



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 08 November 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

COLNE AND DISTRICT COMMITTEE REPORT 08 NOVEMBER 2018

Application Ref: 18/0520/FUL

Proposal: Full: Change of use from Agriculture to Domestic Curtilage (Use Class C3) and erection of boundary fence.

At: Land To The North of 16-25 Wycoller View, Colne

On behalf of: Mr Jeremy Davis

Date Registered: 24.08.2018

Expiry Date: 12.11.2018

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it received more than three objections.

The application site is a row of two and three storey dwellings, located on Wycoller View. The properties gardens back onto agricultural land, which is designated open countryside.

The proposed development is for the change of use of a parcel of agricultural land into domestic residential curtilage, to be used as extended rear garden area for 10 properties. The extension would add approximately 10 metres of depth to each dwellings garden.

Relevant Planning History

None.

Consultee Response

LCC Highways

No objection.

Colne Town Council

No Comment.

Public Response

One neutral letter was received from a neighbouring occupier, their comments can be summarised as follows:

- Would there be restrictions on what is planted in the additional garden areas.
- Would there be requirements for certain types of fencing on the side and rear boundaries?
- The site can be viewed from a public footpath, however the drop down the gardens of No.30 and 31 should be noted.

In addition, three letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Remove the possibility of future extension and land acquisition for adjacent properties.
- Seclude adjacent properties.
- Do not wish to purchase the additional land, concerns others will purchase the land instead, resulting in overlooking.
- The additional garden area would be at a higher level and cause overlooking to adjacent properties.
- Loss of views into the open countryside.
- Proposed land drain could cause flooding to properties.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Supplementary Planning Guidance: Development in the Open Countryside; Section 11. Private Gardens in the Countryside.

Impact on Open Countryside

Policies ENV1 and ENV2 emphasise that great weight will be given to conserving the landscape and character of the open countryside when considering any proposals.

Furthermore, the Open Countryside SPG highlights that development in the open countryside will be permitted where its overall impact is assessed as being beneficial and is not detrimental to the landscape protection area.

Specifically Section 11 states that garden extensions into the countryside require planning permission. Any application should include a landscape proposal scheme in respect of the new boundary arrangements. Gardens that are 'excessive' will not normally be granted.

The proposed garden extensions would be modest in size and would be located to the rear of the properties so would not be readily visible from the public highway or neighbouring occupiers. The gardens would not be considered excessive.

The existing five bar wooden fence on the rear boundary of the site will be reinstated in the new proposed position; therefore the appearance when viewed from the north will remain the same.

Therefore, the proposal will not have detrimental impact on the character of the Open Countryside and is compliant with Policy ENV1, ENV2 and the Open Countryside SPG.

Residential Amenity

The proposed garden extensions would be sited to the rear of the properties in Wycoller View, stretching north into existing agricultural land.

It is acknowledged that properties to the west, including 30-32 Wycoller View, would be perpendicular to the proposal and sit at a considerably lower level resulting in their first floor rear facing windows being at the same height as the garden of No.25 Wycoller View.

At present, these properties have a view from first floor level into the rear garden of No.25 and the existing agricultural land beyond. The agricultural land proposed to be converted is of a slightly higher level than the existing gardens. However, the proposed garden extension would not result in a significant change in visibility for the occupiers at No.30-32 Wycoller View.

In order to safeguard the privacy of the occupiers at No.25 Wycoller View, in both their existing garden and proposed garden extension, a condition will be applied to ensure a 2 metre high close boarded fence is erected along the length of the western side boundary, to prevent significant overlooking.

Therefore, the proposal complies with Policy ENV2.

Highways

The proposed development would not increase the habitable floor area of the dwelling, nor would it affect the parking provision on the site. Therefore, no objections are raised in relation to parking provision on the site.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: 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. The development hereby permitted shall be carried out in accordance with the following approved plans: G613/004.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. All the external materials to be used in the boundary treatments of the development hereby permitted shall match those of the existing boundary treatments in colour, form and texture and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. Notwithstanding the provisions of Article 3 and part 1 and 2 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes E of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

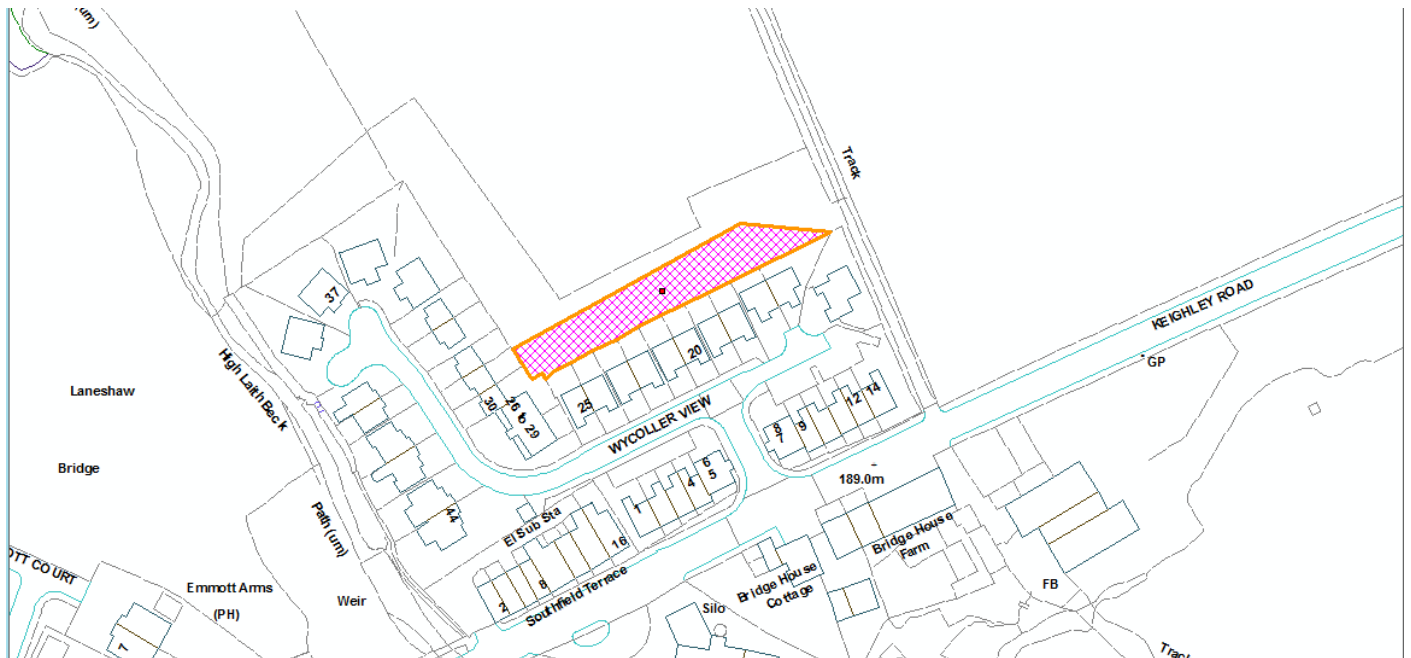
Part 1

E(a) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings, as extended by this planning permission.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

5. The extended domestic curtilage at No.25 Wycoller View hereby approved may not be first used unless and until details of a close boarded fence for the western side boundary have been submitted to approved in writing by the Local Planning Authority and implemented in accordance with the approved details. It shall thereafter be permanently maintained.

Reason: In order to protect the privacy and amenity of the occupants of the adjoining dwelling.



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LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 22nd October 2018