity
- Parking
- Surface Water Drainage

Design and Appearance & Impact Upon Residential Amenity

Policy HS5 requires that house extensions and alterations:

- a. Be subordinate to the existing building. - in this case the works are sufficient distance from the dwelling and of insufficient significance to be considered subordinate.
- b. Respect the architectural characteristics, scale and detailing of the host building and its setting. – other than the roof which is a combination of concrete flags and sedum planting, everything else is faced or otherwise surfaced in stone. Given that the traditional local building material in this area is stone, I consider the proposal to accord. Note very much on balance.

- c. The proposal should not have a detrimental impact upon the amenity reasonably expected to be enjoyed by occupants of neighbouring properties through overlooking, lack of privacy or reduction in outlook or daylight. – I consider the hard surfacing to accord, given that substantial fencing exists along the boundaries with neighbour's gardens and that natural viewpoints, particularly if seated, are restricted as a result. The building if used in a conventional manner (i.e. not as a viewing platform) will not result in direct overlooking will not result in overlooking to three sides, however it may by virtue of three windows in the elevation facing south. Despite the boundary fence, these windows do allow views into the rear garden of No. 90. If approved I would recommend a Condition requiring those windows to be obscure-glazed and so retained, no further openings in any elevation (to protect gardens to either side) and no objects placed upon the roof or use of it for recreational purposes. Note very much on balance.
- d. The proposal doesn't lead to an unacceptable loss of parking and does not create a danger to road users. – parking provision is unaltered and the works are sufficient distance from the highway to not impact upon its users.
- e. The proposal does not lead to an unacceptable loss of useable private amenity space. – it does not as sufficient space remains in the garden.

Parking

Parking demand and provision are unaltered by the proposal.

Surface Water Drainage

The proposal creates a considerable amount of impermeable surface which has to be drained properly to avoid potential localised flooding, particularly onto adjacent neighbour's gardens. No detail of how the surface water is to be drained are shown, however the planning application form states that the works will drain to an existing watercourse. If approved I would suggest a Condition requiring submission and approval of details of surface water drainage prior to first occupation.

Policy CC5 requires that the use of permeable materials should be maximised, and that the following order of priority for any water discharge should be adopted:

- a) A permeable soakaway or some other form of infiltration system.
- b) An attenuated discharge to a watercourse.
- c) An attenuated discharge to a surface water sewer.
- d) An attenuated discharge to combined sewer (the last resort).

The stated intention to discharge to a watercourse should only be considered if on-site infiltration cannot work, and I would expect the applicant to describe why this is the case in details submitted to satisfy any drainage Condition. Assuming that discharge to a watercourse is necessary, I would also expect the applicant to describe the likely maximum run-off rate in litres per second. As it is highly unlikely to exceed 5ls I would not expect to see an attenuation facility incorporated into the drainage scheme, nor would I anticipate a need for a discharge permit, as according to current EA and DEFRA advice one does not need a permit:

'to discharge uncontaminated water, such as clean rainwater from roofs (as explained in groundwater protection position statement G12) or from small areas of hardstanding to surface water'

Conclusion:

Provided Conditions can be applied to prevent direct overlooking of neighbour's gardens and details of surface water drainage are provided and implemented, in my view the proposal is acceptable, albeit very much on balance due to the size of the structure.

Recommendation: Approve subject to conditions

1. The development must be begun within three years of the date of this decision.

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

2. The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Drawing No. LW/001/01 – proposed layout, received 18.07.2022.

Drawing No. LW/002/01 – proposed elevations, received 18.07.2022.

Drawing No. LW/003/01 – pre-commencement works, received 18.07.2022.

Drawing No. LW/005/01 – pre-commencement layout/block plan, received 18.07.2022.

Drawing No. LW/006/01 – proposed site plan, received 18.07.2022.

Location Plan received 25.06.2022.

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

3. Notwithstanding details shown on the approved plans, the building shall not be brought into use until details of surface drainage from the building roof and areas of hardstanding have been submitted and approved. The scheme so approved shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is drained effectively in a manner that will not increase the likelihood of surface water flooding, in accordance with Local Plan Policy CC5.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no door, window, dormer window or rooflight other than those expressly authorised by this permission shall be constructed in

the extension without Planning Permission obtained from the Local Planning Authority.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

5. Notwithstanding details shown on the approved plans, windows in the elevation facing south shall be obscure glazed and so retained, to the satisfaction of the Local Planning Authority.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

6. Notwithstanding details shown on the approved plans, the roof of the building so approved shall not be used for any purpose other than as a roof. At no time shall it be used as a platform for seating, standing or other form of recreation, nor shall items other than those necessary for it to function as a roof be placed upon it.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.

7. Notwithstanding details shown on the approved plans, the screening feature shown on the top of the proposed building shall be erected within six months of substantial completion, and in any event prior to first use of the building. This feature shall be retained thereafter.

Reason: To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.