

## Application Recommended for Delegation

Gawthorpe Ward

APP/2012/0481

Full Planning Application

Proposed bedroom and shower extension and proposed new fence

18 TOWN HILL BANK PADIHAM

### Background:

An objection has been received.

### Summary of Reason for Recommendation:

If the fence is re-aligned in accordance with the Highway Authority's requirements, the development will be in accordance with the Development Plan, in particular the policies listed below, and there are no other material considerations to indicate that planning permission should not be granted:

### Relevant Policies:

#### Burnley Local Plan Second Review

GP1 - Development within the Urban Boundary

GP3 - Design and Quality

H13 - Extensions and conversion of existing single dwellings

### Site History:

7/5/1781 – outline application for residential development – withdrawn

12/91/0103 – outline application for residential development including means of access – c/c

12/94/0532 – erection of 70 houses and associated garages – c/c

12/95/0599 – removal of condition 9 and revision to condition 10 on previously approved application – c/c

### Consultation Responses:

*Neighbour (20 Town Hill Bank)* – strongly objects to the proposals for the following reasons:

- 1) Safety; the positioning of the 2m fence adjacent to my drive will completely block the vision when pulling out of my drive.
- 2) Reduction of light; the positioning of the fence so high and so close to my drive will reduce light to my building and property at the front of the house.
- 3) Security; the fence in its proximity to my house creates a black spot in which potential miscreants would be able to avoid detection.
- 4) Affect on neighbourhood; a. the proposed development over-develops the plot of land assigned to no.18 – the plans will make the property over-bearing and out of scale in the area. b. the original intent was for the estate to be open plan and available to families to enjoy and this is clear from the covenants in the house deeds (expired after 10 years).
- 5) The building of a 2m fence as proposed will box me into a corner that I had not intended when I purchased the property. Although the development will

increase the value of the applicants property, I have had it confirmed that it will make mine much less desirable.

*Highway Authority* - Verbal comments – a 2m service strip is required in front of the fence line (further clarification to follow in writing)

### **Planning and Environmental Considerations:**

The house is a detached property on the corner of Town Hill Bank. The proposal involves the erection of a single-storey extension and a new fence. The extension would provide a bedroom and shower facilities.

The main considerations are design/materials, privacy/outlook, highway issues and visual amenity.



existing fence low level fence      no. 20 Town Hill Bank      No. 18 Town Hill Bank

#### *Design/materials*

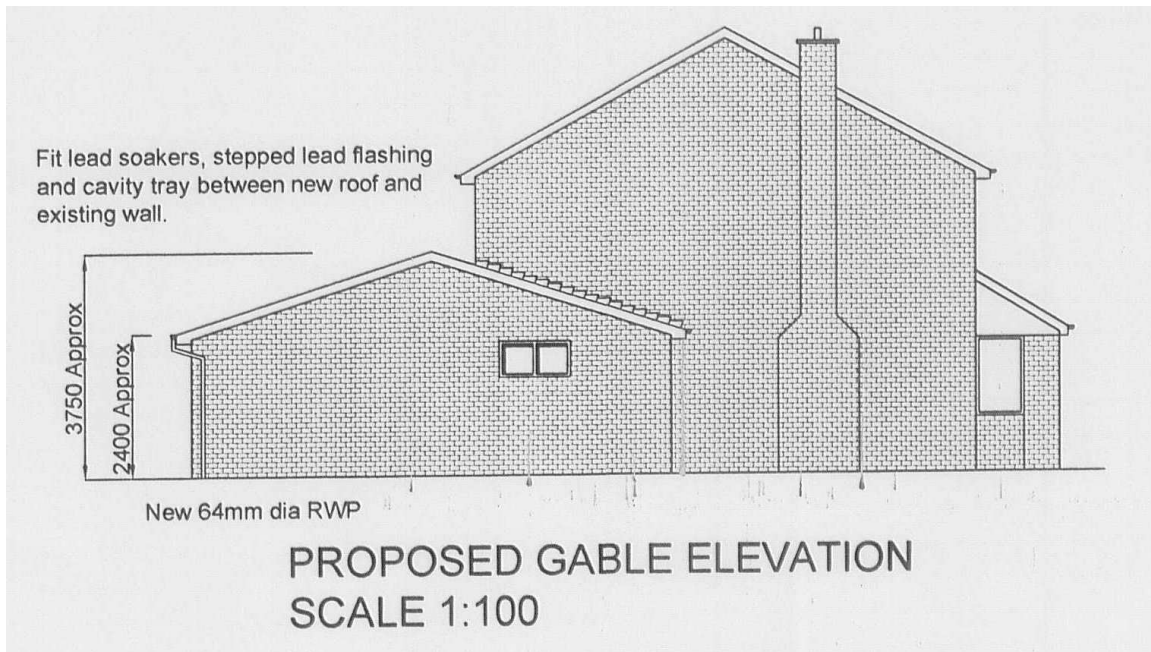
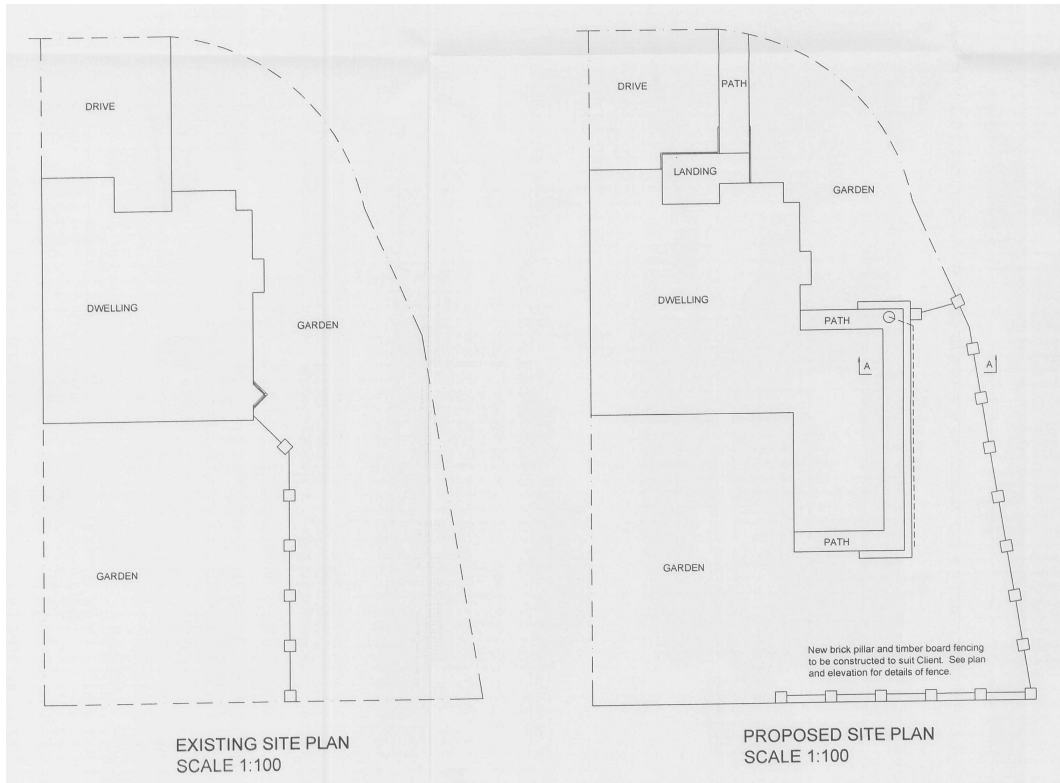
The proposed single-storey side extension, will extend out by 3.3m and is 8.05m in length. It is attached to the side elevation for 3.3m of its length. A pitched roof is proposed. The design is considered to be acceptable.

The proposed materials for the extension are bricks for the elevations and concrete roof tiles to match the existing house. The materials are considered to be acceptable.

The proposed fence is 1.85m to the top of the timber boards and 2.05m to the top of the brick pillars.

*Privacy/outlook*

The proposed extension is 20m from the front elevations of houses on the opposite side of Town Hill Bank (23 and 25). There are no houses opposite the front of the dwelling and the extension will not affect the outlook to no. 20 (at the rear) as it is not within the 45 degree angle view from the front of no.20 and there are no windows on the side elevation of no.20.



### *Highway Issues*

The Highway Authority have stated that a 2m service strip is required at the front of the fence; the fence therefore needs to be set back further than proposed.

There is also concern from the occupiers of no.20 in respect of visibility when pulling out of their driveway. If the fence is set back by a suitable distance (to be agreed with the Highway Authority) then acceptable visibility should be achieved.

### *Visual Amenity*

There are 2 small trees to the side of the dwelling; the agent has stated that one of these would be lost if the extension was built but the other would be retained.

Although the estate has remained predominantly open plan (It is understood that there is a covenant that restricted development for 10 years from the estate being built), it is considered that providing the fence is moved further away from the edge of the highway some sense of openness will remain.

## **LOCAL PLAN POLICY H13 - EXTENSIONS AND CONVERSIONS OF EXISTING SINGLE DWELLINGS**

Proposals to extend and convert existing residential properties will be permitted where:

1. the proposal is in keeping with the existing house and the surrounding buildings with regard to scale, size, design and materials ( the proposal is acceptable in terms of scale, size, design and materials);
2. the proposal will not adversely affect -
  1. the residential amenity of neighbouring properties through overlooking, lack of privacy or reduction of outlook or daylight (*privacy and outlook are considered to be acceptable*)
  2. the visual amenity and character of the *locality* ( *visual amenity and the effect on the character of the locality are considered to be acceptable*)
3. the proposal provides an adequate residential amenity for its occupants ( *the proposal provides additional accommodation for its occupiers*);
4. the proposal does not lead to an unacceptable loss of private open space or parking space ( *there is adequate open space remaining and parking space is not affected*); and
5. the proposal does not threaten highway safety through the obstruction of visibility for pedestrians and road users (*providing the fence is set back in agreement with the Highway Authority's requirements visibility should be acceptable*).

### *Conclusion*

The proposal is considered to be acceptable providing that the fence is set back in agreement with the Highway Authority's requirements.

**Recommendation:**

That the Head of Housing and Development be delegated to approve the application providing that the position of the fence is amended to be set back from the back edge of the footway by a distance to be agreed with the Highway Authority.  
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 drawings listed above.

**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. For the avoidance of doubt and to ensure that the development remains in accordance with the development plan.