

**Application Recommended for Approval
Cliviger With Worsthorne**

FUL/2023/0432

Town and Country Planning Act 1990

New build detached house to be built on land at number 4 Lindsay Park
4 Lindsay Park, Worsthorne-with-Hurstwood, Burnley BB10 3RR

The application has been brought to Development Control committee as objections have been received.

Background:

The application site forms the residential curtilage of No. 4 Lindsay Park which is a semi detached bungalow property. The site measures approximately 318sqm and is situated to the east of No.4. The site is located within the settlement boundary of Burnley in which policy SP4 applies.

The surrounding area is residential with a mixture of house type and design. There is a clearly defined building line to the properties to the south which are predominantly detached, and No . 4 and No. 6 share a clear building line along the northern side of Lindsay Park.

The application has been with the Council since July and has undergone design changes during its assessment. Original plans were for a 4 bedroom, 2 storey dwelling. Following a review of the application and the previous refusal at the site FUL/2023/0036, it was considered that the redesign had not gone far enough in addressing concerns and reasons for refusal on the previous application.

Revised proposals received by the Council in November were for a 3 bedroom, dormer bungalow with in curtilage parking, as extracted below.



Photo 1 Nos – 4-6 Lindsay Park



Photo 2: application site

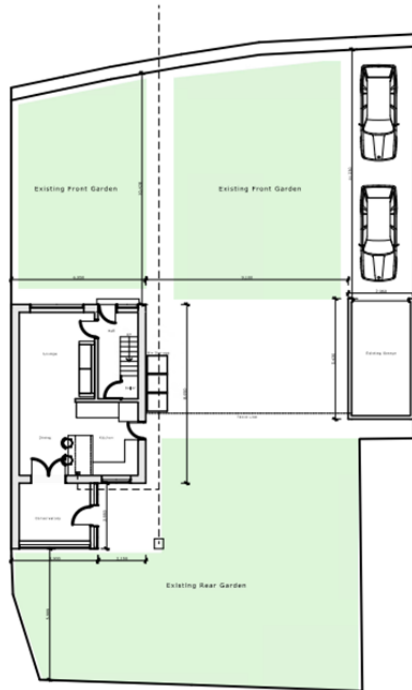
Proposed Development

The application seeks consent for the erection of a detached, 3 bedroom dormer bungalow property.

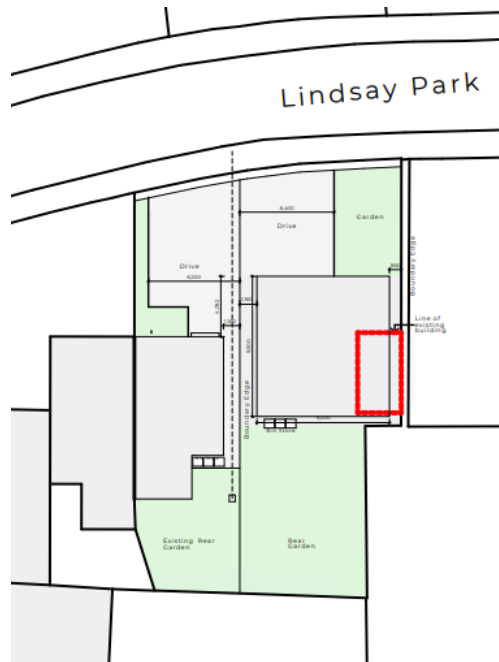
The proposed footprint of the dwelling will be 9m in width and 9.5m in length. The height to the ridge will be 6.3m and eaves height will be 2.3m. The overall height will be in line with the existing ridge of No. 4 which the proposal will be viewed next to. To the front roof slope are two piked dormers, which are considered to be a more aesthetic design on the front of the dwelling and is an improvement to the large box dormers which are common within the area. The rear roof slope will have a larger dormer across the full length of the roof and will sit lower than the

ridge line of dwelling. Proposed materials will be tile roof, upvc window treatment and render to all elevations (details of the colour to be conditioned).

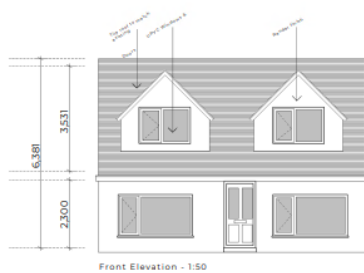
To the front of the property there will be a small garden area onto the eastern boundary with No. 2 Lindsay Park and parking area for 2 cars. A new driveway area will also be created for No. 4 Lindsay Park, details and implementation of the car spaces for both properties will be conditioned.



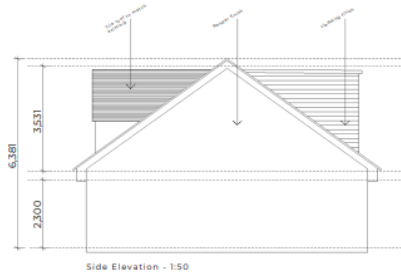
Extract Plan 1: existing site plan



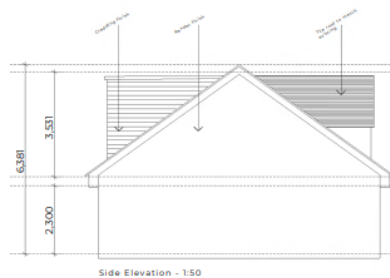
Extract plan 2: proposed site plan, note a 800mm gap between the eastern boundary with No.2 and a 1.1m easement between the boundary with No. 4



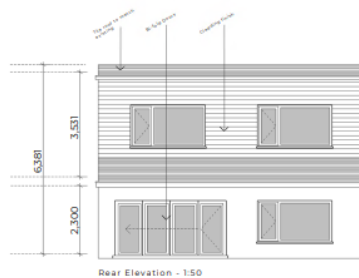
Front Elevation - 1:50



Side Elevation - 1:50



Side Elevation - 1:50



Rear Elevation - 1:50

Plan extract 3: proposed elevations of the amended scheme

Additional photos of the site

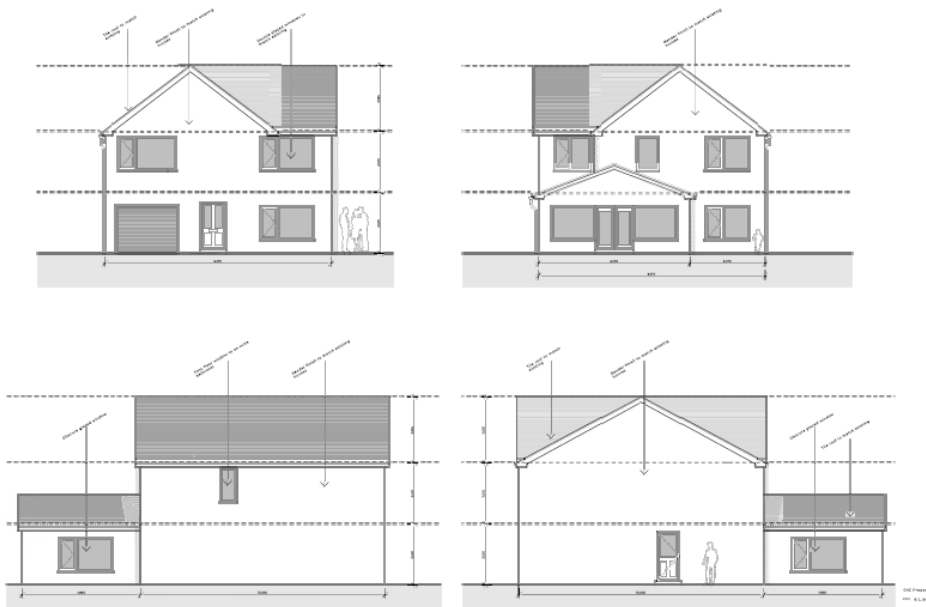
No.2 Lindsay Park

No.4



Proposed Elevations of Refused (FUL/2023/0036) Application

As a comparison to the previous refused scheme which was 7.6m to the ridge, 5m to the eaves, 9.2m in width and 14.8m in length (including a single storey element to the rear). It is considered that the current scheme has made key changes in overall design, scale and mass which meets the relevant policies of the Burnley Local Plan.



Relevant Policies:

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP2 – Housing Land Supply
- SP4 – Development Strategy
- SP5 – Development Quality and Sustainability

IC3 – Car Parking Standards

NPPF 2023

Site History:

FUL/2023/0036 - New build detached house to be built on land at number 4 Lindsay Park Refused 14th July 2023 for the following reason:

The proposal, due to its scale and massing would be an incongruous form of development and disproportionate to the size of the plot. As such it is considered to be overdevelopment of the site which would be at odds with the prevailing character of the area and have a detrimental visual impact, contrary to Local Plan Policy SP5 (2a)

PRE/2022/0362 - pre application enquiry

'The principle of development on the site is acceptable. However, I am concerned about the size and bulk of the proposed house in relation to the amount of land available and juxtaposition of adjacent dwellings and their gardens.'

Consultation Responses:

Highways

Previous concerns regarding the sight lines and the off-street parking arrangements have been addressed. As part of the requirements for the new vehicle crossing requirements it is expected that the existing and now redundant dropped crossing should be reinstated as footway.

The following conditions should be applied:

a) Garage to be used ancillary to household.

The parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

b) Completion of vehicular access.

No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility.

c) Reinstatement of redundant access.

No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be

retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

Environmental Health – no objection subject to the following Conditions:

No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

United Utilities – standard 'drainage hierarchy' comment.

Objections:

The application has undergone two separate rounds of statutory consultation due to amendments in the plans. During the first round of consultation a total of 10 objections were received along with some letters of support. For clarity a summary of the 10 objections has been provided as part of this report, see below.

To note, the following is a summary of the 10 objections which were received on the first round of consultation. These points will be addressed in the following section of the report.

- Already issues with on street parking and congestion on Lindsay Park
- Proposed would be closer than 15m from a rear habitable window at 2 Lindsay Park
- Proposal is too big for the plot
- Loss of privacy due to overlooking of gardens and habitable room windows at 2 Lindsay Park and 2 & 4 Duncan Close
- Loss of daylight and sunlight due to overshadowing
- Noise and other disturbance during construction works
- House sits forward of others on the street so will be incongruous
- House sits within 45 degree line when taken from front window of No. 4 Lindsay Park
- Too close to No.4 and to the rear garden of No.2 Lindsay Park
- Window will overlook the rear garden of No.2 Lindsay Park directly
- Inaccuracies in measurements on submitted plans
- Detracts from character of the area
- Potential impact upon drainage services in area
- Village infrastructure overstretched already. Local primary school oversubscribed presently

For the second round of consultation, which has taken place November into early December, at the time of writing 1 letter of objection have been received, summarised as follows:

- development is too close to the existing property
- design not in keeping with the area

Planning and Environmental Considerations:

Principle of Development

Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development set out in the NPPF. The site is located within a sustainable location with clear access to public and walking distance to surrounding shops and services.

The site is part previously developed (the garage and hard standing driveway), and part not previously developed, the wider garden area. As per the definition in the NPPF under Previously Developed Land (PDL) 'this excludes:*land in built up areas such as residential gardens.*' The NPPF states at para 124 d) in relation to making efficient use of land '*the desirability of maintaining areas' prevailing character and setting (including residential gardens).* The properties within the area all have garden areas to the front and back, and No. 4 is slightly unique in that the space to the east of the house with the existing garage is generous in size. Whilst the proposals will mean that there will be a loss of some of the garden space for No. 4, the plans still show private garden space and in curtilage parking area for No. 4. It is not considered in this case that the creation of a dwelling on this will have a detrimental impact on the character of the area.

The Council's current 5 year housing land supply, currently stands at 9.2 years which means that the borough has enough housing land to be built upon until 2034. There are allowances for 'windfall' sites which this would be classed as, and whilst there would only be a gain of 1 dwelling, this is still a small contribution to the overall housing land supply.

As such the principle of development is considered to be acceptable subject to consideration of the following:

- Impact on character and appearance
- Impact on residential amenity
- Highway and access

Design, Character and Appearance

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.

Local Plan Policy SP5 states, amongst other things, that the Council will seek high standards of design, construction and sustainability in all types of development. In respect of design and layout, this requires new housing to respect townscape setting and locally characteristic street layouts, scale, massing and materials; and to contribute positively to the public realm.

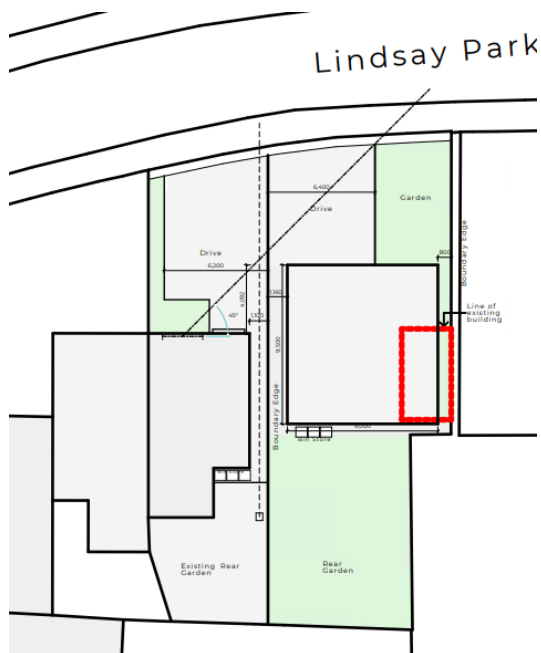
Following on from the previous refusal, the design has changed considerably. Issues of scale and massing resulting in a disproportionate development on the plot were key reasons in the refusal. The scale has reduced from a two storey dwelling with a ridge height of 7.6m to a dormer bungalow with a reduced ridge height of 6.3. The change in house type to bungalow is considered to be much more appropriate for this plot and is more reflective of the scale and massing on the northern side of Lindsay Park.

The submitted plans identify facing materials as 'render finish to match existing houses' and 'tile roof to match existing'. The proposed materials are also found in the immediate locality and are considered to be acceptable. A condition is recommended for the colour of the render to be provided.

Impact on Neighbour Amenity

Local Plan Policy SP5 requires development to safeguard the residential amenities of neighbouring occupants. Policy HS4 sets out the minimum interface distances between new dwellings and existing properties.

Concern was raised with the close proximity of the proposed dwelling and No.4 especially as the proposed dwelling will be projecting just over 4m from the front of No. 4. For this reason, the Council requested a plan showing the 45 degree angle to make sure there was no risk of loss of light as extracted below. The plan shows that there will be no light from the rooms to the front of the property. Furthermore, there is a distance of just over 2m between the existing gable of No.4 and the proposed dwelling. On the existing gable elevation of No. 4 is a door (to the kitchen area) and a single window at 1st floor which serves a landing area.



Extract plan showing the 45 degree angle

A further issue that has been raised has been the distance of the proposed gable of the dwelling to the rear of No.2 which sits approximately 15m to the east. No. 2 has recently built a single storey summer house (HOU/2023/0448) which projects 4m from the rear elevation, meaning that the distance between the proposed dwelling and No. 2 is approximately 12.5m.

Policy HS4 of the Local Plan requires a distance of at least 15m between habitable windows and blank elevations. The proposal falls slightly short of this, however there are no windows in the gable elevation of the proposed dwelling and with a lowering of the overall height and mass of the dwelling, it is considered that the proposals would not result in any detrimental impact on overshadowing and loss of privacy.



Photo 4: View of the existing gable of No.4 (wall of the garage forming part of the boundary) taken from the rear of No. 2 Lindsay Park

The proposed dwelling also shares a common boundary with No. 2 Duncan Close, whose garden areas sit approximately 11m to the rear of the proposed dwelling. The properties along Duncan Close sit closer to the roads edge with gardens to the rear, and the proposed dwelling would not be directly overlooking the dwellings (in particular No. 2) but will be looking across the garden areas. There is already a 1.8m high fence which is in place between the properties and this could increase to 2m without the need of planning permission. It is not considered that there will be any overlooking or impact in residential amenity to No. 2 Duncan Close.

Access and Parking

Over the course of the applications assessment, LCC highways have made comments as detailed above. The latest plans have reviewed and subject to appropriate conditions, LCC did not object the application. The Council is satisfied that the proposals which cover parking and access for numbers 4 and the new dwelling are in accordance with policy IC1.

Conclusion: Following the most recent amendments to the scheme, the proposed design, scale and massing of the dwellings is considered to overcome the previous reasons for refusal. The site is within the development boundary and considered to be in a sustainable location. The proposals are considered to be in accordance with the relevant local plan policies SP4, SP5 and HS4.

Recommendation:

Grant planning permission subject to the following Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the approved plans and supporting documents listed on this notice below.

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

3. Notwithstanding details shown on submitted plans, the dwelling shall not be rendered until the colour of said render has been agreed in writing by the Local Planning Authority.

Reason: To ensure that the dwelling is rendered in a colour that is sympathetic to its surroundings, in the interests of visual amenity.

Highways

4. Construction of the approved dwelling shall not commence until two car parking spaces in the front garden of No.4 Lindsay Park have been completed and are available for use of occupants of and visitors to No.4 Lindsay Park. The parking spaces shall be surfaced in a solid, permeable material and so retained. The two parking spaces shall thereafter remain available for parking of vehicles associated with No.4 Lindsay Park.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

5. The dwelling hereby approved shall not be occupied until two car parking spaces have been completed and are available for use by its occupants and visitors. The parking spaces shall be surfaced in a solid, permeable material and so retained. The two parking spaces shall thereafter remain available for parking of vehicles associated with the dwelling hereby approved.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

6. The parking areas hereby approved shall be kept available for the parking of vehicles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure satisfactory levels of appropriately constructed off-street parking are achieved within the development and to avoid unnecessary parking on the highway to the detriment of highway safety, and in accordance with policy IC3 of Burnley's Local Plan July 2018.

7. The development hereby permitted shall not be occupied until an electric vehicle charging point has been installed; and shall thereafter be maintained. This shall be fitted in line with the DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings,

which states charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

8. Notwithstanding details shown on the submitted plans, the visibility splays identified on Drawing No. 15 shall be maintained such that no obstruction in excess of 900mm in height shall exist at any time bar cars parked on the approved driveways. The visibility splays shall be retained for the lifetime of the development.

Reason: In the interests of highway safety.

9. No construction work shall take place on the development hereby approved outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturday and not at any time on Sundays and Bank Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan/statement shall provide:

Details of the parking of vehicles of site operatives and visitors.

Details of loading and unloading of plant and materials.

Arrangements for turning of vehicles within the site where necessary.

Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures, where necessary.

Measures to protect vulnerable road users (pedestrians and cyclists).

The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.

Wheel washing facilities.

Measures to deal with dirt, debris, mud, or loose material deposited on the highway because of construction.

Measures to control the emission of dust and dirt during construction.

Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.

Construction vehicle routing.

Delivery, demolition, and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

11. No building or use hereby permitted shall be occupied or use commenced until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway (and/or verge) fronting the site in accordance with

the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of pedestrian safety and accessibility

12.No building or use hereby permitted shall be occupied or use commenced until the footway (and/or verge) has been reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

13. There shall be no burning of construction-derived waste or other materials within the curtilage of the premises.

Reason: to protect the amenities of nearby residents in accordance with policy NE5 and SP5 of the adopted Local Plan.

14. 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 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.

15. Notwithstanding details shown within the application, the dwelling shall not be occupied until details of both foul and surface water drainage have been submitted to the Local Planning Authority, approved in writing by the LPA and have been implemented in full. The elements of drainage so implemented shall be retained thereafter to the satisfaction of the Local Planning Authority. For the avoidance of doubt the site shall be drained utilising a separate system for foul and surface water, and surface water shall be discharged in a sustainable manner in accordance with the Hierarchy of Drainage Options stated below:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

Reason: For the avoidance of doubt and to ensure satisfactory drainage in accordance with Policies CC4 and CC5 of the adopted Burnley Local Plan, National Planning Practice Guidance and the NPPF.

Notes

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 171 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on highways@lancashire.gov.uk to ascertain the details of such

an agreement. More information can be found on Lancashire County Council's website at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>