

REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	NELSON COMMITTEE
DATE:	29th February 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE ON 29 FEBRUARY 2016

Application Ref: 13/16/0020P

Ref: 19242

Proposal: Full: Erection of dormer to front roof slope, demolition of existing kitchen and erection of replacement single storey extension to rear.

At: 31 CAMDEN STREET NELSON BB9 0BW

On behalf of: Mr W Anwar

Date Registered: 19 January 2016

Expiry Date: 15 March 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application is brought to committee by the request of a Councillor.

The application site is a two storey end terrace dwelling house located at no. 31 Camden Street, Nelson. The house is constructed in natural stone with a slate roof and is typical of an early 20th Century terrace house and is within the settlement boundary in the residential area of the town.

The proposed development is for the erection of flat roofed dormer windows to the front and rear roof slopes and demolition of the existing kitchen and erection of a replacement single storey extension to rear.

Amended plans received show the dormer window to the front has been reduced in width and would span 3.1m wide x 3.6m deep x 1.9m tall and set up from the eaves by a minimum of 200mm. This dormer will be finished using grey UPVC cladding for the front and sides with UPVC window frames.

The dormer window to the rear would span 3.2m wide x 3.9m deep x 1.9m tall and set up from the eaves by a minimum of 200mm. This dormer will be finished using natural slate to the front and sides with UPVC window frames.

The single storey extension will project 4.3m up to the rear boundary of the site and have a width of 2.9m. The height will be 3.2m to eaves level and 3.9m to the ridge of the dual pitched roof. The extension will provide for a new kitchen area. The materials proposed are stone to the side elevation facing Bradshaw Street with render finishing to the rear and north western side elevations with grey concrete tiles for the roof.

Relevant Planning History

A similar application for dormers to the front and rear of this dwelling was refused in December 2015. The dormers were considered to lead to a considerable reduction in the design quality of the street and be detrimental to the character and

appearance of the area. Furthermore, the development was also viewed to set a precedent for similar unacceptable developments to come forward in the locality, the application details are given below.

13/15/0530P - Erection of dormer windows to front & rear roof slopes; demolition of existing kitchen & erection of single storey extension to rear - Refused - 11/12/2015.

Consultee Response

Highways - The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds.

Public Response

Nine neighbours were notified by letter, no comments have been received.

Relevant Planning Policy

Code	Policy
ENV 2	Achieving Quality in Design and Conservation
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues to consider within this application are compliance with Policy, design and impact on residential amenity.

Policy

Policy ENV2 of the adopted Pendle Local Plan Core Strategy: Part 1 advises that 'All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving out heritage assets'.

The 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. 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.

Design

Rear Dormer

The proposed dormer to rear would be set up from the eaves by 0.2m and would not rise any higher than the ridge of the original roof. The materials proposed for the exterior would be similar to the materials used on the existing dwelling. Therefore given the details submitted the dormer to the rear would be classed as Permitted Development within Part 1 Class B of the Town and Country Planning General

Permitted Development Order 2015 and will not be discussed in the main body of the report.

Front Dormer

As existing this terrace block is mainly characterised by the unbroken slope of the slate roofs and stone chimneys which are an essential part of the visual harmony of the terrace. The only dormer windows on this terrace to the front and rear roof slopes are at number 11 Camden Street which were approved by a Committee decision (13/14/0146P).

It is noted that there are no further dormers to the front of surrounding terraces. Part of the character of this area derives from the distinctive and consistent clean roof slopes 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 proposed dormer window, extending across almost all of the width of the property, would disrupt this harmony. The bulk, scale and horizontal 2.2m wide window would be totally out of keeping with the terrace and would be seriously detrimental to the character and appearance of the street scene and wider area. This would be contrary to ENV2 of the Local Plan. It would also conflict with design advice adopted by the Council which advises that dormers on the front roof slope will normally not be acceptable unless they are a feature of other houses in the locality and the design is appropriate.

This assessment is supported by an appeal decision at 129 Bankhouse Road, Nelson (13/12/0036P) in which the Planning Inspectorate dismissed the appeal made against the refusal of planning permission for a similar front dormer window. In that decision, the Inspector commented in reference to the dormer that it would be "totally out of keeping with the terrace and would be seriously detrimental to the character and appearance of the street scene".

Single storey extension to rear

The proposed extension to rear would cover a larger footprint than the existing extension which is to be demolished. The proposed extension would run the full length of the boundary facing Bradshaw Street. There are similar single storey extensions to the rear of the neighbouring properties along this terrace. The proposed extension would be positioned to the rear of the property where an extension has already existed.

The extension to rear would have a pitched roofed design which would match the roof design of the original dwelling. The proposed stone and render finishing of the extension is considered acceptable where the stone would face Bradshaw Street matching the side elevation of the original dwelling. The concrete tiles proposed for the roof would be acceptable to an extension to the rear of the property. Therefore, given the details the single storey extension to rear is acceptable in terms of its design and visual amenity.

Amenity

Dormer Windows

The dormer positioned on the front roof slope would not overlook any neighbouring properties significantly more than existing. There will be no impact in relation to overshadowing.

Single storey extension to rear

The proposed extension would not be much higher than the existing extension to the rear. A window and door have been proposed in the north western side elevation facing the neighbouring property number 29, this property has a similar single storey extension to the rear where the outlook from the proposed window would be on to the rear yard area and blank elevation of this neighbouring extension. Therefore, the proposed single storey extension would not significantly impact on the level of overlooking or overshadowing significantly more than existing and is acceptable in terms of residential amenity.

Highways

The application does not propose any alterations to the current parking arrangements, parking will remain to be provided on street. LCC Highways have been consulted who have no objections and state the proposal would have negligible impact. Therefore, given the details the proposal would not have a significant detrimental impact on Highways safety.

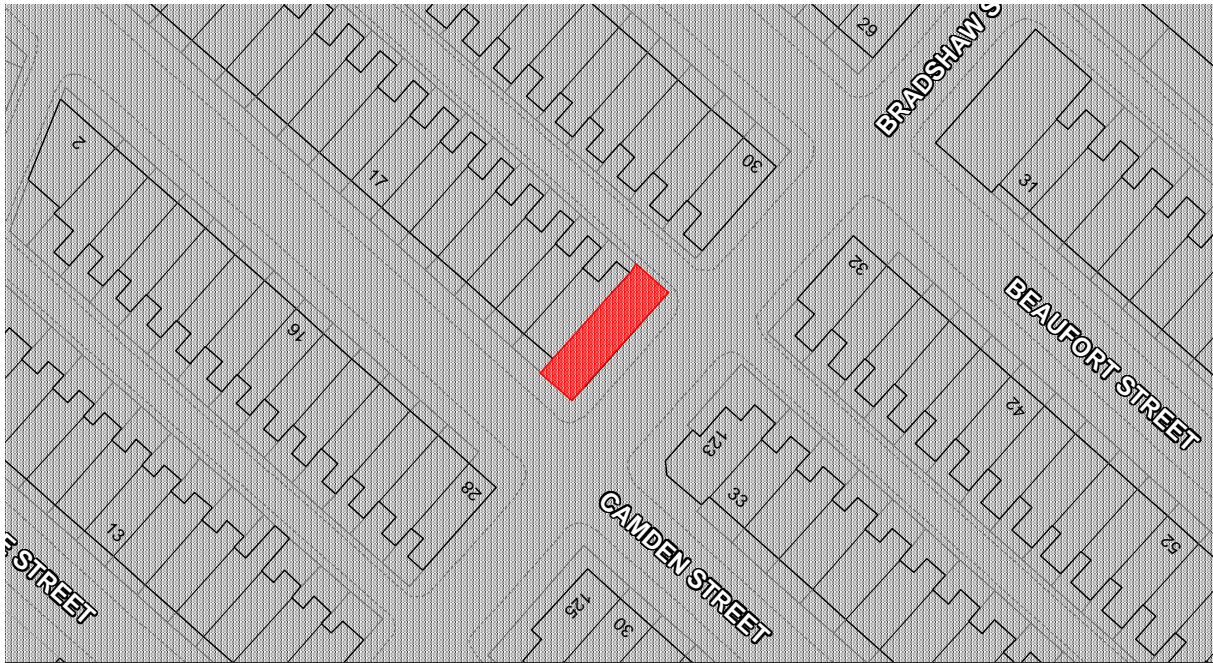
Summary

The proposed dormer window to the front would be introduced to an area that is characterised by clean and undeveloped roof slopes and would lead to a considerable reduction in the design quality of the area and be detrimental to the character and appearance of the area contrary to Policy ENV2 of the adopted Pendle Local Plan Core Strategy and SPD: Design Principles. The development would also set a precedent for similar unacceptable developments to come forward in the locality.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed dormer window to the front would be introduced to a street that is mainly characterised by clean and undeveloped roof slopes and would lead to a considerable reduction in the design quality of the street and be detrimental to the character and appearance of the area, therefore contrary to Policy ENV2 of the Pendle Local Plan Core Strategy: Part 1 and SPD: Design Principles. The development would also set a precedent for similar unacceptable developments to come forward in the locality.



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At: 31 CAMDEN STREET NELSON BB9 0BW

On behalf of: Mr W Anwar

Note:

REPORT TO NELSON COMMITTEE ON 29 FEBRUARY 2016

Application Ref: 13/15/0573P

Ref: 19162

Proposal: Full: Erection of a first floor extension to the rear and insertion of a window in the first floor side elevation.

At: 194 BARKERHOUSE ROAD NELSON BB9 9NR

On behalf of: Mr M Hussain

Date Registered: 2 December 2015

Expiry Date: 27 January 2016

Case Officer: Kathryn Hughes

This report has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The site is an end terrace dwellinghouse located within a residential area located in the settlement boundary of Nelson.

The proposal is to erect a first floor extension to the rear and insert a window in the first floor side elevation.

The extension would be erected above the existing flat roof kitchen extension and would measure 2.3m x 2.45m with an overall height of 5.3m to ridge (4.5m to eaves) constructed in breeze blocks and stone bricks and slate pitched roof to match the existing house.

Relevant Planning History

None.

Consultee Response

LCC Highways

Environment Officer - No objection.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Relevant Planning Policy

Code	Policy
ENV 2	Achieving Quality in Design and Conservation
SDP 1	Presumption in Favour of Sustainable Development
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues with this proposal are compliance with policy, impact on amenity, design and materials and highway issues

Compliance with Policy

Policy ENV2 of the Local Plan Part 1: Core Strategy 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 in relation to domestic extensions are expanded upon by the Design Principles SPD. The proposed development's compliance with policies ENV2 and the Design Principles SPD is addressed in the design and amenity sections.

The following saved Replacement Pendle Local Plan policy is relevant to this application:

Policy 31 'Parking' requires development to adhere to the maximum car parking standards. This is addressed in the highways section.

Impact on Amenity

The properties on this part of Barkerhouse Road are stone built terraced properties.

The nearest properties potentially affected by this proposal are 196 Barkerhouse Road, 188 Barkerhouse Road and 1 Stafford Street.

The Design Principles SPD requires two storey rear extensions to be set off the boundary by a minimum of 1m and not to have an overbearing or adverse impact on the neighbouring property.

The first floor extension would be erected above the existing flat roofed kitchen and would measure 2.3m x 2.45m x 5.3m (4.5m to eaves) and would be set on the side boundary with No. 196 due to the position of the existing kitchen.

The proposed first floor extension would clearly impact on ground floor living accommodation of no. 196 which lies to the east. No. 196 has an existing two storey outrigger itself which already impacts on their own ground floor window. However, this proposed extension would exacerbate this and create a tunneling effect with two storey extensions to both the east and west and the gable of a two storey property to the south very little natural light would be able to enter No. 196 through the ground

floor window of this habitable room. This would result in an unacceptable impact on the living conditions of that property contrary to policy ENV2.

The Design Principles SPD clearly states that two storey extensions will only be acceptable if they do not breach the 45 degree rule. This is not the case here.

No. 188 is a bungalow property which is currently being extended sited across the highway to the west and would not be unduly affected by this proposal.

No. 1 Stafford Street is an end terrace property located to the south which would not be unduly affected by this proposal.

The proposed first floor extension would clearly result in an unacceptable level of impact on the residential amenity of No. 196 contrary to policy ENV2 and the guidance set out in the Design Principles SPD.

The proposed first floor window to the side gable would serve a bedroom and would not unduly impact on amenity and therefore is acceptable.

Design and materials

The two storey rear extension would be visible Stafford Street and Back Barkerhouse Road but would not be unduly prominent in public vantage points. The design be not be out of keeping with the streetscene in terms of design and character and would be similar to other two storey outriggers on this block.

The extension would constructed in breeze blocks and stone bricks and slate pitched roof to match the existing house.

The materials could be controlled by an appropriate condition the overall design of the proposed extension would be appropriate in this location

Whilst the proposed materials and design would be acceptable and therefore accords with policy ENV2 this would not mitigate the unacceptable impact of the development on the living conditions of no. 196.

Highways Issues

There is no existing off-street parking for this development and the proposed extension would create an additional bedroom

There is no provision to create any off street parking. This is acceptable and accords with policy 31.

Summary

The materials are acceptable in this location and whilst no off-street parking can be achieved the siting and size of the proposed first floor extension would result in an unacceptable impact on the living conditions of no. 196 to the detriment of amenity

and the proposal therefore fails to accord with policy ENV2 and the Design Principles SPD.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposal would by virtue of its rearward extension and height have a materially adverse impact upon No. 196 the neighbouring property to the east in terms of overshadowing and loss of light and result in a dominating impact to the detriment of residential amenity thereby failing to accord with Policy ENV2 of the Pendle Local Plan Part 1 and the Design Principles Supplementary Planning Document.



Application Ref: 13/15/0573P

Ref: 19162

Proposal: Full: Erection of a first floor extension to the rear and insertion of a window in the first floor side elevation.

At: 194 BARKERHOUSE ROAD NELSON BB9 9NR

On behalf of: Mr M Hussain

REPORT TO NELSON COMMITTEE ON 29 FEBRUARY 2016

Application Ref: 13/16/0010P

Ref: 19230

Proposal: Full: Change of use of ground floor at No.42 from dwelling to retail to expand adjoining retail unit, erection of single storey front extension to form shop front and external staircase to rear.

At: 40-42 GLENFIELD ROAD NELSON BB9 8PA

On behalf of: Mr S Mahmood

Date Registered: 11 January 2016

Expiry Date: 7 March 2016

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a terraced house and shop unit located within a residential area of Nelson surrounded by similar dwellings with a bus stop to the front.

The proposed development is the change of use of the dwelling to retail with a one bedroom flat above. It is proposed for the existing shop to be expanded into the ground floor of the dwelling. The proposed development would also involve the erection of a front extension to form a shopfront and an external steel staircase to the rear.

Relevant Planning History

13/06/0044P - External roller shutters to front. Approved, 15/02/2006.

Consultee Response

LCC Highways - No objection.

PBC Environmental Health - No comments.

Nelson Town Council - No objection.

Public Response

11 neighbours notified - No response.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability.

Policy SDP5 (Retail Distribution) states that smaller-scale retail provision should be located within a town or local shopping centre.

Policy WRK4 (Retailing in Town Centres) states that retail uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

It also states that the provision of small-scale retail uses that enable people to meet their daily needs for convenience shopping, within walking distance of their homes and places of work, will be encouraged, particularly where they relate to the re-opening of village or corner shops.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan requires that retail proposals be located in the following order of priority:

2. within a defined town centres, local shopping centre or local frontage;
3. on an edge of centre allocated site;
4. edge of a defined town centre; and
5. Elsewhere outside of a defined town centre or local shopping centre with preference given to sites which are and will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

In areas 3 and 4 a Statement is required proving that the proposal requires extensive floor space which cannot be accommodated within the preferred town centre.

Policy 25 also allows the modest expansion of existing retail uses outside of town centres, this expansion should not exceed 50% of the existing floorspace.

National Planning Policy Framework

The Framework states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Principle of the development

The application site is located 780m outside of Nelson Town Centre. Edge of centre locations are defined as sites up to 300m walking distance of the boundary of a town centre (Policy 25: paragraph 25.9). It is therefore in the lowest ranked order of the sequential priority.

Whilst the policy WRK4 encourages the provision new convenience retail in areas that are lacking such provision, this area has existing retail units, including the existing shop, to serve this need.

The proposed change of use would increase the floorspace of the retail premises by 100%. This would be double the maximum allowance for expansion in Policy 25 and would not be a modest expansion.

The intention of both local and national policy is to concentrate retail and service development in town centres in order to reduce vacancy rates and protect / improve the viability and vitality of town centres. Taking into account the vacancy rates within Nelson town centre there are likely to be many sequentially preferable locations available.

To allow such a large increase in floorspace outside of the town centre would harm the vitality and viability of Nelson town centre. The proposed change of use is therefore contrary to policies SDP5, WRK4 of the LPP1, policy 25 of RPLP and the Framework.

Visual Amenity

The proposed external alterations and staircase would be acceptable in terms of design and visual amenity in accordance with policy ENV2.

Residential Amenity

The proposed use and staircase would not be likely result in any adverse residential amenity impact.

Highways

There is no off street parking within the application site, however, the proposed use would not have significantly greater parking requirements than the existing use and is located close to public transport. The proposed use is therefore acceptable in terms of highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1. The application site lies outside of the nearest defined town centre of Nelson and the proposed change of use would not constitute modest expansion for the purposes of policy 25 the Replacement Pendle Local Plan. Retail provision should be located within a defined town centre and then a sequential site selection process followed as required by policy WRK4 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and the National Planning Policy Framework. This proposal has failed to assess the retail impact on Nelson Town Centre or provide a sequential approach, it would be harmful to the vitality and viability of Nelson Town Centre and fails to accord with policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy and policy 25 of the Replacement Pendle Local Plan.



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