

**Application Recommended for Approval with  
Conditions**

**HOU/2022/0693**

Queensgate Ward

Town and Country Planning Act 1990

Removal of existing garage to make way for single storey extension and courtyard garden with off-road parking

154 Casterton Avenue, Burnley, Lancashire BB10 2PE

**Background:**

A 4 bedroom, two storey stone/render/blue slate semi-detached house in an established residential area. The garage referred to in the application description no longer exists.

Within the development boundary limits of the Principal Town of Burnley as defined by the Adopted Local Plan. Coal Mining Constraint Standing Advice Area.

The application follows approval of HOU/2021/0737, an application with the description '*Removal of existing garage to provide court yard garden and off-road parking with sliding gate and rear single storey extension*', approved on 23.06.2022. The current application differs slightly in description and design of extension.

This application cannot be considered under delegated powers as the applicant is a serving Councillor.

**Proposal:**

To demolish the existing rear conservatory and construct a flat-roofed single storey extension across much of the width of the rear elevation, plus install 'grey timber fence panels or similar' between existing stone fence piers on the elevation facing east including a 3.76m wide gate. The application drawings also make reference to walling around the external area as being 'Two meters in height'. It is unclear as to whether this boundary walling notation relates to existing walling (the yard is bounded by blockwork walling presently), or whether it relates to proposed walling. In any event, the 'Two metres in height' reference makes it clear that said walling will exist within the height allowed under Schedule 2 Part 2 A.1 of the GPDO.

The proposed extension would project 3.0m from the rear wall at its furthest point and be 2.94m high from floor to top of flat roof. It would have a stone plinth in part, with the remainder in render and glazing.

**Relevant Policies:**

Burnley's Local Plan July 2018.

HS5 – House extensions and alterations

HS4 – Housing Development

SP1 – Achieving sustainable development

SP4 – Development Strategy

SP5 – Development quality and sustainability

IC3 – Parking

Residential Extensions SPD

National Planning Policy Framework

**Site History:**

HOU/2021/0469 - Demolition of existing garage and the erection of a single storey rear extension with roof terrace above. Refused 29.09.2021 for overlooking and aesthetic reasons.

HOU/2021/0737 - Removal of existing garage to provide court yard garden and off-road parking with sliding gate and rear single storey extension. Approved 23.06.2022.

**Consultation Responses:**

Highways – no objections subject to Conditions preventing gates opening onto the highway, surface water discharging onto the highway and provision/retention of the off-street parking facility.

If approved the following notes will need to be included on the Decision Notice:

1. This consent requires the construction, improvement, or alteration of an access to the public highway. A list of approved contractors only, can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) or telephone 01772 534222 for the list of approved contractors and to start the section 171 process.
2. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.
3. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.
4. It is likely that the Telegraph Pole will also require repositioning to allow for the wider vehicle access to be formed. This will need to be carried out by British Telecom.

**Objections/Comments:**

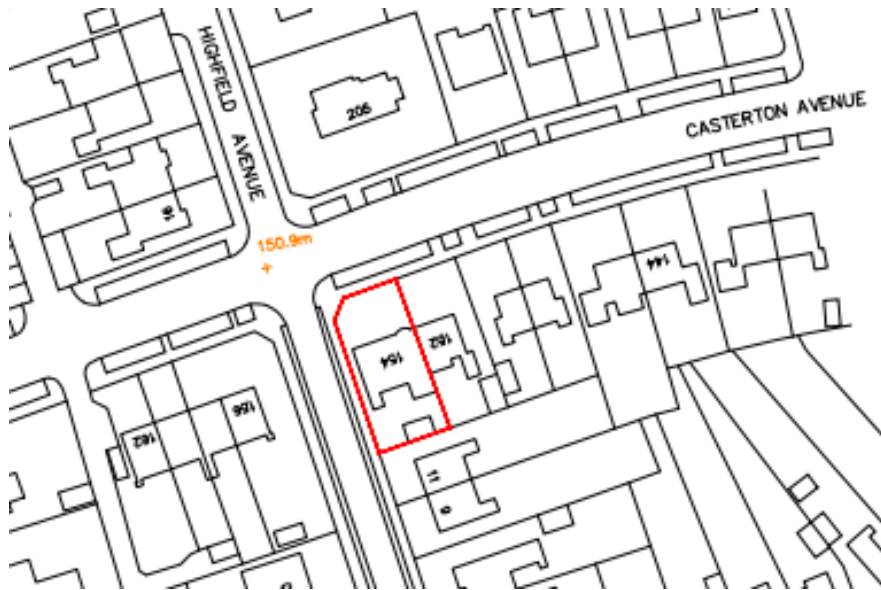
None received to date (10.01.2023)

**Article 35 Statement:**

The Local Planning Authority has acted positively 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. The nature of the proposal has not necessitated any liaison with the applicant prior to determining to grant planning permission in accordance with the presumption in favour of sustainable development.

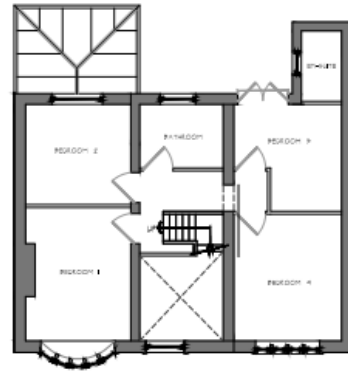
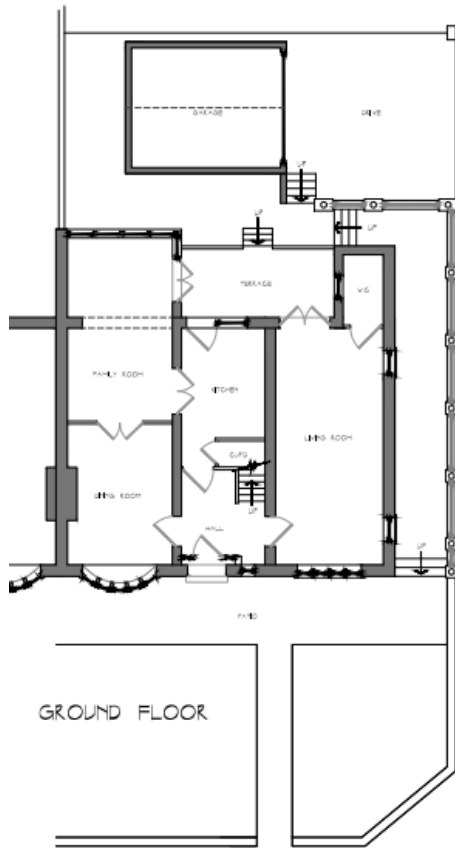
**Visuals:**



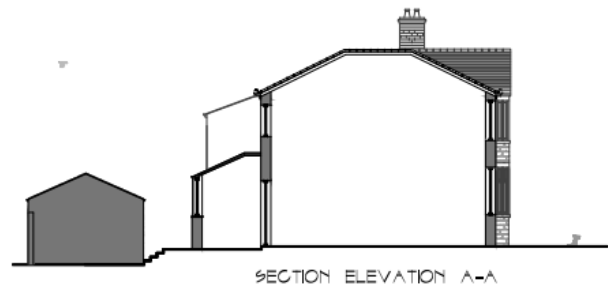




# Existing



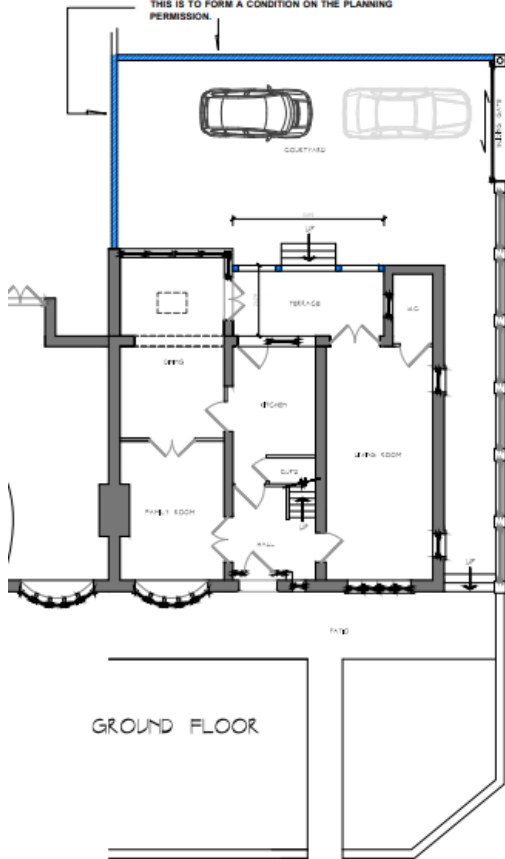
CLIENT: MR M IS  
 SHEET TITLE: EXISTING  
 PROJECT: 164 CASTERTON AVENUE, BURNLEY, BB



# Proposed

**IMPORTANT NOTE**

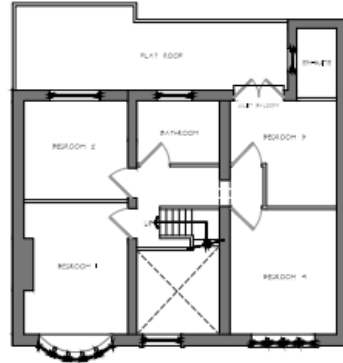
BOUNDARY WALLS TO BE 2 METERS IN HEIGHT THIS IS TO FORM A CONDITION ON THE PLANNING PERMISSION.



**IMPORTANT NOTE**

**VEHICLE MANEUVERING OPERATION SYSTEM**

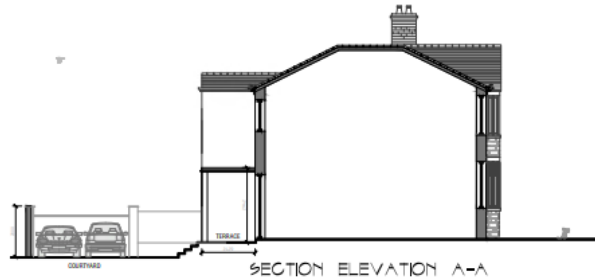
CARS WILL REVERSE INTO THE SITE AND ON LEAVING THE VEHICLES WILL BE ABLE DRIVE OUT IN A FORWARD GEAR.



FRONT ELEVATION



REAR ELEVATION



**IMPORTANT NOTE**  
BOUNDARY WALLS TO BE 2 METERS IN HEIGHT

**Planning and Environmental Considerations:**

*The main issues for consideration in the determination of this application include:*

- Principle
- Design and impact upon the area
- Impact upon neighbouring amenity
- Parking

### **Principle**

The property is within the Development Boundary of a Principal Town (i.e. Burnley) as identified within the Adopted Burnley Local Plan. Subject to compliance with other Local Plan Policies, the principle of alterations to dwellings is acceptable if *'of an appropriate type and scale'* in this area under Policy SP4. It is considered that the proposal is of an appropriate type and scale.

### **Design**

Policy SP5 requires *'high standards of design, construction and sustainability in all types of development.'* This is reiterated in Policy HS5, which states *'Alterations and extensions, including roof extensions and the erection of buildings and structures within the curtilage of dwellings, should be high quality in their construction and design in accordance with Policy SP5'*. This is further reinforced by wording within the Residential Extensions SPD.

The proposal is for an extension of regular proportions, using materials to match the host dwelling, i.e. stone in part and render. The SPD states in reference to flat-roofed extensions:

*'2.2.31 In almost all cases, flat-roofed extensions to houses with pitched roofs will be unacceptable where they are clearly visible in the streetscene. However, if your proposal fits into the 'contemporary/contrasting' category or as part of a radical makeover this may be acceptable if it is of the highest quality (see advice on these approaches above). Additionally, flat roofs may be supported on single-storey extensions if a pitched (including lean-to) roof is impractical or will result in unacceptable impacts on residential amenity (See section 3.1).'*

In this instance a shallow pitch would almost certainly be practical given the height of 1<sup>st</sup> floor windows and the short projection of the extension from the rear wall. However, given that the proposed extension is probably permitted development (GPDO Schedule 2 Part 1) and that planning permission was granted for a similar flat roofed extension to the property in June 2022 (HOU/2021/0737), it would seem impractical to refuse the current application as a flat-roofed extension is likely to be constructed in any event.

On balance therefore it is considered to be of sufficient quality and of basic yet appropriate design for the location.

HS5 1.a states that the Council will permit extensions and modifications to existing residential properties where *'the extension is subordinate to the existing building, to allow the form of the original building to be clearly understood.'* The extension is considered to be subordinate. The concrete boundary walls are of greater visual significance and considered to be unsightly, however given that the submitted application states that the walls are to be two metres in height (therefore permitted development) and *'to form a condition on the planning permission'*, whatever that is intended to convey, if planning permission be granted a condition is suggested to the effect that the walls do not form part of the approval.

The area for cars to park will require surfacing in a permeable, solid material such that surface water will drain to ground and that material isn't carried onto the highway which can be controlled with a suitable condition.

### **Neighbouring Amenity**

To north – no impact.

To south – habitable room windows will overlook parking area and solid boundary walling. No impact.

To east – a solid wall will face the rear garden of the attached dwelling directly. The extension will not cross a 45 degree line if projected from the nearest habitable room window. A condition preventing further openings in the extension to ensure that direct overlooking into the neighbour's garden cannot occur is recommended.

To west – the extension will not project further than an element of the existing house, therefore no impact.

### **Parking**

A four bedroom house. It is not proposed to increase the number of bedrooms. The submitted plans show an off-street parking area of sufficient size to accommodate the three cars required by IC3. A condition to ensure retention of the parking area is recommended.

### **Conclusion**

The proposal is considered acceptable subject to conditions including the exclusion of the boundary walls from the approval.

### **Recommendation**

That planning permission be granted subject to the following conditions:

#### **Conditions:**

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 following submitted Drawings:
  - Drawing No. 2166-01 – existing plans, received 25.11.2022
  - Drawing No. 2166-02 – existing elevations, received 25.11.2022
  - Drawing No. 2166-03 – proposed plans, received 25.11.2022
  - Drawing No. 2166-01 – proposed elevations, received 25.11.2022
3. Before the parking area is used for vehicular purposes, it shall be surfaced in permeable tarmacadam, concrete, block paviors, or other hard material, and so retained for the lifetime of the development.



4. The parking area shall be retained for that purpose in association with the residential occupation of No. 154 Casterton Avenue, to the satisfaction of the Local Planning Authority.
5. Notwithstanding details shown within the application, this permission shall not relate to boundary walls indicated in blue on Drawing No. 2166-03.
6. 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 any elevation of the extension without Planning Permission obtained from the Local Planning Authority.
7. All gates and associated mechanisms to be located outside the adopted highway and the gates to have physical restraints to prevent the gates from opening onto the adopted highway.
8. The surface water from the approved driveway/hardstanding/car park should be collected within the site and drained to a suitable internal outfall. Prior to surfacing of the car park area, details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

**Reasons:**

1. 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. To ensure continued compliance with the Development Plan.
3. To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.
4. To ensure the retention of adequate off-street parking provision for occupants of No. 154 Casterton Avenue, and to avoid domestic vehicles parking on the public highway, in the interests of highway safety.
5. For the avoidance of doubt.
6. To ensure the privacy for adjacent occupiers, in accordance with Policy HS4 of the Local Plan and the NPPF.
7. To ensure the adopted highway is not obstructed by the gates or are a hazard to other road users.
8. In the interest of highway safety to prevent water from discharging onto the public highway.

**Notes:**

1. This consent requires the construction, improvement, or alteration of an access to the public highway. A list of approved contractors only, can undertake the approved works under the Highways Act 1980 Section 171. Before any work begins at the site, please contact [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) or telephone 01772 534222 for the list of approved contractors and to start the section 171 process.

2. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.

3. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works.

4. It is likely that the Telegraph Pole will also require repositioning to allow for the wider vehicle access to be formed. This will need to be carried out by British Telecom.

