

## **Application Recommended for Approval**

Cliviger with Worsthorne

**HOU/2023/0448**

Town and Country Planning Act 1990

Retrospective planning permission for single storey extension

2 Lindsay Park, Worsthorne-with-Hurstwood, Burnley BB10 3RR

### **1. Background:**

1.1 The property is a large detached two storey house on a corner plot, in an established residential area. The materials used in construction are artificial stone on part of front elevation, artificial stone external chimney stack, the remainder render, and concrete tiles. It is within an area containing a broad range of dwelling styles and building materials.

1.2 The site is within the development boundary as defined by the Adopted Local Plan.

### **2. Proposal:**

2.1 This is a retrospective application, to construct a single storey, pitch-roofed extension to the rear elevation, within the rear garden. Facing materials noted on the submitted plan are artificial stone and Marley Modern tiles (to match those of the host dwelling). The extension is to protrude 4.0m from the rear wall, will be 4.720m wide, 2.562m to eaves and 3.353m to ridge. The ridge will be perpendicular to the rear wall.

2.2 It should be noted that an extension of this size in this location in respect to the rear elevation and property boundary would ordinarily be permitted development. However, the chosen facing material is artificial stone and despite part of the front elevation plus the external chimney on the side of the dwelling being faced in artificial stone, it is arguable as to whether the chosen facing material of the extension is 'similar' to that used on the host property, the predominant material being render.

### **3. Relevant Policies:**

3.1

Burnley's Local Plan July 2018.

HS5 – House Extensions and Alterations

HS4 – Housing Development

SP4 – Development Strategy

SP5 – Development quality and sustainability

IC3 - Parking

Residential Extensions SPD

National Planning Policy Framework 2021

### **4. Site History:**

4.1 APP/2006/0199 – two storey extension approved 23/05/2006. Constructed.

## **5. Consultation Responses:**

5.1 None requested.

## **6. Objections/Comments**

6.1

8 individual letters have been received from 3 separate households.

Concerned about the size and bulk of the finished property.

Inappropriate scale, proportions, materials and detailing.

An extension onto an existing extension.

Close to the boundary of 137 Brownside Road and within a 45 degree line if projected from a habitable room window on the rear of No. 137.

Dimensions approximate.

Would introduce a habitable room window within 15.0m from a blank garage wall.

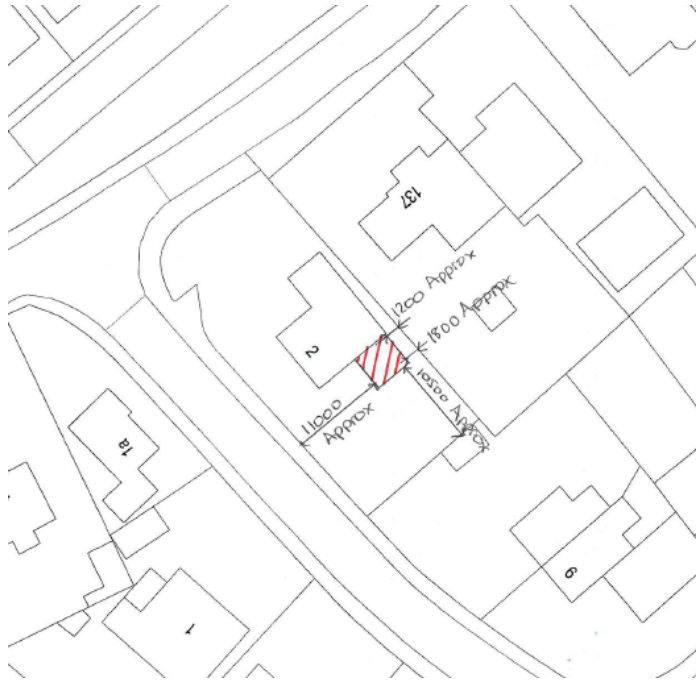
Extension appears larger than stated dimensions.

Potential breaches of Building Regulations.

## **7. Article 35 Statement:**

7.1 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.

**8. Visuals:**



View from Lindsay Park



Front elevation



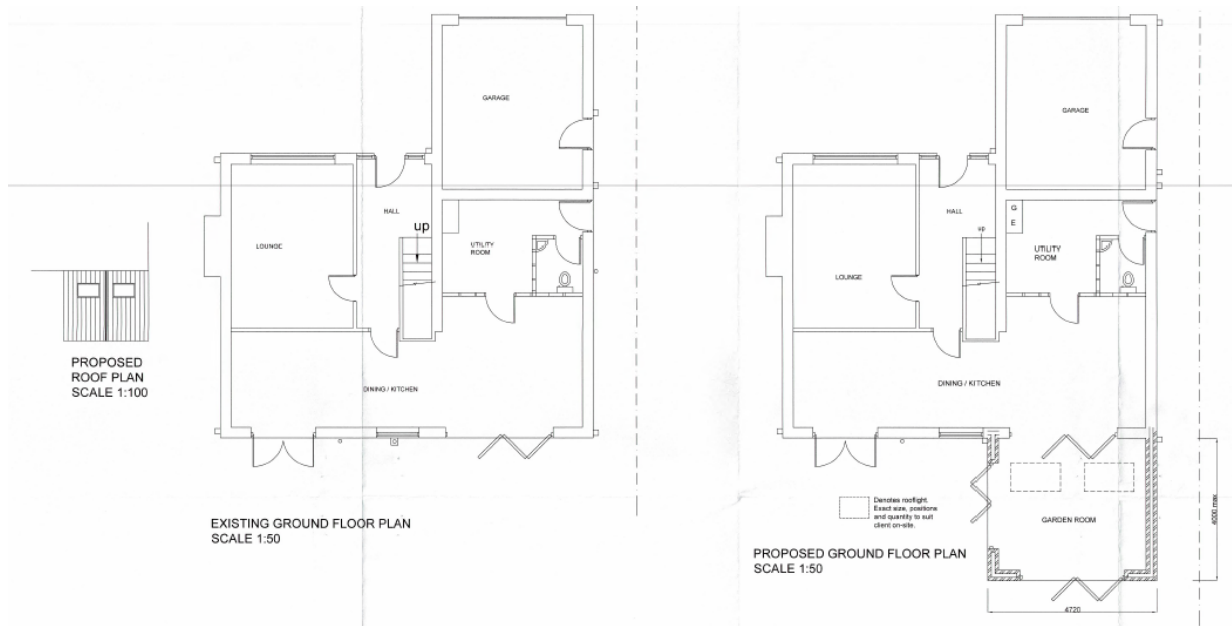




Extension under construction



## Existing and proposed floor plans



## Existing and proposed elevations



## 9. Planning and Environmental Considerations:

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

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

### 10. Principle:

10.1 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.

## **11. Design:**

11.1 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'*

11.2 The proposal is for an extension of regular proportions using artificial stone that whilst in contrast to the render on the rear extension, it does tie in with artificial stone on the front elevation and chimney stack to the side. Given that the facing material of the extension will weather as has existing artificial stone and that the extension is located within an enclosed rear garden so is screened from public view, it is considered that the materials are appropriate. The roof is visible above the garden hedge when viewed from Lindsay Park, albeit not in an intrusive manner and the chosen roofing material (Marley Modern grey tiles) is similar to that used on the host property, so again appropriate.

11.3 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.* In this instance the combination of the extension approved/constructed in 2006 and the one subject of this planning application will not result in an unduly dominant feature in the street scene. Acceptable in terms of Local Plan policies SP5 and HS5.

11.4 In respect of the Council's Residential Extensions SPD, the extension complies with the requirements of 3.1.

## **12. Neighbouring Amenity:**

With regard to the amenity of neighbours and to the provisions of Policy HS4:

12.1 To rear (south east) – habitable room window will face into own garden and to boundary planting/side elevation of neighbour's garage at approx. 15.0m. No conflict.

12.2 To side (north east) – blank elevation will face retaining wall to neighbour's garden at approx. 1.2 – 1.8m distance. No conflict given the neighbour's garden is at a significantly higher level than the garden of No. 2 Lindsay Park plus the boundary is a wall with fence above, so no impact of detriment. Further more there is no need for a 'no further openings' condition due to height of boundary wall.

12.3 To side (south west) – habitable room window to face into own garden plus boundary hedge, then highway and front elevation of dwelling opposite at approx. 35.0m. No conflict.

## **13. Parking:**

13.1 No impact upon number of bedrooms. No conflict.

## **14. Comments upon points of objection:**

14.1

Size and bulk of house plus materials addressed above.

Fact that an extension attached to an extension not considered an issue.

Proximity to neighbour (137 Brownside Road) and 45 degree rule not considered an issue in terms of overshadowing due to relative heights of gardens, single storey nature of the extension and the distance between the extension and the neighbour.

Use of word 'approx' when describing dimensions to boundaries not considered an issue in this instance as the location of extension itself fixed by the fact that the application is retrospective. Having assessed the proposal it is not considered that the relationship between the extension and the blank garage wall would be unacceptable.

Building Regulations issues such as foundations and cavities referred to Building Control.

## **15. Conclusion:**

15.1 The proposal is considered acceptable in terms of the relevant local plan policies and material considerations. It should also be noted that there is a fallback position in that an extension of similar dimensions could be constructed under permitted development rights if the materials were considered "similar" to the existing house. It is therefore recommended accordingly.

## **16. Recommendation:**

16.1 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. LP2RE.1 – existing and proposed plans/elevations, received 28.07.2023
  - Drawing No. LP2RE.3 – existing site plan, received 28.07.2023
  - Drawing No. LP2RE.4 – proposed site plan, received 28.07.2023
  - Location plan, received 28.07.2023

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.