

Proposed development: Full Planning Application: Proposed ground floor rear extension, new door and window opening to the side elevation, safety balustrade to front porch flat roof to create roof terrace, new single storey double garage and boundary and entrance treatment. Installation of PV panels to rear dormer flat roof (retrospective).

**Site address:
Priory Croft
Old Hall Lane
Pleasington
Blackburn
BB2 6RJ**

Applicant: Mrs Sahdia Aslam / MS Residence Limited

Ward: Livesey With Pleasington

**Councillor Derek Hardman
Councillor Mark Russell
Councillor Paul Marrow**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions set out at paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

2.1 This householder planning application is reported to the Committee due to receipt of an objection from Pleasington Parish Council and following referral to the Chair who confirmed that the application should be determined at Committee level. This is in accordance with the adopted Scheme of Delegation.

2.2 This recommendation follows detailed assessment of original and amended drawings, in consultation with neighbouring properties, Ward Members and the Parish Council. The amendment is considered to address initial objections expressing concern over loss of privacy and the scale and appearance of the proposed garage. The proposal is, therefore, found to be in accordance with the Development Plan and The Framework, with all issues having been addressed through the application, or capable of being controlled or mitigated through application of planning conditions.

2.3 Members are advised that the application proposes amendments to a development previously approved by the Committee in October 2021 (ref. 10/21/0637). Concern has been expressed that works, to date, have not been implemented in accordance with the approved drawings. A site inspection by the Case Officer and Enforcement Officer has established that the works are consistent with the approved drawings, save for a very minor and non-material increase in height of the rear dormer, of circa 200mm. This discrepancy is considered to have no material impact,

2.4 Notwithstanding that this proposal is broadly consistent with the (above) approved scheme, the following condition applied to that permission has not been complied with:

Within 1 month of the development hereby approved, and notwithstanding the submitted details, written and illustrative details of all external walling, roofing materials, including their colour and texture, to be used in the construction of the building work, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

2.5 Non-compliance with the condition is not, however, material to the determination of this application. Compliance can be pursued as a separate

enforcement matter, if necessary. It should, however, be recognised that if this application receives support, the same condition would be applied and that it would be open to the applicant or any successor in title to implement either permission.

3.0 RATIONALE

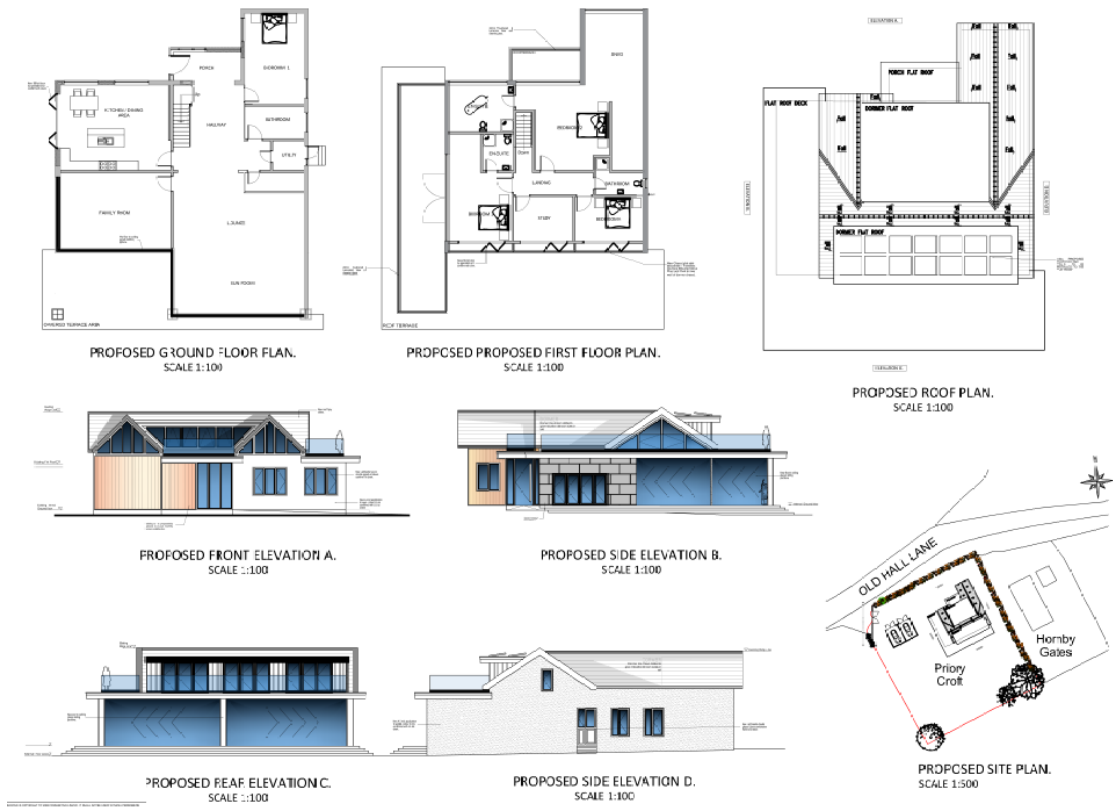
3.1 Site and Surroundings

The application site (the site) relates to a detached dwelling house and associated curtilage (Use Class C3a), located to the south of Old Hall Lane, Pleasington, within the Green Belt, circa 70m to the east to the east of the Pleasington Village boundary, as show below, edged in red (Google Maps, 2022).



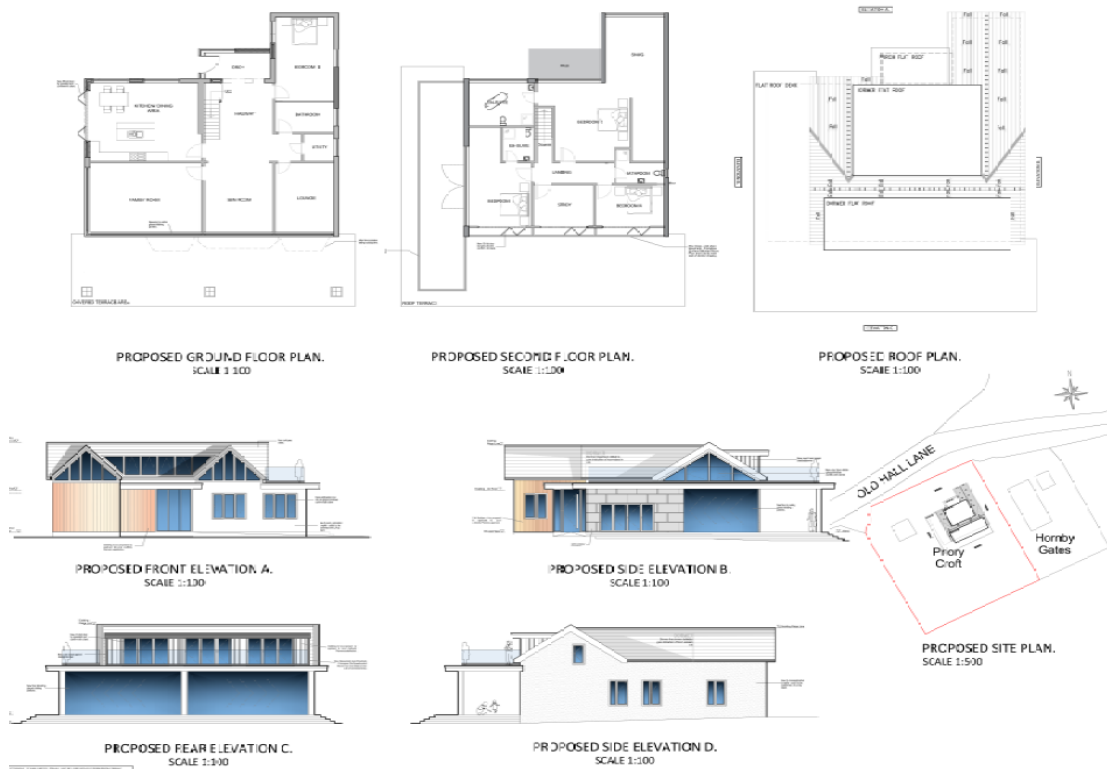
3.2 Proposed Development

3.2.1 Planning permission is sought for *ground floor rear extension, new door and window opening to the side elevation, safety balustrade to front porch flat roof to create roof terrace, new single storey double garage and boundary and entrance treatment. Installation of PV panels to rear dormer flat roof.* Details approved under application 10/21/0637 provided for a covered terrace area to rear, roof terrace to western elevation, increase to ridge height, hip to gable roof alteration, front & rear dormers, a porch and alterations to existing elevations. Details currently proposed are set out in the submitted drawings, extracted below:



Amended proposed plans and elevations drawing (rec. 6/10/2022), WMA Consulting, 2022.

3.2.2 Details previously approved are as follows:



Amended proposed plans and elevations (rec. 3/9/2021), WMA Consulting 2021.

3.3 Development Plan

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

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

3.3.3 Core Strategy

- CS1 – A Targeted Growth Strategy
- CS14 – Green Belt
- CS16 – Form and Design of New Development
- CS18 – The Borough Landscapes

3.3.4 Local Plan Part 2 (LLP2)

- Policy 3 – The Green Belt
- Policy 6 – Village Boundaries
- Policy 7 – Sustainable and Viable Development
- Policy 8 – Development and People
- Policy 9 – Development and the Environment
- Policy 10 – Accessibility and Transport
- Policy 11 – Design

3.4 Other Material Planning Considerations

3.4.1 Residential Design Guide Supplementary Planning Document (2015)

3.4.2 National Planning Policy Framework (The Framework) (2021)

Areas of The Framework especially relevant to the proposal are as follows:

- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land

3.4.3 National Planning Policy Guidance (NPPG).

3.5 Assessment

3.5.1 In assessing this application, the following matters are accounted for:

- Principle of the development, in the context of the Green Belt;
- Amenity;
- Highways; and
- Design

3.5.2 Principle

Members are advised that the previous grant of planning permission is an important material consideration is determination of this application. The proposal includes those works previously approved, and the addition of those referenced in the proposed development description.

3.5.3 The principle of the proposal is guided by the sites Green Belt location. Policy 3 is consistent with NPPF's direction that new buildings within the Green Belt are inappropriate, subject to a number of exceptions, including the extension or alteration of a building provided that it does not result in a disproportionate addition over and above the size of the original building.

3.5.3 The proposed rear extension together with the extensions previously approved, result in an approximate increase in volume of the original dwelling of 45%, taking into account an existing bedroom extension, approved in 1991. Such increase is considered to be within the tolerance of 'proportionate'. Furthermore, the extension effectively infills the previously approved covered rear roof terrace, limiting its visual impact from the nearest public views into the rear of the property, which are circa 200m away from the Public Right of Way to the south and west.

3.5.4 The proposed garage will replace the existing. In this regard, a recent High Court ruling is relevant (*Warwick District Council v Secretary of State for Levelling Up, Housing and Communities* [2022] EWHC 2145 (Admin)). The court ruled that a detached outbuilding can be an 'extension' within the scope of paragraph 149(c) of The Framework, a policy direction reflected at local level (Local Plan Part 2, 2015):

'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

3.5.5 The ruling confirmed that a garage 20m metres away from the dwelling was an extension and '*a normal domestic adjunct*' to the property clearly related to the occupation of the dwelling. A garage or replacement garage within a domestic setting is not, therefore, inappropriate development within the Green Belt and can be supported in principle.

3.5.6 Although a significant volume increase of from that of the existing garage, it is not considered to represent a disproportionate addition.

3.5.7 Moreover, it should be recognised that a very significant proportion of the additional volume / massing proposed to the dwelling could be erected as permitted development– ie without the need to submit a planning application, as could a detached garage with a significantly greater footprint than that proposed.

3.5.8 For these reasons, the principle of the proposal is found to be acceptable, as a proportionate addition that would not be harmful to the Green Belt, in accordance with the requirements of Policy 3 and The Framework.

3.5.9 Amenity

Policy 8 requires a satisfactory level of amenity and safety is secured for surrounding uses and for occupants or users of the development itself; with reference to privacy / overlooking, and the relationship between buildings.

3.5.10 Securing satisfactory amenity levels for occupants of neighbouring Hornby Gates to the east is a key issue in the overall assessment. An amendment to the original proposal removes a balustrade to the flat roof of the rear extension, to guard against loss of privacy / overlooking and any perception of such. No additional impact arises from the proposed ground floor door to the side elevation, opposite Hornby Gates.

3.5.11 No overlooking of Hornby Gates arises from the proposed roof terrace above the porch, to the front of the dwelling.

3.5.12 Although not part of this application, as the works are previously approved, it should be reiterated that the patio style doors and Juliet style railings above the flat roof extension, will serve only as a means of fire escape. Members are advised that use of this part of the roof as a typical roof terrace or similar would be unauthorised and subject to potential enforcement action in the event. This position will be re-enforced via application of a restrictive condition.

3.5.13 No amenity impacts arise from the proposed garage, boundary treatment or solar panels.

3.5.14 Accordingly, the relationship between the proposal and the Hornby Gates residence is found to be acceptable, in accordance with the requirements of Policy 8, the Residential Design Guide SPD and The Framework.

3.5.15 Highways

Policy 10 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 off street parking, in accordance with the Council's adopted standards.

3.5.16 Notwithstanding an increase in capacity from a three bedroom to a four bedroom dwelling, ample in-curtilage parking is retained.

3.5.17 Accordingly, highway impacts arising from the development are found to be acceptable, in accordance with the requirements of Policy 10 and The Framework.

3.5.18 Design / Character & Appearance

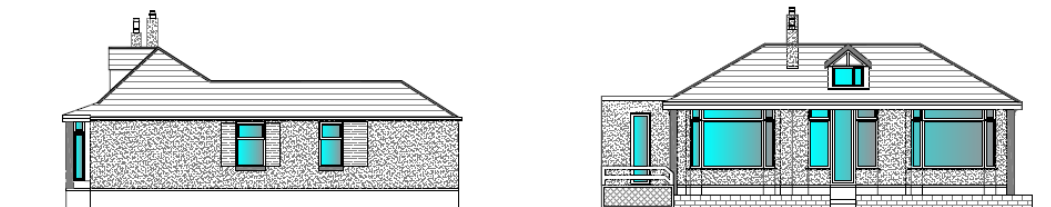
Policy 11 requires a good standard of design and will be expected to enhance and reinforce the established character of the locality and demonstrate an

to



EXISTING FRONT ELEVATION.
SCALE 1:100

EXISTING SIDE ELEVATION A.
SCALE 1:100



EXISTING SIDE ELEVATION B.
SCALE 1:100

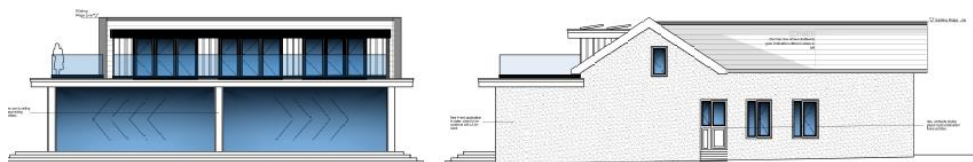
EXISTING REAR ELEVATION.
SCALE 1:100

Extract from submitted existing elevations received 31st August 2022



PROPOSED FRONT ELEVATION A.
SCALE 1:100

PROPOSED SIDE ELEVATION B.
SCALE 1:100



PROPOSED REAR ELEVATION C.
SCALE 1:100

PROPOSED SIDE ELEVATION D.
SCALE 1:100

Extract from submitted proposed elevations received 31st August 2022

3.5.19 The application dwelling is read in conjunction with the neighbouring dwelling at Hornby Gates. Both are bungalows of suburban appearance, featuring a predominance of rendered walling, somewhat at odds with dwellings located further to the west / north west along Old Hall Lane which are of a character and appearance more typical of a rural location. Considered in this context, the contemporary alterations proposed, including the introduction of significant elements of glazing, are not considered to undermine local distinctiveness. Moreover, the proposal remains proportionate in scale with Hornby Gates and the area in general.

3.5.20 Notwithstanding the varied palette of external materials proposed, including elements of render, Cedar cladding and cladding panels, in addition to the

aforementioned glazing, it is recommended that materials are further considered via application of a condition requiring submission of samples.

3.5.21 The proposed wall either side of the gated site entrance will extend in width circa 1.77m to the north of the gate and circa 6.25m to the south, at a height of circa 2.15m. Proposed facing material is render. It should be recognised that a wall up to a height of 2m, where not adjacent to the highway, can be erected as permitted development. No significant impact to the character and appearance of the site or the wider context is considered to arise from the additional 150mm proposed. Final colour and texture of the render will be secured via condition.

3.5.22 The solar panels proposed to the flat roof rear extension are considered acceptable, as they will sit at a very acute angle, to a background of the main roof, thereby minimising their visual prominence.

3.5.23 Accordingly, the proposal is found to constitute good design, in accordance with the requirements of Policy 10, the Residential Design Guide SPD and The Framework.

3.5.24 Heritage

Policy 39 requires development with the potential to affect designated or non-designated heritage assets to sustain or enhance the significance of the asset.

3.5.25 The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should, in coming to decisions, consider the principle Act. Which states the following:

Listed Buildings - Section 66(1)

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

3.5.26 The Framework defines the setting of a heritage asset as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

3.5.27 Although the position of the Grade I listed Pleasington Priory, or the Church of St Mary and St John Baptist, to the west is recognised, the scale and household nature of the proposal as well of the substantial separation of circa 170m, ensures a neutral impact on the listed building and its setting.

3.5.28 Accordingly, no harm to the listed building arises from the proposal, in accordance with the requirements of Policy 39 and The Framework.

3.5.29 Summary

This report assesses the householder planning application. The assessment demonstrates that the planning decision must be made in the context of assessing the merits of the proposal balanced against any potential harm that may arise from its implementation. This report finds that the proposal meets the policy requirements of the Blackburn with Darwen Core Strategy, Local Plan Part 2, adopted Supplementary Planning Documents and the National Planning Policy Framework.

4.0 RECOMMENDATION

4.1 Approve:

Delegated authority is given to the Strategic Director of Growth and Development to approve planning permission, subject to the following conditions:

1. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposal received 29th June 2022, as indicated on drawings numbered: *to be added*

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

2. Within 1 month of the development hereby approved, and notwithstanding the submitted details, written and illustrative details of all external walling, roofing materials, including their colour and texture, to be used in the construction of the building work, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

3. Within 1 month of the development hereby approved, and notwithstanding the submitted details, written and illustrative details of the boundary wall, including colour and texture, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

REASON: To ensure that the external appearance of the development is satisfactory, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

4. Notwithstanding the submitted details, the cheeks and face of the dormer extensions hereby approved shall be clad in side-hung tile to match the existing roofing.

REASON: To ensure the proposal harmonises with the existing dwelling, in accordance with Policy 11 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

5. The roof terrace hereby approved shall be limited to the area within the balustrade, as defined by the proposed roof plan indicated on drawing numbered: SK003.1 Rev 0. The remaining roof area shall at no time be used as a roof terrace or similar.

REASON: To prevent overlooking / loss of privacy to occupants of Hornby Gates, in accordance with Policy 8 of the Blackburn with Darwen Borough Local Plan Part 2 and the adopted Blackburn with Darwen Design Guide Supplementary Planning Document.

5.0 PLANNING HISTORY

- 5.1 10/21/0637 - Proposed covered terrace area to rear, roof terrace to western elevation, increase to ridge height, hip to gable roof alteration, front & rear dormers, a porch and alterations to existing elevations (retrospective).
- 5.2 10/91/1259 - Provision of an additional bedroom' (single storey front extension). Approved September 1991.

6.0 CONSULTATIONS

- 6.1 As a householder application, consultation was limited to the public, the Parish Council and Ward Members. 9 letters were posted to the local community and a site notice was displayed. In response, 1 objection and 1 general comment was received (see Summary of Representations).

6.2 Pleasington Parish Council

The Pleasington Parish Council would like to strongly object to this application to amend the planning permission already granted to Priory Croft, and would like our objections to the original application for this property to still apply to the amended application. In addition:

1. The plans accompanying the application are very difficult to read, as were the plans for the original application, and the Council are still concerned about the extent

to which the amended plans will overlook the next-door dwelling, affecting their privacy.

2. The height (2.2m) of the proposed stone wall to right and left of the new electric entrance gate is totally out of keeping with the location, the dwelling being surrounded on 3 sides by open fields and a private road. The wall to the left of the gate will be especially visually intrusive, being taller than it is long.

6.3 Public Consultation

9 letters were posted to the local community on 6th September 2022. A Site notice was also displayed. In response, 1 objection was received and a general comment - see Summary of Representations.

7.0 CONTACT OFFICER: Nick Blackledge – [Principal Planner]

8.0 DATE PREPARED: 1st December 2022

9.0 SUMMARY OF REPRESENTATIONS

Objection – Kate Ainsworth. Received: 20/09/2022.

I strongly object to the planning application 10/22/0653 for Priory Croft, Old Hall Lane, Pleasington on similar grounds to when I strongly objected several times to the initial planning application 10/21/0637 on the invasion of my privacy. I was assured that Juliette windows on the three upstairs bi fold doors would prevent anyone going out onto the balcony. On this basis the initial plans were passed and the building would be completed to these exact plans. I still wasn't happy but the plans were passed

The new planning application 10/22/ 0653 is proposing changes to the existing plans that were not supposed to be changed. How can anyone trust or believe in your department when you state one thing and then do another by accepting this proposed plans. It is proposed that the first floor balcony elevation C has a safety balustrade, why? when it was agreed it could not be used. I have experienced over the past six months builders working on this roof terrace and they have had full view into my main bedroom, a second bedroom and my open plan lounge, kitchen, dining area which is the main room of the house. This intrusion of privacy has made me feel extremely uncomfortable in my own home, this surely cannot be right.

Secondly the extension of the side elevation D will now extend half way across the large window in my lounge. The increase in size and height of the building is totally out of keeping with the previous residence and overshadows my property, which has effectively devalued my property.

For your information, on the site location plan the very large oak tree in the corner of the plot that is next to my boundary line has been felled in the past month. I did state that this tree has been incorrectly answered in the initial planning questions, about any trees close to the proposed new build.

I would be very grateful if someone in the planning department would visit my property and see for themselves the effect this proposed planning application, if passed would have on my privacy

Objection – Duncan Isherwood RIBA, Pleasington Parish Councillor. Received: 24/10/2022.

Afternoon Nick .

I notice the final day of consultation on this application is Monday 24th October.

On that basis I have now revisited the site to look at general progress having been pushed at the last parish council meeting to try to study the existing and proposed drawings in relation to what has been built and what is being proposed in this amendment.

I do not envy your position attempting to understand the drawings given the amount of dimensional mistakes in the illustration .

I want to object on behalf of the owner Kate Ainsworth and the parish council to.

1. The amended glass balustrade to the rear first floor roof where H&S has been used as a justification! On this basis every flat roof in the country would have or need a glass/ metal balustrade . This must be refused as the glass Juliet screens to the first floor doors will be removed in the future as we know not requiring approval allowing by default the use of the flat roof and the loss of privacy to the adjacent property .
2. The glazed extension to the rear . Presume the next amendment will be to fill in the rest of the overhanging roof .
3. The additional roof height on the garage designed for obvious reasons to create a first floor . Note the French doors to the rear of the garage. This is not a garage but an additional dwelling .

4. The balustrade to the front porch .

It was confirmed by the parish council chairman that it was agreed at the original planning meeting which approved this development that the building had to be built strictly in accordance with the submitted drawings and that the officers had to attend site to ensure the works are built as approved . At what point do the local authority stop considering further amendments.

In addition to the above you need to check the proposed detail of the bifold doors/ windows to the first floor bedrooms . As designed they will not open as shown due to the glass balustrade in front of the doors . The installer will then move the glass forward making it possible to overlook the adjacent garden .

There are very serious concerns here in the village regarding this property and the eventual outcome . Have all the external finishes been applied for yet ?

If you wish to meet me or any other member of the parish council on site I am very happy to do so

Objection – Eileen Smith, Clerk to Pleasington Parish Council. Received: 07/11/2022.

Re : 10/22/0653 Priory Croft, Old Hall Lane, Pleasington

The Pleasington Parish Council would like to strongly object to this application to amend the planning permission already granted to Priory Croft, and would like our objections to the original application for this property to still apply to the amended application. In addition :

1. The plans accompanying the application are very difficult to read, as were the plans for the original application, and the Council are still concerned about the extent to which the amended plans will overlook the next-door dwelling, affecting their privacy.
2. The height (2.2m) of the proposed stone wall to right and left of the new electric entrance gate is totally out of keeping with the location, the dwelling being surrounded on 3 sides by open fields and a private road. The wall to the left of the gate will be especially visually intrusive, being taller than it is long.