

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES
MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATE: 22nd June 2015

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 22 JUNE 2015

Application Ref: 13/14/0558P

Ref: 18438

Proposal: Full: Demolition of conservatory and detached garage and erection of a part two storey, part single storey side and rear extension and dormer window to the side.

At: 4 ROUNDWOOD AVENUE REEDLEY BURNLEY BB10 2LH

On behalf of: Mr A Malik

Date Registered: 1 December 2014

Expiry Date: 26 January 2015

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Development Management Committee because Brierfield and Reedley Committee were minded to approve the application despite its adverse impact on a neighbouring property.

The application site is a detached two bedroom house located with the settlement of Reedley. The site is surrounded by other detached houses of varying style and design. The house is constructed from brick with a concrete tile roof and upvc fenestration.

The proposed development is the erection of a part single storey part two storey side and rear extension. The single storey element would project 5m from the side wall and 14.6m from the rear wall of the original house with an eaves height of 3m and a ridge height of 5m. The two storey element would project 1.5m from the side wall and 5.8m from the rear wall with an eaves height of 3m and ridge height of 7.2m. The proposed extensions would be finished in brick to the front and rear and render to the side with concrete tile roofs and upvc fenestration.

Relevant Planning History

13/13/0247P - Full: Demolition of conservatory to rear; erection of two storey extension to side; enlarge dormer to side (East); erection of two storey extension to rear and form raised patio. Refused and Appeal Dismissed 30/09/2013.

Consultee Response

PBC Environment Officer - The trees on the adjacent land immediately beyond the south boundary of the garden are protected by TPO No. 3, 1976. There are no trees in the application garden. The TPO trees will need to be protected by a protective fence to BS 5837 (2012) which should be conditioned. The garage to be demolished is within the root protection area of the TPO trees beyond and will have to be carefully demolished so as not to cause damage to the trees. It should be conditioned that any machinery should stay on existing hard standing or outside the RPA distance whilst working and all rubble then drawn away. The new extension appears to finish approximately 8 metres from the south boundary which is sufficient distance from the TPO trees to cause no damage.

LCC Highways - Proposed development is a large extension to the side and rear of the existing detached dwelling. Currently there are two bedrooms in the dwelling with a drive way. With the proposed development there will be three bed rooms in the dwelling. According to JLSP residential parking standard guidelines, 2-3 bedroom dwelling shall require two number of parking spaces

within curtilage of the property. Proposed layout indicates that there is none integral garage to accommodate one vehicle. It is to mention that manual for streets suggest standard garage size as 6mx3m to be considered as garage space. There will be a drive way which will accommodate one vehicle. Thus there will be possibility of parking two vehicles within curtilage of the property. It is anticipated that there will be several delivery vehicles, construction machinery, contractors vehicles and trade men's vehicles visiting the site during the time of construction. All such vehicles shall be parked in such a way that they do not affect the normal traffic on adjacent highway. It is believed that proposed development is unlikely to have a significant effect on to the adjacent highway network. There is no objection to the proposed development on highway grounds.

Reedley Hallows Parish Council - Object on the grounds of over development.

Public Response

Seven neighbours notified - No response.

Relevant Planning Policy

Code	Policy
LP 13	Quality and Design of New Development
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues to consider in this application are the impact of the proposed extension on the visual amenity of the area, the residential amenity of neighbours and car parking provision.

Policy

Policy 13 of the Replacement Pendle Local Plan identifies the need for good quality design in new development and states that siting and design should be in scale and harmony with its surroundings. The requirements of Policy 13 in relation to domestic extensions are expanded upon by the Design Principles SPD. The proposed development's failure to comply with Policy 13 and the Design Principles SPD is addressed in the design and amenity sections.

Section 7 of the National Planning Policy Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 64 of the NPPF states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." This is an unqualified paragraph. Unlike other sections of the Framework, it indicates that permission for development that is of poor design should be refused, without exception.

Visual Amenity

The design of the previous application was found to be unacceptable at appeal for the following reasons:

The proposed extensions to the side, rear and roof would significantly enlarge, and alter the form of, the dwelling, and introduce development closer to the side boundaries of the plot and into the back garden. The resultant building would be considerably larger than those nearby. It would be clearly visible from a number of perspectives, including from the rear windows and back gardens of the adjoining houses and those on Hallwood Close to the east, and from Roundwood Avenue.

From lower down the cul de sac to the west, the length and disjointed form of the side elevation,

and the large amount of brickwork, would mean that it would appear as a dominant and incongruous structure protruding deep into the plot. The two-storey gable on the other side elevation would be behind the rear building line of Nos. 2-6 and represent a large, intrusive feature seen from the properties to the east. Whilst the two-storey element of the side extension would be set back around 3 metres from the existing front elevation, the building would be significantly wider, particularly at first floor level, meaning that it would seem bulky and out of scale with those to either side. Furthermore, the overall size of the dwelling, its proximity to the side boundaries, and the considerable increase in width would result in a serious reduction in the spaciousness of the area around the building.

Whilst the revised design does address some of these concerns, particularly in relation to the impact of the rear extension, the proposed two storey side extension does not address the issues of the 'length and disjointed form' of the side elevation.

Viewed from lower down the cul de sac to the west, the proposed extension would have a similar disjointed double gabled form to the previous proposal, which would be visible protruding deep into the plot. The proposed single storey element would add to this disjointed appearance by introducing an incongruous lean-to roof with a pitch prominently different to that of the main roof. This would materially harm the character and appearance of the area contrary to policy 13 and paragraph 64 of the Framework.

Residential Amenity

The Design Principles SPD states that extensions must adequately protect neighbours enjoying their own home. Extensions must not overshadow to an unacceptable degree or have an overbearing effect on neighbouring properties. Windows in extensions should not directly and inappropriately overlook adjacent property and in general windows in side elevations overlooking a neighbour's property (in close proximity) should be avoided.

The primary issue in relation to residential amenity is the impact of the proposed side extension on the dining room window in the side of No.6. The window is large, southeast facing. It is the only window to the dining room and, although it may have been enlarged in the past, it appears to be an original feature of the building.

The Design Principles SPD guidelines for two storey side extensions state that two storey side extensions that would result in an unacceptable loss of light to a side facing window on an adjacent property, which acts as the sole window to a main habitable room, would not be acceptable.

The SPD states that "references in these Guidelines to main habitable rooms include lounge/living spaces, dining rooms, family rooms, morning rooms, games rooms, studies, kitchens and bedrooms".

The side elevation of the applicant's existing house is 7m from the dining room window with an eaves height of 3m and a pitched roof. Although the two storey element would only project 1.5m from the existing side elevation, it would also introduce a double gable roof projecting from the existing pitched roof by up to 5m. The presence of the two storey gabled roof would significantly impact upon the dining room window facing it at a distance of approximately 5.5m.

The orientation of the extension and window would exacerbate this impact because the bulk of the two storey element would be to the south east of the window and so would significantly reduce the level of direct sunlight it currently receives.

In addition, the side wall of the single storey element of the proposed side extension would be approximately 2.5m from the dining room window. The extension would have an eaves height of

approximately 3m at that point, but would be built on land approximately 0.5m higher than the neighbouring house, increasing the extension's overbearing impact on the window.

The applicant's agent has indicated that the proximity of the proposed single storey element of the side extension would fall within the acceptable parameters of permitted development. This is not the case. Under permitted development rights a single storey extension of up to half the width of the original house could be built. It is unclear whether the cloakroom is original, it does not appear to be a feature of the other properties of this house type on Roundwood Avenue and so it appears unlikely that it is original.

If it is not original, a single storey extension projecting up to 3.6m from the side wall of the house could be erected under permitted development rights. Should the cloakroom be original it would increase this to 4.3m (from the house, even if the cloakroom were original, the width of a larger extension would be taken from the side wall of the main house). The proposed extension would project 5m from the side wall of the house.

Irrespective of this, the combined presence of both the single and two storey elements of the proposed extension would block almost all direct sunlight to the window, changing what is currently a naturally well lit room to a room in almost permanent shadow. This would result in severe harm to the amenity of the residents of that property contrary to policy 13 and guidance set out in the Design Principles SPD.

Highways

The amended extension would increase the number of bedrooms at the property from two to five. The car parking standards set out in the Local Plan specify three car parking spaces for a house of four or more bedrooms. This is a maximum rather than a minimum standard.

With a condition requiring that two parking spaces are formed to the front of the house and the garage is retained for parking purposes, an adequate level of off street car parking would be ensured. Therefore, the development is acceptable in highway terms.

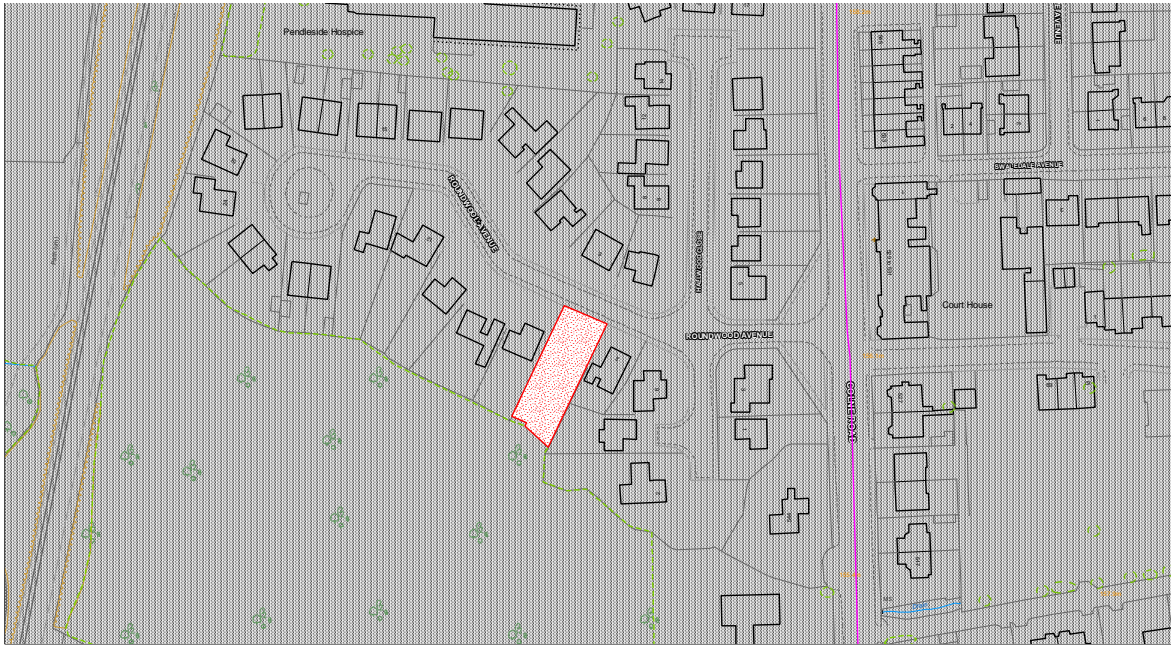
Summary

Due to the proximity of the proposed side extension to a dining room window in the side of No.6, the proposed development would result in severe harm to the amenity of the residents of that property. In addition, due to its length and disjointed form, the proposed side extension would materially harm the character and appearance of the area. The proposed development is therefore contrary to policy 13 of the Replacement Pendle Local Plan, guidance set out in the Design Principles SPD and paragraph 64 of the Framework, it is therefore recommended for refusal.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed side extension would, by virtue of its proximity to a habitable room window in the side of No. 6 Roundwood Avenue, have an adverse impact upon that property in terms of overbearing impact on and loss of light to the window to the detriment of the living conditions of its residents, thereby failing to accord with Policy 13 of the Replacement Pendle Local Plan and guidance set out in the Supplementary Planning Document: Design Principles and National Planning Policy Framework.
2. The proposed side extension is of an incoherent design not in keeping with the character of the existing house or the area, they therefore represent poor design which would harm the visual amenity of the area contrary to Policy 13 of the Replacement Pendle Local Plan, the guidance set out in the Supplementary Planning Document: Design Principles and the



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At: 4 ROUNDWOOD AVENUE REEDLEY BURNLEY BB10 2LH

On behalf of: Mr A Malik

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 22 JUNE 2015

Application Ref: 13/15/0170P

Ref: 18682

Proposal: Full: Erection of dormer windows to front and rear elevations.

At: 165 EVERY STREET NELSON BB9 7JB

On behalf of: Mr M Butt

Date Registered: 15 April 2015

Expiry Date: 10 June 2015

Case Officer: Mubeen Patel

Site Description and Proposal

This matter is brought to Development Management Committee as Members of the Nelson Committee sought to approve the application. The application would be a significant departure from policy. The development is for dormers on the front and rear of a renovated property in the Whitefield Conservation Area. The property is the subject of an Article 4 Direction due to it having been renovated as part of the Whitefield regeneration initiative.

The proposed development is for the construction of dormers to the front and rear roof slopes of 165 Every Street, Nelson. The site is an end terraced property located within a predominantly residential area of Nelson. The houses together with other nearby terraces were over the last few years subject to group repair to heritage standards, and an Article 4 Direction was made in 2008 to remove Permitted Development Rights in order to preserve the uniformity of the restored terraces.

The dormers proposed in this application are identical to the front and rear roofslopes and would measure 4.5m in width, 2.1m in height with pitched roofed designs and would step down from the ridge line by 0.4m and set in from the sides by 0.3m. Materials proposed are grey/ black slate to the cheeks and front of the dormers with white UPVC window frames.

Relevant Planning History

No relevant planning history.

Consultee Response

Conservation Officer - This terrace on Every Street is a prominent and attractive one within the Whitefield Conservation Area. The houses together with other nearby terraces were over the last few years subject to group repair to heritage standards, and an Article 4 Direction was made in 2008 to remove Permitted Development rights in order to preserve the uniformity of the restored terraces. As part of the refurbishments roofs were repaired and chimneys, chimney pots, timber sash windows, front doors, front garden walls and railings reinstated. Such work to this and other terraces has been to conservation standards established by English Heritage and the Heritage Lottery Fund, who together with the Council and other agencies have invested considerable funding in the Conservation Area and still have a strong interest in maintaining the character and appearance of the area through means such as the Article 4 Direction.

Unlike some of the larger houses to Lomeshaye Road, dormers did not historically form part of the design of the terraces on Every Street, and there are no existing dormers on this terrace or on the surrounding terraces. Part of the significance of the conservation area derives from the distinctive and consistent blue slate roofslopes of the terraces which are relatively simple in form but

characterised by the repetitive chimney stacks which contribute so much to the local townscape character.

The large and bulky dormers proposed to both front and rear elevations would be clearly at odds with, and detract from the design and clean lines of the terrace row. The house is particularly prominent being located at the end of a terrace, with both front and rear roofslopes being clearly visible in views both from Every Street and from further away along the side streets. Therefore the proposed dormers would not preserve the character or appearance of the conservation area. The proposal would also be in conflict with guidance in the CA SPD (paras 4.19-4.20). Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by NPPF 134.

Highways - The Highway Development Control Section does not have any objections regarding the proposed extension and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

The Highway Development Control Section is of the opinion that there is sufficient on-road parking available at the side of the building for three cars and as such this should not be an amenity issue for other residents in the area.

Public Response

A site notice was posted on the nearest lamp post and eight neighbours were notified by letter, no observations were received.

Relevant Planning Policy

Code	Policy
LP 13	Quality and Design of New Development
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues to consider in this application are design and impact on the Conservation Areas.

Policy

Policy 10 of the Replacement Pendle local Plan states that the council will seek to conserve areas of identified historic or architectural interest and their setting. In order to achieve this new development will ensure a high design standard that preserved and enhances the character and appearance of the area, retaining building lines, architectural features and roofscape.

Policy 13 'Quality and Design of New Development' identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Development Guidance SPD states that new dormers will not normally be acceptable unless they are appropriate to the age and style of the building and a feature of the surrounding architecture. It also notes that wide flat roofed dormers can detrimentally affect the character and appearance of an area by introducing a bulky shape which is at odds with an existing pitched roof, and can therefore disrupt the vertical emphasis of Victorian or Edwardian facades. The Design Principles SPD also states that the roof is an important element of a buildings design and unsympathetic extensions can have a negative impact.

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas. Planning Policy Statement 5 (PPS 5) contains national guidance on the Historic Environment.

The NPPF (National Planning Policy Framework) states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'. The NPPF also states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Design & Impact on the Conservation Area

The property is located in the Whitefield Conservation Area. The Conservation Area is regarded as being of national importance in terms of its heritage significance. Significant investment has been made in restoring the buildings in the Conservation Area including re-introducing lost features such as chimney stacks.

As part of the refurbishments roofs were repaired and chimneys, chimney pots, timber sash windows, front doors, front garden walls and railings reinstated. Such work to this and other terraces has been to a high conservation standard. English Heritage, the Council and the Heritage Lottery Fund have together with other agencies invested considerable funding in the Conservation Area and still have a strong interest in maintaining the character and appearance of the area through means such as the Article 4 Direction. It is the uniformity and completeness of the townscape that is a major feature of the historic interest in the Conservation Area.

The application site is a traditional stone built terraced property in a prominent corner location. The terrace has a distinctive decorative eaves detail and front gardens sloping down to the road with low stone walls and black painted metal railings and gates.

The unbroken slope of the blue slate roof and stone chimneys are an essential part of the visual harmony of the terrace. The proposed dormer windows would almost extend across the full width of the property and disrupt this harmony to the front and rear. Their bulk, scale and large windows would be totally out of keeping with the terrace and would be seriously detrimental to the character and appearance of the street scene. Furthermore the UPVC window frames would not be in keeping with the existing wood framed sash windows.

The Council's Conservation Officer has raised objections stating that the proposed dormers would be harmful to the significance of the Conservation Area. In this instance, the significance will be harmed through the alteration of the heritage asset where the building is currently occupied and the significance of the harm would be much greater weighted against the individuals benefit of creating further bedroom space.

Unlike some of the larger houses to Lomeshaye Road, dormers did not historically form part of the design of the terraces on Every Street, and there are no existing dormers on this terrace or on the surrounding terraces. Part of the significance of the conservation area derives from the distinctive and consistent blue slate roofslopes of the terraces which are relatively simple in form but characterised by the repetitive chimney stacks which contribute so much to the local townscape character.

The large and bulky dormers proposed to both front and rear elevations would be clearly at odds with, and detract from the design and clean lines of the terrace row. The house is particularly

prominent being located at the end of a terrace, with both front and rear roofslopes being clearly visible in views from both Every Street and from further away along the side streets. Therefore the proposed dormers would not preserve the character or appearance of the Conservation Area.

Amenity

The proposed dormers raise no significant or adverse amenity issues. The site is located within a typical terrace layout, with many properties having facing primary windows. The introduction of this development would not have a detrimental impact on adjacent neighbours in terms of privacy.

Highways

The application does not propose any alterations to the current parking arrangements, LCC Highways have been consulted who have no objections and state the proposal would have negligible impact. On street parking is available around the side of the building for three cars and would not have an impact on residential amenity.

Summary

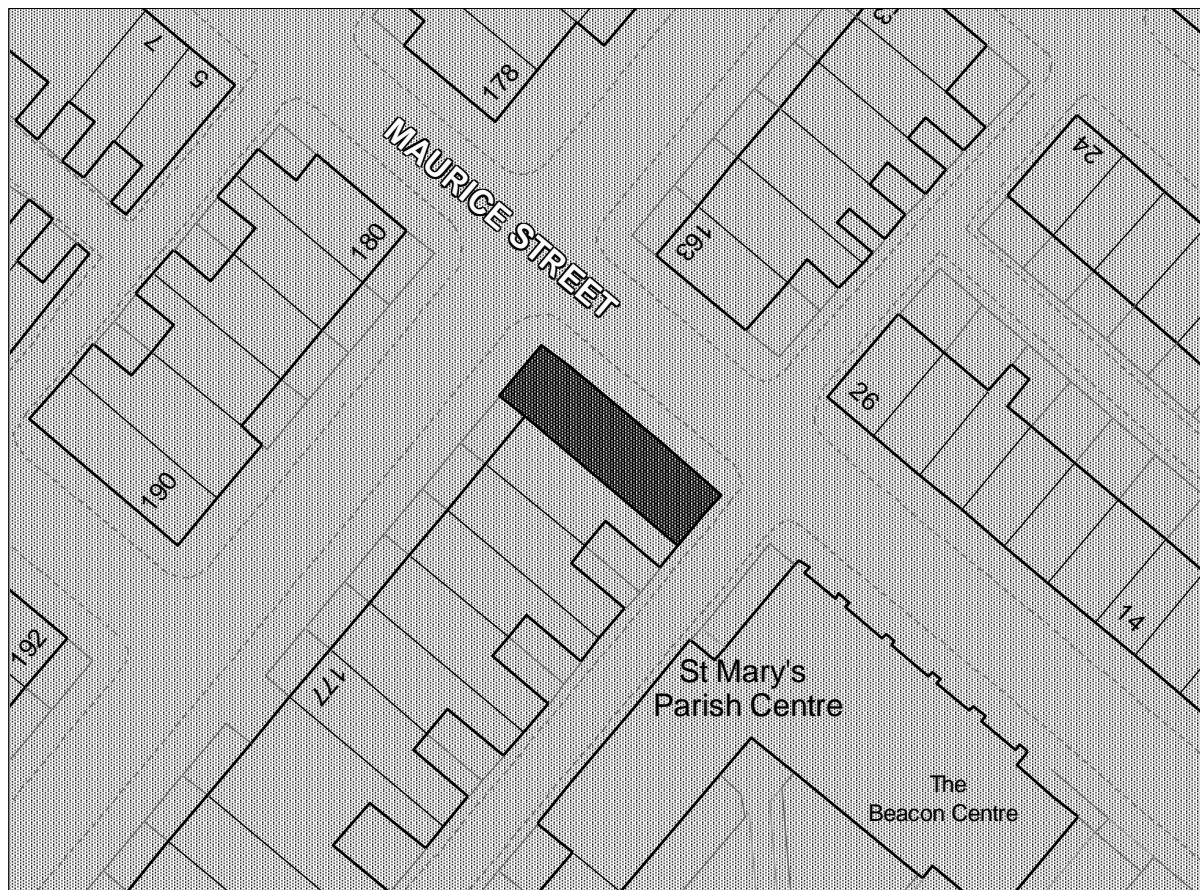
The proposed dormers would appear as incongruous additions to this terraced row within the Conservation Area and thereby fail to accord with Policy 10 of the Replacement Pendle Local Plan and also guidance within the Design Principles and Conservation Area SPD's (paras 4.19-4.20). Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by Policy ENV2 and LIV5 of the Core strategy (Resubmission Report Sep 2014) and NPPF 134.

The Council has a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to ensure that new development within Conservation Areas either preserves or enhances its character and appearance. It cannot be said in this instance that the development will achieve either of these aims. PPS 5 echoes these points and seeks to retain heritage assets that make a positive contribution to the distinctiveness of the historic environment.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed development would, by virtue of their scale, design and materials have an adverse impact on the appearance of the host property and would be detrimental to the character of the Whitefield Conservation Area contrary to Policy 10 and 13 of the Replacement Pendle Local Plan and the advice set out in the Design principles SPD.



Application Ref: 13/15/0170P

Ref: 18682

Proposal: Full: Erection of dormer windows to front and rear elevations.

At: 165 EVERY STREET NELSON BB9 7JB

On behalf of: Mr M Butt

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 10th June 2015