

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: NELSON COMMITTEE**

**DATE: 4<sup>th</sup> September 2017**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications

## **REPORT TO NELSON COMMITTEE 4<sup>th</sup> SEPTEMBER, 2017**

**Application Ref: 17/0300/HHO**

**Proposal: Full: Single storey extensions to side (North) and rear along with alterations to the roof.**

**At: 2 Dunderdale Avenue, Nelson**

**On Behalf of: Mr Shahid Khokhar**

**Date Registered: 18 June, 2017**

**Expiry Date: 25 August, 2017**

**Case Officer: Christian Barton**

### **Site Description and Proposal**

The application site is a two storey, detached property located within the south-west of the settlement boundary of Nelson. Dunderdale Avenue, Nelson is an exclusively residential avenue with properties of varied styles and frontages. The dwellinghouse is surrounded by residential properties on Lancaster Gate to the north and east, residential properties on Dunderdale Avenue to the south and recreational land known as the Hard Platts to the west. The property is on the boundary of the Edge End Conservation Area but does not fall directly within it. The dwellinghouse has garden areas to the front and rear along with a hardstanding driveway to the front of the property that can accommodate two vehicles. The current finish of the dwellinghouse is partial brick and local stone masonry, Marley concrete roofing tiles and white uPVC doors and windows. The boundary treatments to the rear of the property comprise of a 1.2m close boarded fence, a hedgerow around 1.5m in height and also a number of mature trees of varying heights.

The proposal involves the erection of a single storey extension to the side (north) and rear (west) of the dwellinghouse to be used as an additional living area along providing a downstairs WC (Water Closet). Demolition of a conservatory will take place in order to accommodate the works along with alterations to the existing roof of the property. The extensions are to have a pitched roof with the pitch of the roof matching the original dwellinghouse. Two windows are proposed for the side (south) elevation, six windows and a patio door for the rear (west) elevation and a further two windows for the side (north) elevation. As the extension will accommodate internal reconfigurations within the property external alterations to the existing fenestration are proposed. The changes include two additional windows to be installed on the side (north) elevation and the re-siting existing door on the front (east) elevation to allow for the addition of a downstairs WC. Materials to compliment the original dwellinghouse are proposed for the build with these being detailed as block and rendered finish walls, concrete roofing tiles and white uPVC doors and windows.

### **Planning History**

No relevant planning history.

### **Consultee Response**

LCC Highways - With respect to this application we would wish to raise an objection. However if the concerns outlined below are address then the application could be looked on favourably.

Although a plan has been provided it has been noted that the property could be configured as a 4 Bedroom property. This being the case we would require 3 parking spaces in accordance with

Pendle Borough Councils parking standards. It is expected that these spaces should be 5.5m x 2.4m. A plan showing the parking provision should be provided. The hard standing should be constructed with a bound and porous material, so as not to drag loose material on to the highway.

Nelson Town Council – No comments received.

## **Public Response**

The nearest neighbours have been notified by letter without any response being received.

## **Officer Comments**

The main considerations for this application are any potential impacts on residential amenity along with the design and the choice of materials.

The relevant Pendle Borough Council Local Plan Part 1: Core Strategy policies are:

- ENV2 sets out general design principles, historic environment and climate change.
- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.

### **1. Impacts on Amenity**

The impact on the amenity of the neighbouring properties must be considered for this proposal and these include the properties 4 Dunderdale Avenue and 69 and 80 Lancaster Gate. 80 Lancaster Gate is found to the north-east of the application site and is to be distanced 10.5m from the side (north) elevation of the proposed extension. This distance is adequate in the respect that no undue implications in the way of overcasting would result from the proposal for No. 80. Five windows are proposed for the side elevation of the extension providing an additional two windows to the number currently found. The additional two windows are to serve a playroom and downstairs WC with the sunroom aspect of the build resulting in two windows being closer to the property of No. 80 than the distances of the existing conservatory. No undue losses of privacy would result from the proposal for No. 80 as the additional/re-aligned windows are to face a small section of the rear garden of the neighbouring property. In addition, an abundance of mature trees are found on the north perimeter of the application site that will further preserve the privacy of No. 80 once the extension is operational.

69 Lancaster Gate is found to the south-east of the application site, as the development is confined to the north-west of the property no unreasonable effects on the amenity of No. 60 will result from the application. 4 Dunderdale Avenue is located to the south of the application site and is to be distanced 2.5m from the side (south) elevation of the proposed extension. This distance is acceptable in the respect that no undue levels of overcasting would result from the proposal for the property and grounds of No. 69 with the single storied, pitched roof design of the extension contributing further to this result. Two windows are proposed for the side (south) elevation of the extension that are to serve a main habitable room, a lounge. A conservatory is found on the rear (west) elevation of No. 4 that is to be distanced 5.5m from the side (south) elevation of the proposed extension. Given the steep gradient of Dunderdale Avenue, the neighbouring properties to the south are found at higher levels than the neighbours to the north. With this in mind the additional lounge windows would not adversely impact upon the privacy of No. 4 as the view from the windows would be predominately restricted to a rockery and boundary treatments. No adverse levels of overlook would result from the proposal for No. 4 as the neighbouring property is elevated

in excess of 1m above the level of the application site. The development as proposed is acceptable in relation to the effects on the amenity of the neighbouring properties and as such complies with Policy ENV2 and the Design Principles SPD.

## 2. Design and Materials

Single storey rear and side extensions should be designed in a way that is appropriate in relation to the neighbouring properties in terms of aspect, design and scale. The rear (west) extension is to project 3.8m from the rear elevation of the dwellinghouse, this level of projection is acceptable in relation to the neighbouring property to the south, 4 Dunderdale Avenue. The conservatory windows of No. 4 on the side (north) elevation would not be adversely impacted upon in the way of loss of privacy given the variation in ground levels found between the two neighbouring properties. The side (north) extension aspect of the build is to have a pitched roof to match the rear extension along with the original dwellinghouse. No side windows are proposed for the build that would overlook neighbouring properties at unreasonable levels with the slight levels of forward projection being suitable for the property.

The design of the rear extension in terms of spatial layout is acceptable, adequate amenity space within the rear garden of the property would be left available for the storage of bins, seating etc.; the extension would leave well in excess of 50% of the total ground area available in the rear garden of the property. The dimensions of the proposal are shown to be adequate in relation to the dwellinghouse. The designs of the rear and side extensions are subservient to the original structure in terms of massing and roof height. Materials to complement the existing dwellinghouse are proposed for the build; these are to comprise of block and render finished walls, concrete roofing tiles and white uPVC doors and windows. The design of the proposal is therefore acceptable in this location and accords with Policy ENV2 and the Design Principles SPD.

## 3. Off-street Parking and Highway Safety

An aspect of the single storey extensions could potentially be used as a bedroom bringing the total number of bedrooms to four within the property. Given the abundance of windows on the rear aspect of the build however the use of this space as a bedroom is unlikely. The three bedroomed property currently has the provision of two off-street parking spaces at the front (east) of the dwellinghouse with the proposal having no implications for this existing arrangement. The scheme as proposed is therefore acceptable in relation to off-street parking and as such complies with Policy 31. No unreasonable effects on the highway and highway safety would result from the development given the modesty of the proposal along with the exclusively residential nature of Dunderdale Avenue.

## 4. Summary

The scheme as proposed would be acceptable in terms of the impact on the amenity of the adjacent properties, 4 Dunderdale Avenue and 69 and 80 Lancaster Gate. No unreasonable effects in the way of overshadowing and privacy loss would result from the proposal for any of the neighbouring properties. The design of the proposal is suitable for this location with the choice of materials being acceptable in relation to the age and style of the dwellinghouse. The development presents no unreasonable concerns in the way of off-street parking provisions and highway safety is also suitably maintained. The proposal is therefore acceptable in this location and complies with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030), Policy 31 of the Saved Replacement Local Plan and the Design Principles Supplementary Planning Document.

### **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 proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity. 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: Site Location Plan (DWG No. 05), Proposed Block/Roof Plan (DWG No. 06), Proposed Floor Plans (DWG No. 03) and Proposed Elevations (DWG No. 04).

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

## **REPORT TO NELSON COMMITTEE 4<sup>th</sup> SEPTEMBER, 2017**

**Application Ref: 17/0304/FUL**

**Proposal: Full: Erection of single storey extension to rear and installation of staircase on rear elevation.**

**At: 209 Leeds Road, Nelson**

**On Behalf of: Mr Ali**

**Date Registered: 21 June, 2017**

**Expiry Date: 16 August, 2017**

**Case Officer: Christian Barton**

### **Site Description and Proposal**

The application site is a mid-terrace, two storey property located within the north of the settlement boundary of Nelson. The property is located on Leeds Road (A56), a busy arteriole route that connects the settlements of Nelson and Colne. Leeds Road, Nelson has a varied street scene with a range of both modern and Victorian buildings of different styles, frontages and uses. The premises are surrounded by both residential and commercial properties on Leeds Road to the north and south with properties on Newport Street found to the west. Vacant land on Leeds Road is found to the east of the development. The application site currently has retail space on the ground floor with a residential flat above on the first floor. The property has a hardstanding car parking area to the rear that can accommodate one vehicle along with a small yard area and spiral staircase used to access the first floor flat. The current finish of the property is natural stone masonry with slate roofing tiles and white uPVC doors and windows.

The proposal seeks to erect a single storey extension to the rear of the property to be accessed from the ground floor shop. The extension is to have ground dimensions of 3.11m x 2.7m with heights of 2.1m to the eaves and 2.9m to the ridge. The proposal also involves the removal of an existing spiral staircase to the rear of the property, replacement with a conventional staircase and also the re-siting of the door used as access for the flat. The installation of roof dormers on the front and rear roofslopes of the property is also proposed to allow for internal reconfigurations. The roof dormers are to be flat roofed with both having a single window and being 4.2m in length and 1.7m in height. The development will allow for the conversion of the attic into a living area with two bedrooms and a jubilee bathroom proposed at second floor level. The first floor extension is to be finished with render to match the adjoining extension with a concrete tiled roof. The walls of the dormers are to be finished with uPVC cladding and timber with the frames of the dormer windows being uPVC.

### **Planning History**

17/0048/HHO - Rear ground floor extension plus removal of external spiral staircase leading to first floor and addition of straight staircase to rear to first floor and creation of Bedrooms and bathroom room in roof space with dormer windows to front and rear - Application Returned – February 2017.

## **Consultee Response**

LCC Highways - The proposal is to increase from a 1 bedroom flat to 3 bedrooms, parking standards require 2 parking spaces, an increase in one to the current requirement.

In this case, a reduction from the parking standards is acceptable as the location is highly accessible to local facilities and is also on a bus route, the proposal raises no concerns on highway grounds.

I have no objection to this proposal.

Nelson Town Council – No comments received.

Lancashire Constabulary HQ – Architectural Liaison Unit – No comments received.

## **Public Response**

The nearest neighbours have been notified by letter without any response being received.

## **Officer Comments**

The main considerations for this application are any potential impacts on the amenity of neighbouring properties along with the choice of materials, the design of the build and any potential impacts on the highway and highway safety.

The relevant Pendle Borough Council Local Plan Part 1: Core Strategy policies are:

- ENV2 sets out general design principles, historic environment and climate change.
- Saved Replacement Local Plan Policy 31 also applies, this Policy sets out the parking standards for development.
- The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.
- Bradley Area Action Plan Development Plan Document (DPD).

### **5. Impacts on Amenity**

The impact on the amenity of the neighbouring properties must be considered for this proposal and these include properties on Leeds Road (No.'s 211-219, Site of Regent Bingo Club (224), 207 Leeds Road and Flat 1 - 207 Leeds Road) and Newport Street (No.'s 4 and 9). No. 211-219 Leeds Road is found to the north of the application site and is one of the adjoining neighbours of the terraced property. The first floor extension proposed to the rear of the property is to adjoin an existing neighbouring extension (No. 207). The modest rear extension along with the roof dormers would result in negligible impacts in the way of overshadowing for No. 211-219. No windows are proposed for the rear extension along with the side elevations of the roof dormers; as such the design of the development suitably maintains the privacy of No. 211-219. The Site of Regent Bingo Club (224 Leeds Road) is located to the east of the application site; the land is currently undeveloped with no applications are pending for the site at present. The scheme would therefore have no implications in the way of amenity for the Site of Regent Bingo Club.

207 Leeds Road and Flat 1 – 207 Leeds Road are adjoining to the application site and found to the south. No unreasonable effects on the amenity of the No. 207 and Flat 1 – 207 Leeds Road will result from the development given the modest increases in massing to the property as proposed.

No windows that would overlook the neighbours to the south at any level are proposed from the design of the development so privacy is also maintained for the neighbours to the south. 9 Newport Street is located to the south-west of the proposed development and is distanced 25m from the rear (west) perimeter of the application site. This distance is sufficient in the respect that no undue implications in the way of amenity would result from the development for No. 9.

4 Newport Street is located to the west of the proposed development and is distanced 4m from the west boundary of the application site. The modest massing of the proposed single storey extension and roof dormers would result in acceptable levels of overshadowing for No.4. The side (east) elevation of No. 4 has two windows, one at ground floor level that serves the lounge and one at first floor level that serves a bedroom. Although some further levels of overlook would result from the rear dormer for the bedroom window on the gable elevation of No. 4, when the existing relationship between the windows on the rear elevation of the application site and the neighbouring property is taken into consideration, negligible further losses of privacy would result from the development for No. 4. The scheme as proposed is therefore acceptable in relation to the amenity of the neighbouring properties.

## 6. Design and Materials

The single storey rear extension is to project 2.7m from the rear elevation of the property, as the rear extension is also to adjoin a neighbouring extension, this aspect of the development is acceptable from a design perspective. The materials to be used for the rear extension are to complement the existing appearance of the neighbouring extension in which this aspect of the proposal is to adjoin. An abundance of rendered finish rear elevations are found on that particular row of terraces with this choice of materials being acceptable for the area.

Roof dormers should be installed in a way that is in keeping with the age and style of the property along with maintaining the privacy levels of neighbouring properties by preventing unreasonable levels of overlook. Both the front and rear dormers are to set back from the side roof boundaries of the property by 0.5m, this is adequate. The dormers proposed are to be set down from the ridgeline of the property by 1m and setback from the front/rear elevations by 0.6m. Although sufficient for the rear dormer, the front dormer would be setback insufficiently from the front elevation of the property with distances of 1m advised in the Design Principles SPD. The dormers are also to have flat roofs with this design feature not being suitable for the age and style of the Victorian property.

The front dormer would be visible from a number of public vantage points, as such would appear incongruous within the street scene and would be of detriment to character of the area. Modern styled boxed dormers are proposed for each of the roof slopes of the property with no dormers on the front of the row of terraced properties (205-219 Leeds Road) currently being found. The addition of a roof dormer on the front roof slope would be of detriment to the roofscape of the local area along with the character of that particular Victorian property. The scheme as proposed is therefore unacceptable from a design perspective and fails to comply with Policy ENV2, the Design Principles SPD and the Bradley Area Action Plan DPD.

## 7. Highways and Highway Safety

The development would increase the number of bedrooms within the property from one to three from the conversion of the attic. Although some loss of hardstanding at the rear of the property would result from the development from the erection of a single storey extension, the property can still accommodate a single vehicle. Although this falls below the requirements set by Policy 31, those are maximum requirements with the property having high accessibility to public transport links. The scheme as proposed is therefore acceptable in relation to off-street parking and complies with Policy 31. No unreasonable effects regarding the highway and highway safety will result from the development given the nature of the proposal.



## 8. Summary

The scheme as proposed would be acceptable in terms of the impact on the amenity of the neighbouring properties. The provisions made in the way of off-street parking are acceptable along with the effects of the development on the highway and highway safety. The proposal to install dormers on both the front and rear roof slopes of the property would be of detriment to the roofscape of the row of properties however. The addition of a modern style boxed dormer on the front roof slope of the property would appear incongruous within the street scene and detrimental to the character of the area along with the appearance of the Victorian property. The scheme as proposed is therefore unacceptable from a design perspective and fails to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030), the Design Principles Supplementary Planning Document and the Bradley Area Action Plan Development Plan Document.

### **RECOMMENDATION: Refuse**

- The addition of a roof dormer on the front elevation of the Victorian property would appear incongruous within the street scene by virtue of introducing a visually inappropriate addition to a terraced building. The modern styled dormer would have adverse effects of the character and appearance of the local area. The development therefore fails to accord with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030), the Design Principles Supplementary Planning Document and the Bradley Area Action Plan Development Plan Document.

## **REPORT TO NELSON COMMITTEE 4<sup>th</sup> SEPTEMBER, 2017**

**Application Ref: 17/0307/HHO**

**Proposal: Full: Erection of two storey extension to rear with part single storey (resubmission).**

**At: 106 Regent Street, Nelson**

**On Behalf of: Mr T J Carter**

**Date Registered: 21 June, 2017**

**Expiry Date: 16 August, 2017**

**Case Officer: Kathryn Hughes**

### **Site Description and Proposal**

The application site is a semi-detached dwellinghouse located within the settlement boundary of Nelson.

The proposal is to erect a part two storey and part single storey extension to the rear elevation.

The proposed rear extension would measure 6m x 5.35 m x 6.1m to ridge (4.4m to eaves) for the two storey element and 3.3m x 5.35m x 3.7m to ridge (2.1m to eaves) for the single storey element finished in brick and render with slate roof.

### **Planning History**

16/0810/HHO – Full: Erection of part two storey, part single storey rear extension – Refused.

13/14/0176N – Permitted Development Notification (Proposed Large Home Extension): Erection of single storey extension to rear (Length 6m, eaves height 2.55m, overall height 2.8m) – Notification Accept, Permitted Development.

13/13/0315P – Erection of a two storey & single storey extension to the rear of dwellinghouse – Withdrawn.

### **Consultee Response**

LCC Highways – No objections.

Nelson Town Council

### **Public Response**

Nearest neighbours notified by letter without response.

### **Officer Comments**

The main issues to consider in this application are compliance with Policy, design, amenity and highway safety.

## **Policy**

Policy ENV2 of the Local Plan Part 1 encourages a high standard of design in new developments, using materials appropriate to the setting.

The Design Principles SPD also contains more specific advice on householder extensions, which will be discussed in more detail below.

## **Design & Amenity**

The SPD states that two storey rear extensions should not breach the 45 degree rule and be set in from the party boundary by a minimum of 1m

The development here seeks to erect a two storey element projecting 3.3m, before stepping down to a single storey for a further 2.7m, creating an addition 6m in total from the original rear wall of the house. It would be set in from the shared boundary by 0.75m, the extension by virtue of its projection would breach the 45 degree rule by some distance. The neighbour has two ground floor windows and one first floor window to the rear. The latter is located centrally within the upper floor and would be unaffected. However the ground floor windows are in close proximity to the development, which would appear overbearing and dominant from these openings, by virtue of its scale and massing.

The previous refusal stated that the applicant would need to reduce the projection of the two storey element by around half to avoid any adverse impacts on these windows. Whilst the first floor projection has been reduced by 0.7m this would still adversely impact on the nearest ground floor window.

It is acknowledged that no neighbour objections have been received and that a 6m long single storey extension has previously been deemed permitted under the increased GPDO allowances for householders. However, the permission for a larger home extension has now expired. This does not outweigh the harm that would be caused by the first floor element and the 6m long ground extension sited within 1m of the boundary.

The previous application is supported by a statement which states that the extension is required to address the particular needs and requirements of the occupant. Whilst these personal issues are noted, the impacts of the development here are not marginal, as such they can be afforded little weight in the decision making process.

Therefore as submitted the proposal fails to comply with adopted guidance within the SPD and Policy ENV2.

## **Highways**

The proposal does not impact on the current level of off-street parking provision at the site in an area where on-street parking is prevalent. LCC Highway Engineers raise no concerns in relation to the proposal.

## **Summary**

The proposed development, by virtue of its scale and massing would have an unacceptable impact on the amenity of neighbours, thereby failing to comply with Policy ENV2 of the Local Plan Part 1 and guidance within the Design Principles SPD.

## **RECOMMENDATION: Refuse**

For the following reason;

1. The proposed development, by virtue of its scale and massing, would have an adverse impact on the amenities of the adjoining property, owing to its proximity to adjacent windows. The application thereby fails to accord with Policy ENV2 of the Local Plan and guidance within the Design Principles SPD.

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/CB**

**Date: 24<sup>th</sup> August 2017**