

Proposed development: Full Planning Application for Roof lift to create additional floor

Site address:
95 Shear Brow
Blackburn
BB1 8EA

Applicant: Mr Farouk Yusuf

Ward: Shear Brow & Corporation Park **Councillors: Hussain Akhtar,**
Suleman Khonat,
Zainab Rawat



1.0 SUMMARY OF RECOMMENDATION

- 1.1 APPROVE – Subject to the application of the conditions, as stated in paragraph 5.1 of this report.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before the Planning & Highways Committee in accordance with the Scheme of Delegation, due to a Petition being received against the proposals, containing six signatures. A summary of the public comments received is provided in section 7.2.
- 2.2 The Council's Development Plan supports domestic developments provided they constitute sustainable development, and accord with the relevant policies.
- 2.3 This proposal relates to a roof lift on an existing two-storey property to create an additional floor. In summary, assessment of the application finds that the proposal is on balance acceptable, with all material considerations and issues been addressed in section 3.5. The development will be controlled through a number of planning conditions.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site relates to a traditional stone built two-storey cottage positioned on the eastern side of Shear Brow, Blackburn. The proposal dwelling is connected at either side to higher two-storey residential properties. The existing property has a width of approximately 8.5m and a depth of approximately 8m.
- 3.1.2 The surrounding area is largely residential and is characterised by a range of house types and architectural features. The land in the locality rises in a south to north direction.



Figure 1: Case officer photo taken from Shear Brow showing front elevation of the application site

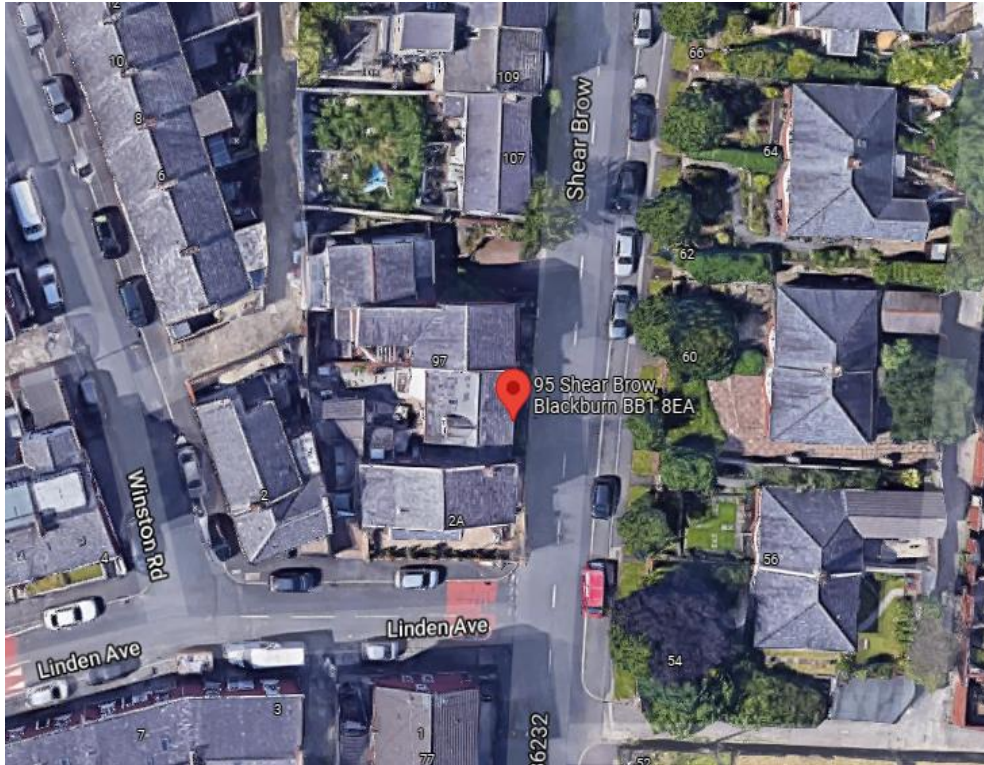


Figure 2: Google aerial view of the application site

3.2 Proposed Development

- 3.2.1 Planning permission is sought for the creation of an additional storey above the existing two storey dwellinghouse by way of a roof lift. The proposed works would form an additional bedroom, a bathroom and games/study room.
- 3.2.2 The existing dwelling is currently approximately 6m in height. The proposal seeks to raise the ridge line by an additional circa 3.1m to bring both the ridge and eaves level with that of the neighbouring property, No.97 Shear Brow. The same dual pitch roof of corresponding slope is proposed.
- 3.2.3 Two new windows will be inserted within the front elevation at second floor and two rear windows at first floor. the proposal also seeks the addition of a flat roof dormer towards the rear of the property. Also, within the roof space will be a number of velux roof lights, two positioned at the front and one at the rear.
- 3.2.4 The proposed first and second floor plan, as well as the proposed elevations are shown below:

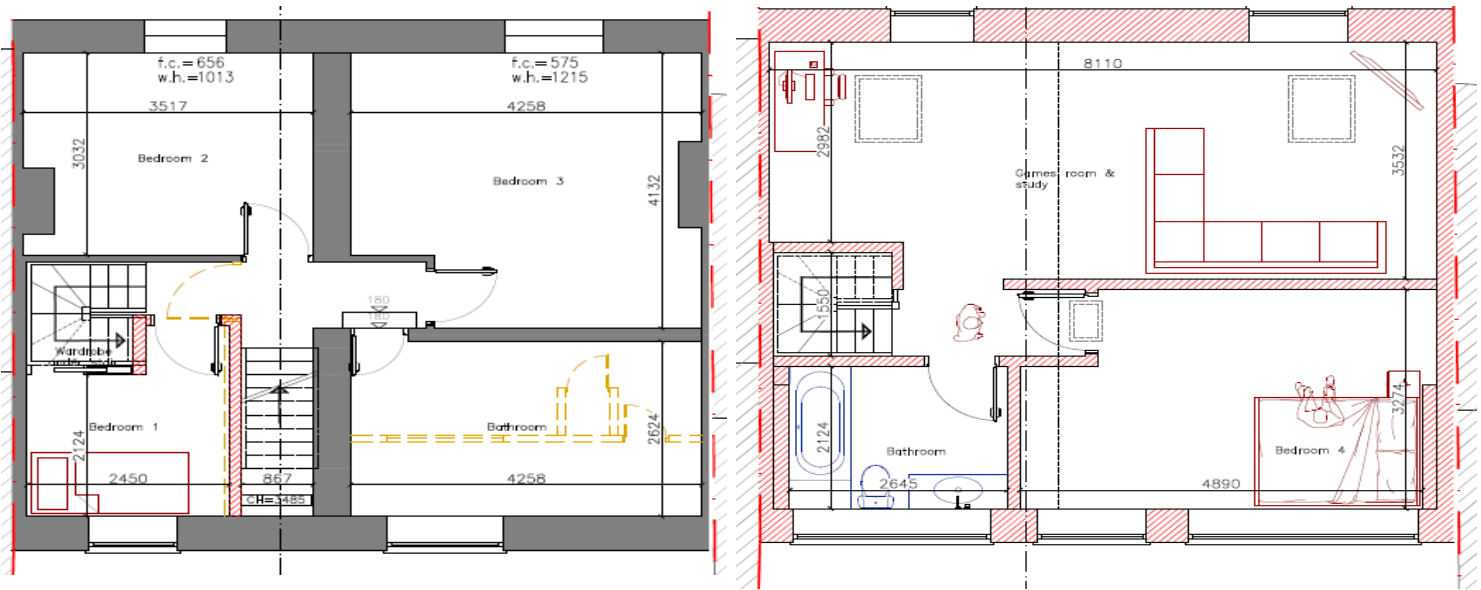


Figure 3: Proposed First and Second Floor Plan

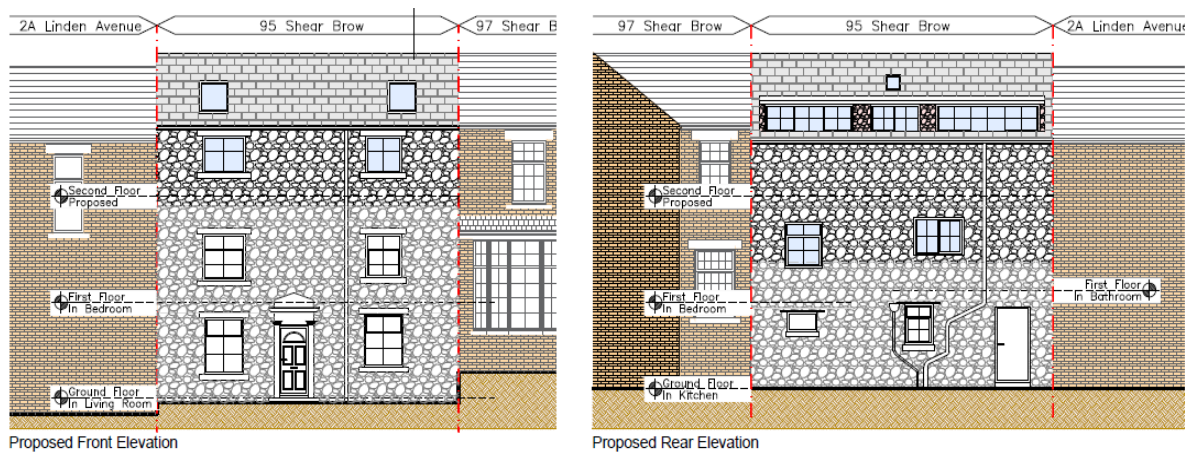


Figure 4: Proposed Front and Rear Elevations

3.3 Case Officer Photos



Left - Rear Elevation of app site; Middle – Gable of 2a Linden Avenue, non-habitable window; and Right - Rear/side of 97 Shear Brow



Left – Rear/Side elevation of 2 Winston Road; Middle – View up Shear Brow; and Right – View down Shear Brow

3.4 Development Plan

3.4.1 Section 38 (6) of the Planning and Compulsory Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The 'Development Plan' comprises the adopted Core Strategy DPD (2011) and adopted Local Plan Part 2 – Site Allocations and the Development Management Policies (2015).

3.4.3 Core Strategy

- Policy CS16 – Form and Design of New Development

3.4.4 Local Plan Part 2

- Policy 8 – Development and People
- Policy 9: Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.5 Other Material Planning Considerations

3.5.1 National Planning Policy Framework (NPPF) (July 2021)

- Section 2: Achieving sustainable development
- Section 12: Achieving well-designed places
- Section 15: Conserving and enhancing the natural environment

3.5.2 Residential Design Guide Supplementary Planning Document SPD

3.6 Assessment

3.6.1 When assessing this application there are a number of important material considerations that need to be taken into account. They are as follows:

- Residential Amenity
- Design/Visual Amenity
- Highways
- Protected Species
- Other Comments

Residential Amenity

- 3.6.2 Policy 8 of the Local Plan Part 2 (LLP2) (2015) requires development to secure a satisfactory level of amenity and safety for surrounding uses with reference to issues including; noise, loss of light, privacy/overlooking and the relationship between buildings.
- 3.6.3 The proposed roof lift would result in the dwelling becoming three storey in height. The neighbours potentially affected by the proposals are as follows;
- 2A Linden Avenue
 - 97 Shear Brow
 - 2 and 4 Winston Road
 - 56 and 58 Shear Brow
- 3.6.4 Starting with No.2a Linden Avenue, the rear of the property adjoins the main dwelling of No.95 and rear garden area of the application site. Within this rear elevation of the neighbouring property is a first floor window which serves the landing. Whilst it is acknowledged, the proposal will result in a loss of light to this aforementioned opening, it should be noted there is no planning protection on windows serving non-habitable rooms and therefore the proposal does not warrant a refusal on this basis.
- 3.6.5 Turning to No.97 Shear Brow, the property has an existing two storey rear outrigger which features habitable room windows at both ground and first floor facing towards the rear elevation of No.2a Linden Avenue. The rear gardens of both the host dwelling and No.97 are west facing. Taking into account the orientation of the properties, the proposed development is likely to cause some overshadowing in the early morning to the rear amenity spaces. However, it is considered the relationship of No.97 with its surrounding dwellings already results in some amenity impact to the rear window openings and garden areas in terms of loss of light/overshadowing. The proposal is unlikely to result in any greater harm to the occupants of No.97 than that presented by the current arrangements.
- 3.6.6 Furthermore, given the sites characteristics in reference to land topography, the host dwelling sits below No.97. As such, the proposal will appear far less overbearing. When those factors are considered, the proposed development will not be detrimental to the living conditions presently enjoyed by the inhabitants of the neighbouring property.
- 3.6.7 A first floor bedroom and bathroom window has been installed to the rear. The existing ground floor kitchen window at the host dwelling causes some privacy

concerns to these side elevations openings at No.97. The positioning of the bedroom window does not directly face towards the above-mentioned windows and therefore views in will be from an oblique angle. Nor will this bedroom window pose any greater privacy loss than existing opportunities from the kitchen window.

- 3.6.8 The use of obscure glazing to the bathroom window shall be sought via a condition to ensure the amenity of the users of the property and occupiers of No.97 is safeguarded. Likewise, as already referenced on the submitted plans, the rear dormer windows are to be obscurely glazed to prevent any overlooking of surrounding gardens given the elevated position. Subject to compliance with that condition, the proposed development would be acceptable in relation to domestic privacy.
- 3.6.9 The rear of the application site directly faces the rear of No.2 Winston Road. It was apparent on the case officer's site inspection the adjacent property has a two storey flat roof element at the rear with a ground floor window only. The proposal is not considered to lead to any loss of privacy given the screening from the single storey rear extension at No.2a Linden Avenue and high boundary wall which divides the application site and No.2 Winston Road. Notwithstanding this, as highlighted earlier the window openings within the proposed rear dormer are to be obscurely glazed to mitigate from any potential privacy/overlooking opportunity.
- 3.6.10 An alleyway separates the proposal dwelling and No.4 Winston Road. The separation distance between the two properties is circa 20.5m given the relationship of the dwellings and off-set nature of No.4, no amenity concerns arise.
- 3.6.11 Policy RES E3 of the Residential Design Guide SPD states a minimum separation distance of no less than 21m should be maintained between facing windows of habitable rooms. Further adding where buildings are to be three storey in height, or where there is a difference in land levels the separation distance should be increased by an additional 3 metres.
- 3.6.12 Given a third storey will be introduced to the property featuring a habitable bedroom room window to the front elevation the requisite 24m is necessary. The proposal does not involve any projection beyond the front elevation. As such, the separation distance between the application site and the bungalows directly opposite (No's 56 and 58 Shear Brow) will remain as currently is at circa 24.1m. The proposal would therefore not result in any loss of privacy to the adjacent occupiers, in accordance with RES E3.
- 3.6.13 For those reasons, and subject to conditions, the proposed development would not be excessively harmful upon neighbouring residential amenity, in alignment with Policy 8, and the guidance of the Design SPD.

Design/Visual Amenity

- 3.6.14 Policies CS16 and 11 require development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context and making a positive contribution to visual amenity.
- 3.6.15 Specific guidance with the Design SPD is outlined for domestic extensions. Policy RES E12 of the Residential Design Guide relates to alterations to roof heights and states proposals to increase the height of a dwelling will only be acceptable where i) existing properties do not follow a consistent building height; and ii) the proposed alteration does not unacceptably affect the character of the streetscape.
- 3.6.16 The original property is a modest cottage which is sited between two larger dwellings. The proposed roof lift will add a third storey to the dwelling, increasing the overall height of the property from 6m to 9.1m. The proposal will effectively infill the vacant space between the two-raised gable ends of the attached neighbouring properties. As such, the proposed alterations would involve increasing the height of the dwelling such that the eaves and roof ridge would instead follow the levels established by No.97. There would then be a small step down in roof levels between Nos 95 and 2a Linden Avenue.
- 3.6.17 The proposed alterations would result in an appearance generally reflecting that of the neighbouring properties. A staggered nature in the roof forms will be retained which assimilates the street scene, most notably on the terraced properties lower down from the application site.
- 3.6.18 Taking the above into account, the proposed roof lift will not be visually harmful to the prevailing character and appearance of both the host dwelling and street scene. The raised roof is considered to better integrate with the massing and scale of the neighbouring dwellings.
- 3.6.19 The additional storey has been appropriately designed to complement the existing property by way of its matching dual pitched roof form. The use of matching materials throughout the scheme maintains coherence between the proposed development and existing property. However, to avoid any unsightly bonding to the front and rear elevations, a condition is to be attached requiring samples of the external materials to be used in construction to be submitted prior to commencement of the development.
- 3.6.20 The proposed addition of two new windows to the front elevation of the property breaks up the massing of wall between the first floor windows and eaves of the roof. They are slightly smaller in size compared to the existing windows, however are considered acceptable in terms of appearance and design. The installation of velux roof lights would not dramatically alter the character of the property. It should also be noted roof lights could be added without the need of planning permission subject to compliance with the requirements of Part 1, Class D of the General Permitted Development Order.
- 3.6.21 The proposal seeks to introduce a rear dormer which almost extends across the full width of the rear slope of the application site. It will feature a flat roof

which is set well below the raised roof ridge and set back circa 300mm from the eaves level. The scale and bulk of the dormer is not considered to visually dominate the rear roof slope of the dwelling and will therefore not appear as an incongruous feature. It was also apparent on my site inspection a number of properties on Linden Avenue have benefitted from rear dormer extensions of similar style and scale. A condition is to be attached to ensure the face and cheeks of the dormer match the existing roofing materials (tiles) and for a sample to be submitted to the LPA prior to any works commencing. Subject to this condition, the proposal would accord with point v) and vi) of RES E13.

- 3.6.22 Based on the above reasoning and subject to appropriately worded materials conditions, the proposed development is acceptable in visual design terms, thereby accords with Policies CS16, Policy 11 and the guidance of the Design SPD.

Highways

- 3.6.23 Policy 10 of the LPP2 (2015) requires that road safety and the safe and efficient and convenient movement of all highway users is not prejudiced and that appropriate provision is made for vehicular access, off-street servicing and parking in accordance with the Council's adopted standards.
- 3.6.24 The submitted existing floor plans indicate the property is currently a three bedroomed dwelling. The proposed development will result in the creation of one additional bedroom, and therefore take it up to four overall.
- 3.6.25 The Council's adopted parking standards require 2/3 bed units to provide two off-street parking spaces and 4+ bedroom units to provide three spaces. The property does not benefit from any off-street parking arrangements, as is the case with a large number of the dwellings along this immediate stretch of Shear Brow.
- 3.6.26 It is acknowledged, there is currently a high demand and pressure for on-street parking in the surrounding area given the lack of off-street provision and no availability on the near side with the application site to park vehicles on-road. However, the proposal would only lead to a net increase of one space; as such, it is not considered the proposal would result in an unacceptable increase that would be significantly detrimental to highways safety. Furthermore, similar arrangements in terms of number of bedrooms and no-off street provision are found at neighbouring properties, notably at 77 Shear Brow, and therefore the proposal does not warrant a refusal on highways grounds.
- 3.6.27 On balance, the proposal will not result in a detrimental impact to highways safety, in accordance with Policy 10 of the Local Plan Part 2 (2015).

Protected Species

- 3.6.28 All species of bat and their roosts are protected under UK and European legislation and are a material consideration when a planning authority is

considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat.

3.6.29 Paragraph 180 of the National Policy Planning Framework (2021) stipulates:

“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”.

3.6.30 Policy 9: *Development and the Environment* of the LPP2 (2015), states development likely to damage or destroy habitats or harm species of international or national importance will not be permitted.

3.6.31 Given the application site is a pre-1914 build, the Council's Ecology consultants confirmed the building required an initial preliminary roost inspection (PRA); in which the results of the subsequent inspection would determine if further surveys were necessary.

3.6.32 A PRA was undertaken in July 2021 and established the building as having potential to support roosting bats. Taking this into account, two activity surveys were carried out.

3.6.33 The report concludes over the two surveys there has been minimal bat activity. Ecology GMEU have reviewed the submitted reports and state the following;

‘No evidence of bats was found in the building, and no bats were recorded emerging/re-entering from the building during the activity survey. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the building proposed for alterations.’

3.6.34 Therefore, based on the findings of the survey, it has been demonstrated that the proposed development would not be detrimental to local bat populations or nesting birds. A number of recommendations are set out in the report, a condition will be attached to ensure those recommendations are abided by. In addition, the standard bats informative will be imposed advising the applicant of the statutory protection surrounding bats and to stop works if any bats are found or disturbed.

3.6.35 Subject to compliance with the above condition and bats informative, the proposal accords with P.180 of the NPPF and Policy 9 of the Local Plan Part 2 (2015).

Other Comments

3.6.36 Concern has been raised regarding the use of the property as a House in Multiple Occupation (HMO). The application site is covered by Article 4 direction, and therefore planning permission would be required to convert the property into a HMO. No previous application has been submitted to change

the use of the dwelling to a HMO. This matter has been passed onto the Council's Housing Standards Team and have responded stating;

'We do not have any records of this property being used as a HMO and council tax does not show it being used as one either. We will write to the owner of the property to request that he contacts us regarding the allegations of it being used as a HMO.'

Planning Enforcement have also been notified and will monitor the situation.

3.6.37 With regards to, current noise/disturbance and litter issues this is not something the Local Planning Authority can control. These matters may be dealt with by Public Protection under the separate Environmental Protection legislation.

4.0 CONCLUSION

4.1.1 For the above reasons and assessment, the proposed development is considered to meet the requirements of the relevant Development Plan policies, subject to conditions in order to make the development acceptable in planning terms.

5.0 RECOMMENDATION

5.1 Approve subject to the following conditions:

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

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this permission, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

- Location Plan
- Drawing No.200 – Proposed Ground Floor Plans;
- Drawing No.205 – Proposed First Floor Plans;
- Drawing No.210 – Proposed Second Floor Plans; and
- Drawing No.200 – Proposed Elevations and Sections - Received 13th September 2021

REASON: For the avoidance of doubt and to clarify, which plans are relevant to the permission.

3. Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local

Planning Authority. Such details shall include the type, colour and texture of the materials, including the face and cheeks of the dormer. The development shall thereafter be implemented in accordance with the duly approved materials.

REASON: To ensure the use of appropriate materials which are sympathetic to the character of the host dwelling in accordance with the requirements of Policy 11 of the Blackburn with Darwen Local Plan and the requirements of the National Planning Policy Framework.

4. Notwithstanding any description of materials in the application and the requirements of condition 2 and 3 of this permission, no works shall take place until a sample panel (measuring no less than 1 metre x 1 metre) of the stonework to be used on the external surfaces of the extension hereby approved has been constructed on site for the inspection and subsequent written approval of the Local Planning Authority. The sample panel shall demonstrate the type, texture, size, bond and method of pointing for the stonework. The panel so approved shall be retained on the site and shall not be removed until such time as the external walls are complete. All stonework shall be constructed in accordance with the duly approved sample panel, and maintained as such thereafter.

REASON: To ensure the use of appropriate materials which are sympathetic to the character of the host dwelling in accordance with the requirements of Policy 11 of the Blackburn with Darwen Local Plan and the requirements of the National Planning Policy Framework.

5. The first floor rear bathroom window and windows in the rear dormer hereby permitted shall be fitted with obscure glazing (which shall have an obscurity rating of not less than 4 on the Pilkington glass obscurity rating or equivalent scale) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall remain in that manner in perpetuity at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the privacy and amenity of users of the development and neighbouring properties in compliance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2.

6. The development shall proceed in strict accordance with all of the recommendations set out in the Dawn return-to-roost survey report (95 Shear Brow, Blackburn by Angela Graham Bat Consultancy Service Limited on 13th September 2021).

REASON: In order to minimise the developments impacts on local bat populations, in accordance with Policy 9 of the Local Plan Part 2 (2015).

6.0 PLANNING HISTORY

- 6.1 10/21/0545: Roof lift to create an additional floor. Withdrawn 1st July 2021, due to the need of bat inspection and design changes.
- 6.2 No other previous planning history at the application site.

7.0 CONSULTATIONS

7.1 Ecology – GMEU

An ecology survey has been undertaken and submitted as part of the application (Angela Graham Bat Consultancy Service, 13/09/2021). The initial survey was undertaken in July 2021 and appears to have been carried out by an experienced ecologist following best practice guidelines.

The building on the site was assessed as having potential to support roosting bats and as such a two activity surveys were undertaken in August and September 2021. No evidence of bats was found in the building, and no bats were recorded emerging/re-entering from the building during the activity survey. Reasonable survey effort appears to have been used to demonstrate that no bats are currently roosting in the building proposed for alterations. However, all species of bats and their roosts receive legal protection, and bats are mobile in their habitats and can colonise new roosts, even in unlikely places.

Buildings have the potential to support nesting birds, and the nests of all wild birds are protected by the Wildlife and Countryside Act, 1981 (as amended).

As a precaution I would advise that an informative is used so the applicant is aware of the legal protection that certain species receive. If protected species are found or suspected of being present at any time during works, work should cease immediately and advice sought from a suitably qualified ecologist. Work should be timed to avoid the main bird nesting season (March – August inclusive) unless it can otherwise be demonstrated that no active bird nests are present.

Opportunities to enhance the building for wildlife, such as bats should also be considered, in line national planning guidelines which state that opportunities to improve biodiversity in and around developments should be integrated as part of their design (NPPF section 175d). As bat roost features will be lost (even though there was no evidence of use), the precautions identified in the ecology survey in the recommendations should be followed during the works and the provision for alternative roosting secured through a suitably worded condition.

7.2 Public Consultation

Public consultation has taken place by means of 11 letters posted to surrounding neighbouring addresses on 17th September 2021. In response to the public consultation, a petition objection has been received with the

signatures of six neighbouring residents (refer to Section 10). A summary of these objections are shown below:

- Property operating as an illegal HMO
- Parking situation is a continual burden and works will only exacerbate
- The home as it stands is a cottage and will take away its character
- Rear privacy concerns giving an elevated view into surrounding gardens
- Raised roofline will limit the sunlight
- Excess noise and letter problems at present

8.0 CONTACT OFFICER: Jamie Edwards, Planning Officer

9.0 DATE PREPARED: 04 November 2021

10.0 SUMMARY OF REPRESENTATIONS

Comments from residents, Received 07.10.21

For the attention of
Jamie Edwards
Blackburn with Darwen Borough Council
Reference 10/21/1048
Full Planning Application -- Roof lift to create additional floor
At 95 Shear Brow
Blackburn
BB1 8es

07/10/21

Dear Jamie Edwards

Once again I write collectively with the same concerns as highlighted in our previous correspondence dated 07/06/21.

The points remain the same as listed

- o The proposed property till date still operates as a illegal HMO with no action taken
- o The parking situation is a continual burden and will only exacerbate if the planning is giving consent
- o The home as it stands is a cottage and will takeover it's character.
- o Privacy at the rear will also be compromised giving a elevated view into surrounding gardens
- o The raised roofline will limit the sunlight
- o Excess noise and litter has already been highlighted and reported coming from this property
- o The surrounding homes are all family homes and a HMO is not in keeping with the area.

We hope you consider our views and await your thoughts and feedback

Best Regards

All Residents

	2 Linden Avenue BB1 8b1	
	56 Shear Brow BB1 8es	
	58 Shear Brow BB1 8es	
	60 Shear Brow BB1 8es	
	97 Shear Brow BB1 8es	
	101 Shear Brow BB1 8es	
	2 Winston Rd BB1 8b1	
	4 Winston Rd BB1 8b1	
	97 Shear Brow BB1 8es	