REPORT OF THE DIRECTOR

Proposed development: Full Planning Application for: Double storey extension to side and part rear, single storey extension to rear and alterations to side garden to form additional parking.

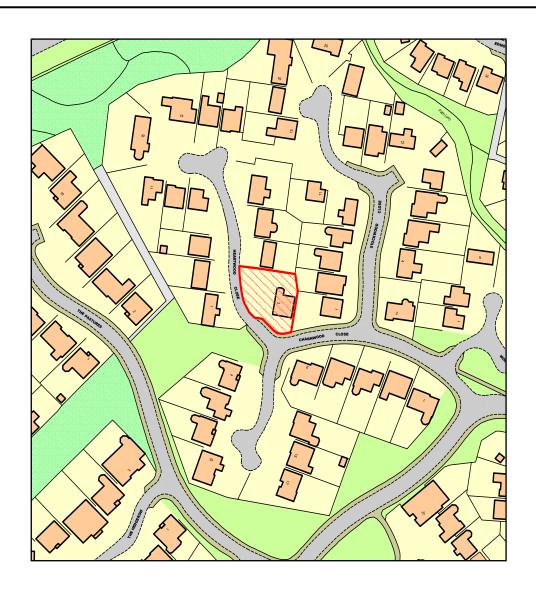
Plan No: 10/19/0174

Site address: 2 Heartwood Close Blackburn BB2 7QP

Applicant: Mr Yaseer Patel

Ward: Billinge & Beardwood

Councillor: Julie Daley Councillor: Tasleem Fazal Councillor: Jackie Floyd



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – Subject to conditions; as set out in paragraph 4.1.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This Housholder application is presented to Committee through the Chair Referral Scheme, due to receipt of 9 neighbour objections; as summarised at paragraph 6.1, below.
- 2.2 The proposal subject of this assessment is an amendment to the original submission, at the request of the Case Officer, due to an inappropriate first front balcony and unacceptable scale, which resulted in a disproportionate loss of the open side garden space. The amendment is considered to address these issues through removal of the balcony, single storey side extension (attached to the proposed two storey side extension), a reduction from a 2 car width driveway to a single width driveway and removal of paving to the side of the property. The amendment is otherwise acceptable in design terms and in securing acceptable levels of mutual amenity.

3.0 RATIONALE

3.1 Site and Surroundings

3.1.1 The application site is a detached dwelling set in a corner plot at the junction of Heartwood Close and Charnwood Close, Blackburn. The wider area is formed by a sprawling residential development constructed during the late 1980's and early 1990's that consists primarily of large detached family dwellings.

3.2 Proposed Development

3.2.1 Planning permission is sought for the erection of a double storey side extension, double and single storey rear extensions and additional single width driveway to the side of the property; as set out in the submitted drawings.

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 Core Strategy

CS16 – Form and Design of New Development

3.3.3 Local Plan Part 2

- Policy 1 The Urban Boundary
- 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

National Planning Policy Framework (The Framework) (2019)

The Framework sets out the government's aims and objectives against which planning policy and decision making should be considered. The following sections of the Framework are considered relevant to assessment of the proposal:

- Section 12 Achieving well-designed places
- Section 15 Conserving and Enhancing the Natural Environment

3.5 Assessment

3.5.1 Principle

The principle of the development is accepted, in accordance with the NPPF's presumption in favour of sustainable development, which should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of a proposal are identified; subject to assessment of the following matters:

3.5.2 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 noise, other pollution or nuisance, privacy / overlooking, and the relationship between buildings.

3.5.3 The two storey side extension will extend the width of the dwelling from its western flank by circa 4.5, towards no. 1 Heartwood Close. Although bedroom windows in the side of the extension will oppose first floor bedroom windows at no. 1, an acceptable 21.5m separation will be maintained, ensuring adequate levels of mutual amenity that will guard against loss of privacy and any threat of dominance; notwithstanding the modest elevated land level of the application site.

- 3.5.4 Separation between the side elevation of the two storey rear extension and the rear of no. 1 Stockwood Close will be circa 21.5m; well in excess of the 13.5m minimum standard to be achieved on account of the absence of proposed windows in the opposing side elevation of the extension. The single storey rear extension has no discernible impact.
- 3.5.5 Generous separation guards against any material impact on adjacent properties at no. 3 Stockwood Close and 4 Heartwood Close.
- 3.5.6 The proposed single width driveway off Heartwood Close is not considered to pose any excessive threat to amenity by way of increased noise or pollution. Regardless, the driveway is recognised as 'Permitted Development' in accordance with the limitations of Schedule 2, Class F of the (General Permitted Development) Order 2015.
- 3.5.7 Compliance with Policy 8 and supporting SPD policies is achieved.

3.5.8 Environment

Policy 9 requires incorporation of appropriate drainage measures, in order to demonstrate that development will not pose an unacceptable flood risk; and for consideration to be applied to trees that offer significant amenity value.

- 3.5.9 The proposed driveway includes drainage provision to guard against surface water run-off on to the public highway.
- 3.5.10 The proposed driveway will involve loss of two small trees. Accordingly, it is considered prudent to require provision of a replanting scheme within the side garden; to be secured by condition.
- 3.5.11 Compliance with Policy 9 is achieved.

3.5.12 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 servicing and parking in accordance with the Council's adopted standards.

- 3.5.13 The proposed driveway provides for appropriate additional off-street parking; in accordance with the Council's adopted standards for a 4 bed dwelling.
- 3.5.14 Compliance with Policy 10 is achieved.

3.5.15 Design / Character and 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 understanding of the wider context towards making a positive contribution to the local area.

3.5.16 Although the proposed extensions are recognised as a significant increase in floor space of the host dwelling, they are considered to form proportionate and

harmonious additions, taking into account the substantial plot size of the application site and the large scale family dwellings that define the wider area. In this context, the extended dwelling a short distance to the east, at no. 2 Charnwood Close, is recognised. The proposal will present as almost identical the street scene.

- 3.5.17 Although some loss of open garden to the west will occur, a substantial and proportionate section will be retained; thereby reducing the sensitivity of the proposal and maintaining the general theme of open garden space attributed to corner plots.
- 3.5.18 The position of the proposed single width driveway, although additional to the existing provision, is appropriately consistent with the pattern of off street parking along Heartwood Close.
- 3.5.19 Compliance with Policy 11 and supporting SPD policies is achieved.

3.5.20 <u>Summary</u>

This report assesses the Householder planning application for the proposed double storey extension to the side and rear of the dwelling, single storey extension to the rear and alterations to the side garden to form additional parking. In considering the proposal, a wide range of material considerations have been taken into account to inform a balanced recommendation that is considered to demonstrate compliance with the aims and objectives of the Local Development Plan and The Framework.

4.0 RECOMMENDATION

4.1 Approve, subject to:

- (i) Conditions which relate to the following matters:
 - Commence within 3 years
 - External walling and roofing materials to match existing
 - Prior to occupation of the development, submission of replacement tree planting scheme
 - Development to be in accordance with submitted details / drawing nos.

5.0 PLANNING HISTORY

- 5.1 10/10/0766 Double storey side extension and garage conversion (approved on appeal).
- 5.2 10/11/0154 Two storey side extension (amendment to 10/10/0766) and front porch.

6.0 CONSULTATIONS:

- 6.1 <u>Public consultation</u> has taken place, with 8 letters posted to neighbouring addresses. In response, 9 objections were received which are shown within the summary below.
- 7.0 CONTACT OFFICER: Nick Blackledge Planner, Development Management.
- 8.0 DATE PREPARED: 28th July 2019.

9.0 SUMMARY OF REPRESENTATIONS

<u>Obj – Dr Yasmin Zakaria & Mr Rizwan Sidat, 1 Stockwood Close, Blackburn. Rec –</u> 17/04/2019

Growth and Development Dept.
Blackburn with Darwen Borough Council,
Town Hall
Blackburn
BB1 7DY

17 April 2019 Reference: 19/19/0174

Dear Nick

RE: Full planning application – Double Storey extension to side, single storey extension to rear including alterations to side garden to form addition parking at:

2 Heartwood Close Beardwood Blackburn BB2 7QP

We are writing in response to the letter dated **09 April 2019** Reference: **19/19/0174**

We have taken the time to analyse the drawings of the proposed planning to the property mentioned above on the link provided in your letter.

We particularly note that it is a two storey extension.



This is the view from our kitchen. We currently are able see over the conservatory from the kitchen, dining room and utility room.

This is where all the natural sunlight comes from into the property; especially in the evenings.

As per our telephone conversation, I believe that the extension will completely overshadow and dominate my property.

We have no objection against a single storey extension but do not give consent and object against the extension as it currently is proposed.

Please feel free to come to my property upon your site visit and see the dramatic negative bearing it will cause.

Please do not hesitate to contact us if you have any questions.

Yours sincerely

<u>Obj - Dr Yasmin Zakaria & Mr Rizwan Sidat, 1 Stockwood Close, Blackburn. Rec – 29/04/2019.</u>

Dear Nick,

Further to our meeting and assessment of the development plans,

In view of the fact that 2 Heartwood close has already had 1 extension built; which is directly overshadowing my property and overbearing from 3 of our windows; to further build a double storey to this already extended house is in our view a total overdevelopment of the property.

The extension will be overshadowing/overbearing on our property and garden

It will impact on the visual amenity and it is out of character with neighbouring properties; there are no other double storey extensions in the street.

Its a simple case of overdevelopment, as this extension more than doubles the size of the original house which has already had a big extention; to exaperate this with a accumulation effect is totally out of character of the street.

We do not object to a single storey development but an unnecessary double storey overdevelopment will have a huge negative impact on my property. We strongly object to the building of a double storey extension.

<u>Obj - Dr Yasmin Zakaria & Mr Rizwan Sidat, 1 Stockwood Close, Blackburn. Rec – 20/06/2019</u>

The recent amendments do absolutely nothing to address the original issues which are that the property is still

Overdeveloped, Overbearing and totally out of character with the rest of the two streets which the original builders designed.

It is still a two storey building which engulfs the total width of my house; with the previous and current plans, it will completely block the ground floor of our property.

There are already privacy issues with being overlooked from the current extension.

There already has been a double storey extension to this property which was originally rejected and then eventually granted on appeal.

My property is already overshadowed downstairs by this extension by 90%; to propose and grant another double storey extension to this already overdeveloped property will completely overpower us, and is out of character with the rest of the properties in the beautiful area.

This recent amendments do nothing to address the original issue and the needs of the other residents and the character of the area need to be considered before you keep approving the multiple applications for this one discriminary property.

The proposed development conflicts harmfully in respect to living conditions of neighbouring occupiers according to legal advice.

The limitation of extensions on this property has been far exceeded already.

Please contact me if you require any more information

Obj – Mr & Mrs Hounslow, 1 Heartwood Close, Blackburn. Rec – 28/04/2019

Date 28/04/19

OBJECTION to Full Planning Application at 2 Heartwood Close Blackburn BB2 7QP

Reference 10/19/0174

Double Storey extension to side, single storey extension to rear including alteration to side garden to form additional parking.

Dear Mr Nick Blackledge - Case Officer

We live opposite to the proposed development site and are writing to ask that BDBC refuse this planning application from Compass Architectural & Consultants – Daisyfield Business Centre Blackburn.

Herein are our comments and objections relating to this planning application:

The double storey extension and rear entrance will overlook our property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of our home and garden.

The double storey extension will be visually overbearing the 25 degree angle from centre of our lowest window. It is an inappropriate design for this part of the close. The following items are totally out of keeping with the neighbouring properties, double heights window and two number balcony areas ground and first floor at the front of the building, not sure on purpose for downstairs gym and work out room, bathroom and seating area. Is it the intention of the owner to just convert this to additional living space once planning is granted?

Loss of green space and removal of trees which have been there since the house was built. Due to existing sloping levels on the external grassed areas in the location of the proposed additional parking spaces this will mean we will view brickwork retaining structures from our lounge window, not sure why additional entrance is required for additional parking area.

Additional Parking will be opposite to our garden and home causing noise, pollution and dust at all times of the day and night. We also strongly believe this would negatively impact on the future saleability and value of our home.

We strongly urge you to refer to HM Land Registry – Charges Register item 3 makes note not to erect or permit to be erected any fences or walls in the front gardens of the dwelling houses to be built on the land other than such fences and walls shown on drawing no 53.84sd 25a see attachment

We invite you to visit our home to verify that these objections are valid.

Therefore, we ask that Growth & Development Dept of Blackburn with Darwen Borough Council refuse this Planning Application.

Should you require any additional information, clarification of any comments made, or would like to arrange a visit to our home; do not hesitate to contact us on

Title Number : LA576044

This title is dealt with by HM Land Registry, Fylde Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 21 APR 2019 at 16:38:31 and so does not take account of any application made after that time even if pending in HM Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number	: LA576044
Address of Property	: 2 Heartwood Close, Blackburn (BB2 7QP)
Price Stated	: £230,000
Registered Owner(s)	: YASEER MAHAMMAD PATEL of 2 Heartwood Close, Blackburn BB2 7QP.
Lender(s)	: None

Title number LA576044

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 21 APR 2019 at 16:38:31. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the HM Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

BLACKBURN WITH DARWEN

- (29.04.1986) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 2 Heartwood Close, Blackburn (BB2 7QP).
- 2 The land has the benefit of the rights granted by but is subject to the exceptions and reservations contained in the Transfer dated 12 February 1988 referred to in the Charges Register.
- 3 The Transfer dated 12 February 1988 referred to above also contains a provision as to light or air.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

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- 1 (12.08.2016) PROPRIETOR: YASEER MAHAMMAD PATEL of 2 Heartwood Close, Blackburn BB2 7QP.
- 2 (12.08.2016) The price stated to have been paid on 15 July 2016 was £230,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

A Conveyance of the land in this title and other land dated 11 April 1986 made between (1) Blackburn Borough Council (Council) and (2) McLean Homes North West and Cheshire Limited (Company) contains the following covenants:-

"TO the intent that the covenant hereinafter contained shall bind the land into whosever hands the same may come and for the benefit of the Council's adjoining or neighbouring land known as the Beardwood Estate and each and every part thereof the Company hereby covenants with the Council that it will perform the restrictions and stipulations contained in the Third Schedule hereto.

THE THIRD SCHEDULE

Covenanca	OII	ciic	parcy	OL	cite	company)	

(2) not to erect or permit to be erected on the land any building or buildings other than detached dwellinghouse with suitable garage

Title number LA576044

C: Charges Register continued

should this area ?

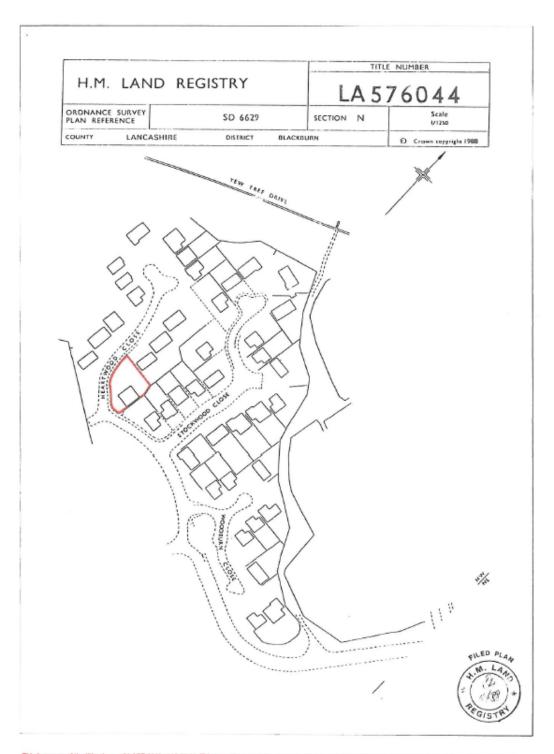
accommodation without the written consent of the Council.

(3) not to erect or permit to be erected any fences or walls in the front gardens of the dwellinghouses to be built on the land other than such fences and walls shown on Drawing No. 53.84sd 25A or any approved amendment thereof."

2 A Transfer of the land in this title dated 12 February 1988 made between (1) McLean Homes North West and Cheshire Limited and (2) Keith Grimshaw and Jennifer Grimshaw contains restrictive covenants.

¬NOTE: Original filed.

End of register



This is a copy of the title plan on 21 APR 2019 at 16:38:31. This copy does not take account of any application made after that time even if still pending in HM Land Registry when this copy was issued.

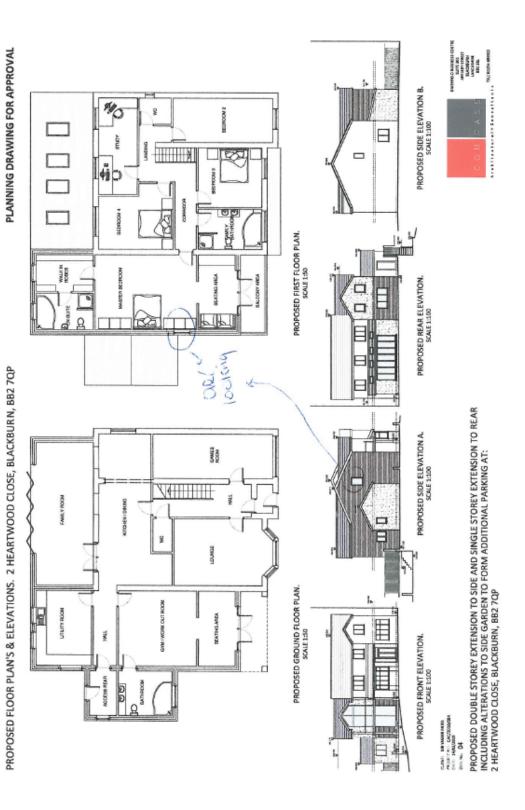
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proposed development proposed building causes obstruction 25 degree angle centre of lowest window existing building



Obj – Mr & Mrs Hounslow, 1 Heartwood Close, Blackburn. Rec – 21/06/2019

Blackburn with Darwen Borough Council

Growth & Development Department

Town Hall

Blackburn

Lancashire

BB1 7DY

Date 21/06/19

OBJECTION to Full Planning Application at 2 Heartwood Close Blackburn BB2 7QP

Reference 10/19/0174 revised plans

Double Storey extension to side, single storey extension to rear including alteration to side garden to form additional parking.

Dear Mr Nick Blackledge - Case Officer

We live opposite to the proposed development site and are writing to ask that BDBC review this revised planning application for additional parking space to the side of the property from Compass Architectural & Consultants – Daisyfield Business Centre Blackburn.

Herein are our comments and objections relating to this planning application:

The proposed additional parking space to the side of the property would require brickwork retaining structure due to the level difference. Two number established trees will have to be removed, set of steps and gate shown on plan but no path from main house, does this mean extra retaining structure and path on garden area. We have reviewed the revised plans and fell that there is enough space at the front of the property for 1 additional parking space see attached mark up.

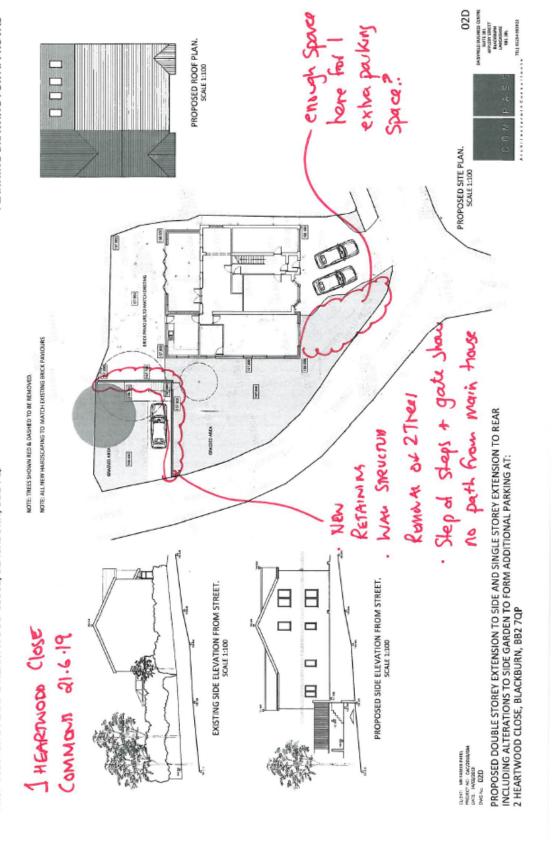
Loss of green space and removal of trees which have been there since the house was built. Due to existing sloping levels on the external grassed areas in the location of the proposed additional parking spaces this will mean we will view brickwork retaining structures from our lounge window, not sure why additional entrance is required for additional parking area.

Additional Parking will be opposite to our garden and home causing noise, pollution and dust at all times of the day and night. We also strongly believe this would negatively impact on the future saleability and value of our home.

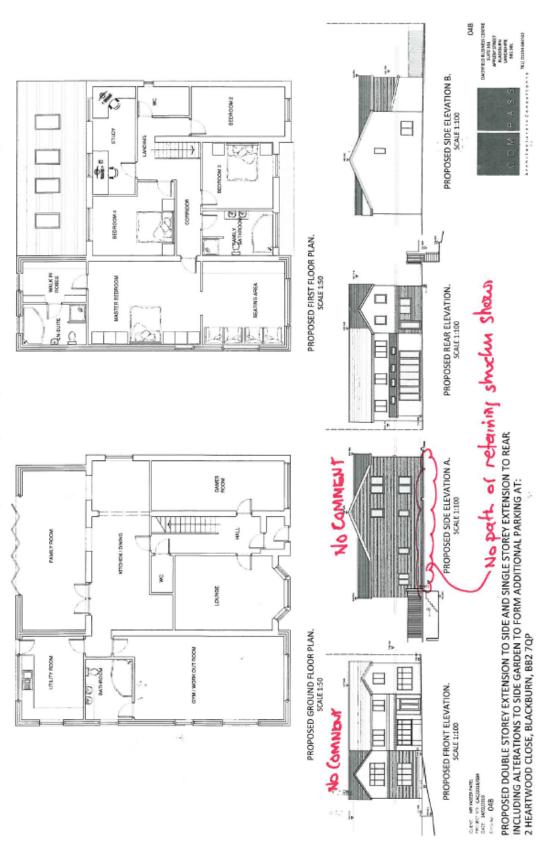
We invite you to visit our home to verify that these objections are valid.

Therefore, we ask that Growth & Development Dept of Blackburn with Darwen Borough Council refuse this Planning Application.

PROPOSED SITE PLAN. 2 HEARTWOOD CLOSE, BLACKBURN, BB2 7QP



PROPOSED FLOOR PLAN'S & ELEVATIONS. 2 HEARTWOOD CLOSE, BLACKBURN, BB2 7QP



Obj – Sajid Mohammad Motiwala, 3 Stockwood Close, Blackburn. Rec – 26/04/2019

FAO:Mr.Nick Blackledge

Good morning sir,

I am writing with reference to the planning application that has been submitted at 2 Heartwood Close in Beardwood, Blackburn for a double storey extension to the side and a single storey extension to the rear as well changes being made to the side garden for additional parking space. REF: 10/19/0174

I am writing to object to the proposal on a number of grounds. These being:

- 1. The added size of the extension will block light to neighbouring properties, including mine.
- 2. Privacy of my family will be compromised with windows being so close to my property.
- 3. The aesthetics of the area will be compromised; with the view of a brick walled construction immediately visible right in front of the house.
- The construction of such a large building will destroy the essence of what the Beardwood community stands for. It will be out of place with surrounding houses.
- The destruction of garden space and additional car parking will add to congestion in the area and will have a negative impact on the immediate environment.

Thank you for your consideration in the matter.

Obj – G M Entwistle, 8 Heartwood Close, Blackburn. Rec – 02/05/2019

RE: OBJECTION TO PLANNING APPLICATION Ref 10/19/0174

Development at 2 Heartwood Close Blackburn BB2 7QP

Dear Sir,

I object to the planning application ref 10/19/0174

The character of the close would be changed by allowing such a large development on a property in a prominent position at the head of the close as well as having a significant impact on the neighbours and residents of Heartwood Close.

I list the material considerations I ask you to consider:

- The site location plan omits the 2m service strip which runs along side the roadway through the grassed area. This service strip is indicated on the Land Registry title LA576044. The proposed paved area development will encroach into this strip.
- The application has failed to indicate that a new vehicle access provision to the public highway is proposed.
- 3. Because of the slope of the land, the proposed retaining walls supporting the extended paved areas facing both Heartwood Close and the neighbour at no 4 are significant and will be a dominant feature prominently visible from the street. This development would enable overlooking of adjacent properties resulting in a loss of privacy.

- 4. The proposed extensions to the NW side of the house are of a size and position which contradicts the original vision of the Willows development, viz 'sites with spacious frontages and extensive landscaping to be in keeping with its country edge location'. Allowing this development would prominently reduce the amount of 'green space' and reduce the number of mature trees.
- Such extensions would significantly move out the building line, perhaps creating precedence for other planning requests in the future.
- 6. The size and prominent positioning of the proposed extensions and retaining walls will adversely affect the amount of light being received by the neighbours on the north and north-west. This will be very noticeable particularly in the winter months.
- The proposed balcony to the front is not in keeping with other properties in the area.
- 8. The development could reduce the visibility of traffic entering and leaving Heartwood Close. This could be dangerous to pedestrians bearing in mind there are no pavements on either side at that position. Additionally in early spring and late autumn when the rising sun is low in the sky and shines directly down Charnwood Close there is a danger of drivers being suddenly blinded by the sun.

I trust you will consider the above points and include them in your planning considerations.

Obj – Aileen J Cross, 5 Heartwood Close, Blackburn. Rec – 07/05/2019

Re: Planning Application Ref 10/19/0174

Double storey extension to side, single storey extension to rear including alteration to side garden to form additional parking at 2 Heartwood Close, Beardwood, Blackburn, BB2 7QP

Further to your letter of 9 April I wish to register my objection to the above planning application. My reasons for objecting are as follows:-

Although my house will not be as affected as No1 and No 3 Heartwood Close as they look directly at the side of No 2 Heartwood Close we can also see, from the right hand side of our front lounge bay window, the side of No 2.

A double storey extension would be excessive and not in keeping with the surrounding properties and will overshadow many of the surrounding properties and thereby ruin our view and cut out some of the light.

My main concern , however, is the loss of the green space and removal of trees required in order to alter the side garden to form additional parking. As one of the original householders on the close the design of this housing development was such that between every three or four houses there was a green space to be kept open and to give an altogether open space feeling to all the residents. It is within the deeds of each property that nothing should be built or planted on these green areas to change their appearance.

The property in question already has a garage and driveway, as do we all, so further parking should not be necessary and is worrying that it will become a driving hazard on that corner leaving and driving back onto the close should there be more cars parked up. It will also be an eyesore to have to look at cars parked instead of a nice open green space as was the original intention. Presumably, also some kind of support wall will be required because of the sloping nature of the grassed area which, again, will spoil the open green space.

I trust you will take my objections into consideration when dealing with the planning application for No 2 Heartwood Close

Obj – Aileen J Cross, 5 Heartwood Close, Blackburn. Rec – 24/06/2019

Dear Mr Blackledge

Re: Planning Application Ref 10/19/0174

Alteration to side garden to form additional parking at 2 Heartwood Close, Beardwood, Blackburn, BB2 7QP

Further to my letter of 29 April and your subsequent letter of 10 June informing us of the amended planning application as above, I wish to register my further objection to the new plans.

I note that it is still the intention of the owner of No 2 Heartwood Close to use part of the grassed area next to No 4 Heartwood Close for extra parking. As stated in my original letter of objection, the green spaces between the houses on Heartwood Close are intended to remain as green spaces and, within the deeds, nothing should be planted or built on that green space that is going to change its appearance.

It the owner requires extra parking would it not be preferable to just widen the current driveway so it doesn't impact on anyone else? Should there be extra car(s) on the area next to No 4 Heartwood Close then it would be a dangerous place on the bend for cars to be manoeuvring on and off this new driveway.

For the reasons as stated above please note my objections when considering this revised planning application.