

The dwelling is of modern design, with four bedrooms in the basement area, a garage, kitchen / dining room on the ground floor and a lounge on the first floor, which is set into the building to provide access to a covered balcony off the lounge.

Objections have been received to the application.

Relevant Policies:

Burnley Local Plan Second Review

E6 - Trees, hedgerows and woodlands

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H1 - Land for new housing development

H2 - Sequential release of further housing land for development

H3 - Quality and design in new housing development

TM15 - Car parking standards

Burnley Local Plan Submission Document July 2017

SP1 – Achieving Sustainable Development

SP2 – Housing Requirement 2012-2032

SP4 – Development Strategy

SP5 – Development Quality and Sustainability

HS4 – Housing Developments

NE4 – Trees, Hedgerows and Woodlands

IC3 – Car Parking Standards

Site History:

APP/2017/0593- Erection of 4 bedroom dwelling in rear garden – withdrawn

Consultation Responses:

1. The Highway Authority (Lancashire County Council) – ‘ I have previously commented on this application with a recommendation of refusal due to the loss of parking for the residents of No. 32 Ighten Road. Further to discussions, I appreciate that the site could be sold off to a third party and developed as a stand alone dwelling and on that basis I would not be in a position to defend this position at appeal. Therefore I would raise no objection to the proposal on highway grounds’.

It is requested that the following condition is attached to any permission that may be granted:

‘Prior to development commencing on site the applicant shall carry out a visual and photographic inspection of the access road between Ightenhill Park Lane and Ighten Hill to determine the current condition of the road surface. The carriageway surface shall be maintained to this level of repair or better throughout the period of construction and made good on completion of the development.

Reason to ensure that the proposed development and construction does not cause a further deterioration of the road surface’.

2. United Utilities make the following comments:

Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the applicant to consider the following drainage options in the following order of priority:

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

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above. In line with these comments, we recommend the following condition is attached to any approval notice.

Recommended Condition

Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Reason: To secure proper drainage and to manage the risk of flooding and pollution

3. Two letters from neighbouring residents object to the application on the following grounds:

- The design and appearance of the properties is out of keeping with the area
- Many trees have been removed from the site and there has been no bat survey or ecology assessment undertaken

None of the trees were covered by Tree Preservation Orders and no consent would have been required to remove them. Bats are protected species and the applicant would have responsibility to ensure that no works take place which would harm them or their habitat. There are unlikely to be ecology issues on the site over and above those associated with a residential garden.

- The proposed excavation works have the potential to impact on the stability of the land on the boundary with No. 16 Telford Street and there are no details of the proposed retaining wall.

The siting of the building has been adjusted away from the boundary with No. 16 which takes into account of the neighbour's concerns about stability and to allow the construction of the appropriate retaining wall when the basement is excavated. This will require an engineered solution and will be covered by the Building Regulations.

There are no plans to construct a high concrete retaining wall adjacent to the existing fence.

- Parking will become an issue on Ighten Road since the proposed site is currently used for parking for No. 32 Ighten Road. Vehicles for the property will therefore have to park on Ighten Road when the new property is constructed.
- There will be a deterioration of the unmade road.
- There will be an impact on pedestrian safety

These issues have been considered by the Highway Authority who raise no objections on the basis that the land could be sold off separately to the house, with no planning control and this would have the same effect in terms on loss of parking for No. 32. A condition in respect of the condition of the road is suggested by the Highway Authority.

- The access road is unsuitable and the construction period will cause obstruction and inconvenience

There is bound to be some inconvenience during a period of construction but the access road is a highway, albeit unmade, and it cannot be obstructed without the appropriate consents

- There will be a loss of sunlight to gardens
- There will be increase noise and disturbance
- There will be a loss of daylight to the stairs window to No. 16 Telford Street
- There will be privacy and overlooking issues
- The proposed dwelling would be overbearing

These issues relating to residential amenity are considered in detail below in the report.

- Loss of views from the back garden and landing window.

Loss of view is not a material consideration. Impact on outlook is considered below in the report.

- There will be an increased flood risk

The development is not within a flood zone and the applicant will be required to provide a drainage scheme in accordance with the hierarchy set out by United Utilities (see above in the Consultation responses) in order to promote sustainable drainage.

- There would be overdevelopment of the site.
- This development will set a precedent for development in back gardens and the open aspect of the neighbour would be lost.

Planning and Environmental Considerations:

The main issues relate to the principle of a dwelling in this location; the design and appearance of the dwelling and its impact on the character and appearance of the area; the impact on highway safety and parking issues; and the impact on residential amenity.

The principle of development



The site looking from the access road

The site is in a sustainable location within the Urban Boundary. It is within an existing residential area, in reasonable walking distance to shops, services and public transport. It is a brownfield site having been developed for garages in the past, with the bases of garages remaining on the land.

In principle, the residential development of this site is acceptable and in line with the policies of the adopted Burnley Local Plan, where Policy H2 expects development to adopt a sequential approach and seeks to ensure that brownfield land is developed before greenfield land. It sets out that within the Urban Boundary the Council will permit development for housing on brownfield, unallocated sites subject to a range of criteria, including that the release of the site for housing would not lead to an unacceptable oversupply of housing and that the proposal is within easy reach of local facilities and services and is well served by public transport.

The National Planning Policy Framework (NPPF) states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.

In considering the latest information available on Housing Land Supply in Burnley (Housing Land Supply Position Statement July 2017), the Borough has a sufficient supply of housing land to meet its five year requirement. The application should therefore be considered within the context of the presumption in favour of sustainable development, having regard to the policies of the Local Plan.

The development of one dwelling as proposed would not have an adverse impact on housing provision in the Borough as a whole and would make a contribution to its supply of housing.

In principle, the development is acceptable within this context.

The design and appearance of the proposal and its impact on the character and appearance of the surrounding area.

Policy H3 of the adopted Local Plan seeks to ensure quality design in all new housing development and sets out a range of criteria by which the proposal will be assessed in terms of design, including whether:

- i) *It is suitable in terms of overall design, including layout, materials, size, scale and siting when compared with both neighbouring properties and the wider locality;*

In terms of layout the dwelling sits centrally on the plot with parking to the front of the access road and an amenity area to the rear.

The front elevation would include the front entrance door and garage door at ground floor level with an aluminium glazing system to the first floor providing a glazed upper section to the elevations.

The rear elevation would consist mainly of glazing with folding doors onto the timber decked area.

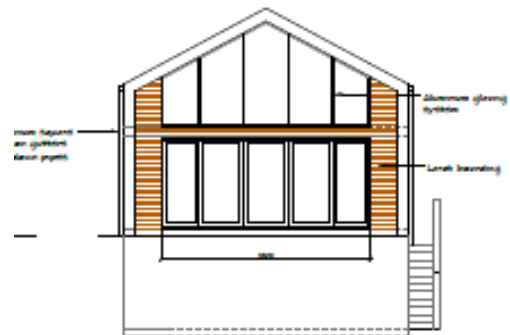
The materials to the front and rear elevations would be larch, or similar, timber boarding, the side elevations would be rendered and the roof would be in cement fibre slates. The rendering of the side elevation presents a blank and uninteresting gable facing the neighbouring properties and would benefit from some relief, such as the introduction of sections of the timber boarding to break up the elevation. The applicant has been asked to consider this option. Responses will be reported to the meeting.

The proposed dwelling would be of three storeys with a basement level set below the ground level.

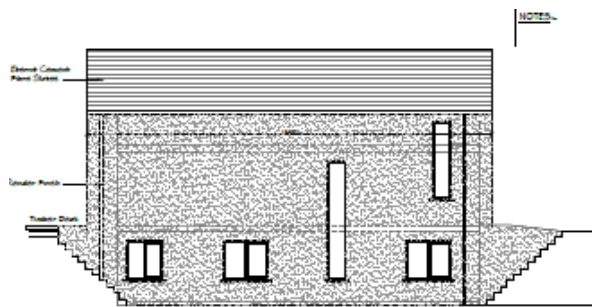
There would be four bedrooms in the basement area, a garage, kitchen / dining room on the ground floor and a lounge on the first floor, which is set into the building to provide access to a covered balcony off the lounge.



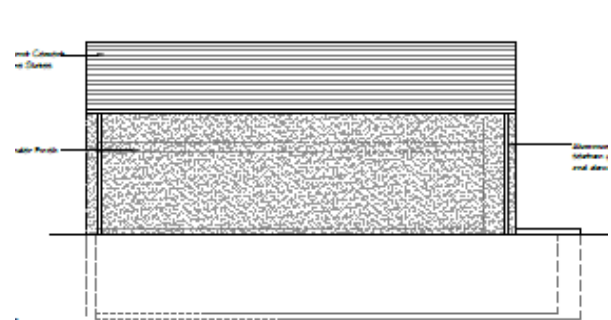
Front elevation facing the access road



Rear elevation



Side elevation facing Ighten Rd bungalows



Side elevation adj to 16 Telford St

The dwelling has some elements of traditional design in its simple form, with a traditional style pitched roof and vertical emphasis to the detailing of the windows. However, it is a bespoke design and the use of materials with timber boarding and large areas of glazing give the building a contemporary appearance. The introduction of some relief to the gable elevations as discussed above in this report would improve the appearance of the dwelling.

The surrounding area is varied in design with a mix of bungalows and two storey dwellings. The site is not in a prominent location within the area. It is a plot set behind Ighten Road, which provides the opportunity to design an individual style dwelling without having an adverse impact on the character and appearance of the surrounding area.

It is considered that the design of the dwelling is acceptable in this location and it would not have an adverse impact on the surrounding area.

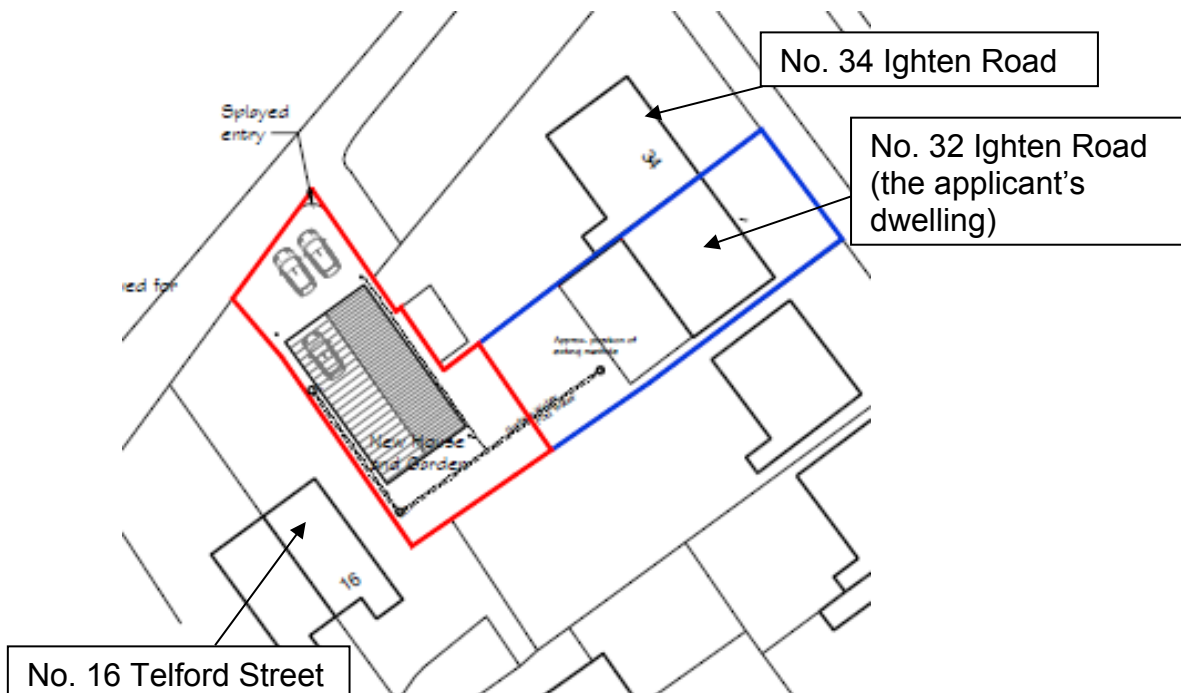
Several trees have already been removed from the land and it would be appropriate to require a hard and soft landscaping scheme to be implemented to enhance the site.

ii) the development provides a range of house types and designs to promote mixed communities and contribute to an attractive and varied environment;

The development provides a large four bedroom property of contemporary style which will contribute positively to the range of house types available in the surrounding area to promote an attractive and varied environment.

iii) the amenity of neighbouring properties is protected and the development minimises overlooking, and provides a reasonable degree of privacy and outlook;

The site is in close proximity to, and shares boundaries with, neighbouring houses, in particular No. 16 Telford Street to the south west and No. 32 and 34 to the north east.



Policy H3 sets out the minimum acceptable distance between the windows of habitable rooms facing each other is 20 metres and that two storey blank gable walls will not be permitted closer than 15 metres from the main outlook of an existing window.

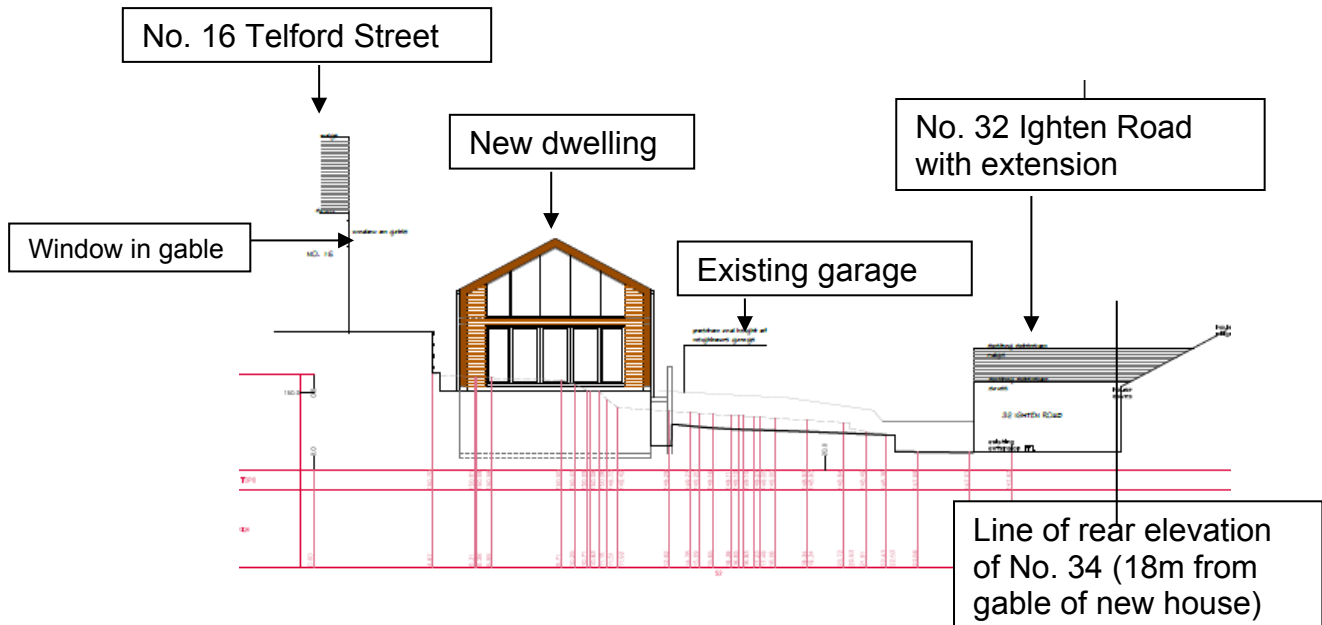
Policy HS4 of the emerging Local Plan is also relevant and may be given significant consideration because of the stage it has reached in the Local Plan process with no modification to the policy put forward by the Inspector. The policy sets out the appropriate levels of privacy and outlook for occupants and for adjacent dwellings.

Where habitable rooms face a blank gable or other windows serving non-habitable rooms the minimum distance should be 15 metres.

For each additional storey above 2 storeys or where levels create a significant difference in height there should be an additional set back of 3 metres.

This development will have the effect of a habitable room window (No. 34 Ighten Road) facing, in effect, a three storey gable because of the difference in levels of the land between the proposed and existing dwelling.

The policy set out in HS4 requires a distance of 18 metres in this scenario.



Site Section



No. 34 Ighten Road

The distance between the rear of No. 34 Ighten Road and the side elevation of the proposed house is 18 metres, which is in line with the policy of the adopted and emerging plan. The windows of the proposed house facing no.34 above ground level

are non-habitable and it is suggested that it would be appropriate to impose a condition on any consent requiring these windows to be obscurely glazed.



Existing garage

View showing the boundary of No. 32 looking towards the application site

In addition there is a garage serving No. 34 set between the gable of the new house and some of the windows of No. 34 and there is also shrub planting which screens the boundary.

The proposed distance satisfies the policies of the adopted and the emerging Local Plan and whilst there will be some reduction on outlook and sunlight from No. 34, it will not be unacceptable and it is in line with the distances set out in the adopted and emerging Local Plans.

No. 32 Ighten Road is the applicant's own dwelling and will be affected in terms of outlook. The new dwelling would come within 12 metres of windows in the rear extension to the property and there will be an additional impact because of the difference in levels. However, this is under the control of the applicant who lives in the property and is content to accept the reduced standard.

The gable of No. 16 Telford Street faces the site and there is a non-habitable landing window in the gable which would face the rear corner of the roof of the proposed dwelling. This would not have an unacceptable impact on the amenities of the occupants, particularly considering the difference in levels between the existing and proposed dwellings.



Gable of No. 16 Telford Street

iv) the development provides adequate private garden space and landscaping

The development provides for a reasonable garden space and it would be appropriate to require details of a landscaping scheme by condition to enhance the site.

v) pedestrian access is safe and convenient



Access from Ighten Road



Access from Ightenhill Park Lane

Pedestrian access would be via the unmade access road to the front of the property running between Ighten Road and Ightenhill Park Lane. The access arrangements are acceptable and the Highway Authority raises no objections.

vi) the provision of parking in accordance with Council standards.

The development makes adequate provision for at least 3 cars to be parked within the curtilage of the property. This is in line with the car parking standards set out in the adopted and emerging local plans for a 4 bedroomed property.

The Highway Authority initially raised concerns about the loss of parking to No. 32 Ighten Road which currently uses the area for parking. However, the land could be sold off separately resulting in the loss of parking for No. 32 even if the development did not go ahead and several of the similar properties on Ighten Road do not have parking provision.

To provide parking at No. 32 would involve significant excavation works and result in the loss of the front garden together with a high retaining wall to support the excavated area. This would have a serious detrimental impact on the visual amenity of the locality.

For these reasons, the parking situation is acceptable as put forward.

Conclusion

The provision of a dwelling in this location is acceptable in principle having regard to the presumption in favour of housing development in sustainable locations.

Its design, external appearance and materials are acceptable and could be improved by the introduction of some relief to the gable elevations and the applicant has been requested to consider this.

The impact on the residential amenities for neighbouring properties is in line with the policies of the Adopted and Emerging Local Plan and is acceptable.

The access and car parking arrangements are acceptable.

Recommendation:

That the Head of Housing and Development Control be delegated to grant planning permission for the development on receipt of amended plans which show amendments to the gable elevations of the proposed dwelling to improve their appearance in terms of materials, subject to the following conditions.

Conditions

1. The development must be begun within three years of the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and any subsequent amended plan as may be agreed: Drawing No. 01 A (location and site plan); 02 A (site plan); 03A (ground floor layout); 04A (first floor layout); 05A (basement layout); 06A (basement layout); 07A (general section); and 8A (site section) received 11 April 2018.
3. The windows on the ground and first floor level of side gable elevation of proposed dwelling shall be obscurely glazed. The windows shall thereafter remain obscurely glazed to the satisfaction of the local planning authority.
4. A scheme for the hard and soft landscaping of the site shall be submitted to the local planning authority before the dwelling hereby approved is first occupied. The scheme as may be approved shall be implemented no later than within the first planting season following the occupation of the dwelling.
5. Foul and surface water shall be drained on separate systems. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be approved by the statutory undertaker prior to connection to the public sewer.
6. Prior to development commencing on site the applicant shall carry out a visual and photographic inspection of the access road between Ightenhill Park Lane and Ighten Hill to determine the current condition of the road surface. The carriageway surface shall be maintained to this level of repair or better throughout the period of construction and made good on completion of the development.

7. The garage accommodation hereby approved shall remain available for the parking of vehicles at all times.
8. Unless otherwise agreed in writing by the local planning authority, no works of construction, including the use of equipment or deliveries to the site shall be carried out between the hours of 0800 hours and 1700 hours on Mondays to Fridays or 0800 hours to 1300 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.
9. No development, except the exterior painting of the building, whether permitted by the Town and Country Planning (General Permitted Development Order) or not shall be carried out on the site, unless a further permission has been submitted to and approved in writing by the local planning authority.

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 the development is implemented in accordance with the approved plans and to avoid ambiguity.
3. In order to protect the residential amenities of the occupiers of the neighbouring property, in particular No. 34 Ighten Road, Burnley.
4. In order to ensure that the landscaping of the site enhances to site and the surrounding area in the interests of visual amenity.
5. To secure proper drainage and to manage the risk of flooding and pollution.
6. To ensure that the proposed development and construction does not cause a further deterioration of the road surface in the interests of highway and pedestrian safety.
7. To ensure adequate parking provision is available at the property, in the interests of highway safety.
8. In order to protect the amenities of the neighbouring residents at unsocial hours.
9. To enable the local planning authority to reconsider any further development having regard to the restricted site and the amenities of the neighbouring residents.