



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 4th October 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO BRIERFIELD & REEDLEY COMMITTEE ON 04 OCTOBER 2016

Application Ref: 16/0447/HHO
Proposal: Full: Demolition of conservatory to rear and erection of a single storey extension to side/rear with flat roofed dormers.
At: 15 Pennine Way, Brierfield, Nelson, BB9 5DT
On behalf of: Mrs S Akbar
Date Registered: 11 July 2016
Expiry Date: 05 September 2016
Case Officer: Mubeen Patel

Site Description and Proposal

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

The application site relates to a single storey linked-detached property with rooms in the roof space located within the settlement of Brierfield. The site is surrounded by other detached and semi-detached houses of similar style and design. Parking is provided on the hardstanding to the front which leads to the attached garage whilst private amenity space is provided to the rear. The house is constructed from concrete facing split brick for the walls with a concrete tile roof and upvc fenestration.

The proposed development is for the demolition of the conservatory to the rear and erection of a single storey extension to the side/ rear with a flat roofed dormer across the rear roof slope of the proposed extension. A dormer has also been proposed across the roof slope of the original property.

The proposed single storey extension would project out to the rear by 4m and extend out to the side of the property by 2m. The height of the extension would be 3.8m to eaves level and 6.2m in height to the ridge of the roof. The dormer proposed on the existing south western roof slope would measure 5.8 in length and 1.7m in height. The proposed extensions would provide a kitchen to the rear, larger space for the lounge area, a bedroom and a bathroom.

The materials proposed for the walls and the roof would match those used on the existing dwelling with white upvc used for the front and sides of the dormers.

Relevant Planning History

The site has no relevant planning history.

Consultee Response

Highways - The Highway Development Control Section does not have any objections regarding the proposed works, as described above, at 15 Pennine Way, Brierfield. We are 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.

Public Response

Six neighbours were notified by letter, an objection has been received which makes the following concerns;

- The side extension will virtually block all natural light into my property
- The side dormer would remove privacy
- The level of noise, dirt and disruption over the building period would have an impact on the quality of life.

Relevant Planning Policy

Code	Policy
ENV2	Achieving Quality in Design and Conservation
LP 31	Parking
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 character and appearance of the area and the living conditions of the occupants of 17 Pennine Way, having particular regard to the outlook from, and light to a ground floor side window in this neighbouring property.

Policy

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

The Councils Design Principles SPD expands on the requirements of Policy ENV2; this is discussed further in the ‘Residential Amenity’ section below.

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 properties on Pennine Way have similarities in terms of building style and materials and have an overall coherent and pleasant character. The proposed extension to the side/ rear would be positioned towards the back of the property and would not be readily seen from public vantage points. The height of the eaves and ridge of the extension would be in line with the original dwelling. The extension to the side/ rear would maintain the overall scale of the property and would not look out of place in the street scene; adequate room around the dwelling would be retained to avoid the property appearing cramped on its plot.

The dormer positioned across the rear of the property although large in size would not be seen from the road. The surrounding area has flat roofed dormers to many of the properties; therefore the proposed dormer to the side roof slope would not appear to be out of character in the area and its scale and size would be in keeping with the original dwelling.

The materials proposed would match those used on the original dwelling and would be acceptable in this location.

Therefore, the proposed extensions would not materially harm the character and appearance of the area and would meet the objectives of the NPPF, Policy ENV2 of the Core Strategy Local Plan

and associated guidance in the SPD which collectively seek to ensure a high standard of design which positively add to the character of the area.

Residential Amenity

Overshadowing

The proposed projection of the single storey extension towards the rear of the property by 4m would not significantly overshadow the windows in the rear elevations of the neighbouring properties given the distances between these properties.

No. 17 Pennine View is set on ground level which is lower than the application property, and has a ground floor window and door in the side elevation approximately 4m from the boundary. This window serves the only light source to the kitchen area and provides a good source of outlook and light. Therefore this window clearly serves an important purpose and contributes positively to the living conditions in a habitable part of the neighbouring dwelling.

The proximity of the side window to the boundary with No.15 means that it would be affected by the erection of a single-storey side extension with a gable design where the detrimental effect of the proposal would be substantially greater than existing as it would introduce a large amount of brickwork closer to the window and on a higher ground level. As existing the property is set further away from the boundary and has a pitched roofed design which tapers away from the kitchen window and has less of an impact on the amenity of the occupiers.

Therefore, the proposed extension to the side/rear would have an extremely overbearing effect on the kitchen area of the neighbouring property and lead to a considerable loss of natural daylight inside the house; this would be further exacerbated by the wide flat roofed dormer to the side of the original dwelling facing this window.

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.

Therefore, the proposal would materially harm the living conditions of the residents of 15 Pennine Way, contrary to the objectives of the NPPF, Policy ENV2 of the Core Strategy Local Plan, and guidance contained within the SPD which collectively seek to ensure a good standard of amenity for the occupants of buildings, and that house extensions do not overshadow to an unacceptable degree, or have an overbearing effect on, neighbouring properties.

Overlooking

The windows proposed in the rear elevation would have an outlook onto rear garden area and would not overlook neighbouring properties significantly more than existing.

The proposed windows in the side elevation facing the neighbouring property number 13 would serve a utility and study room, given there is a 1.8m high solid fence and a 2.2m high hedge between these properties there will be no significant harmful overlooking onto this neighbouring property.

A 1.8 metre high solid fence is also positioned between the application property and number 17; the floor plans submitted show two windows serving the lounge would be positioned facing the side of number 17, however given the height of the solid boundary treatment there would be no significant overlooking from the proposed ground floor windows.

The proposed dormer on the side roof slope would have two windows. The smaller window would serve the bathroom and the larger window towards the front would serve a bedroom. Given the

size, height and positioning of the window which serves a habitable room it would create direct overlooking into the side kitchen window of number 17 having an adverse impact on the living conditions of the occupiers of this neighbouring residential property with reference to privacy. The proposal should therefore be refused in relation to significant harmful overlooking.

Highways

Adequate parking will remain to be provided to the front of the property. LCC Highways have raised no objections.

Other issues

The objection letter received States – ‘The level of noise, dirt and disruption over the building period would have an impact on the quality of life’, this is not material in the consideration of this application.

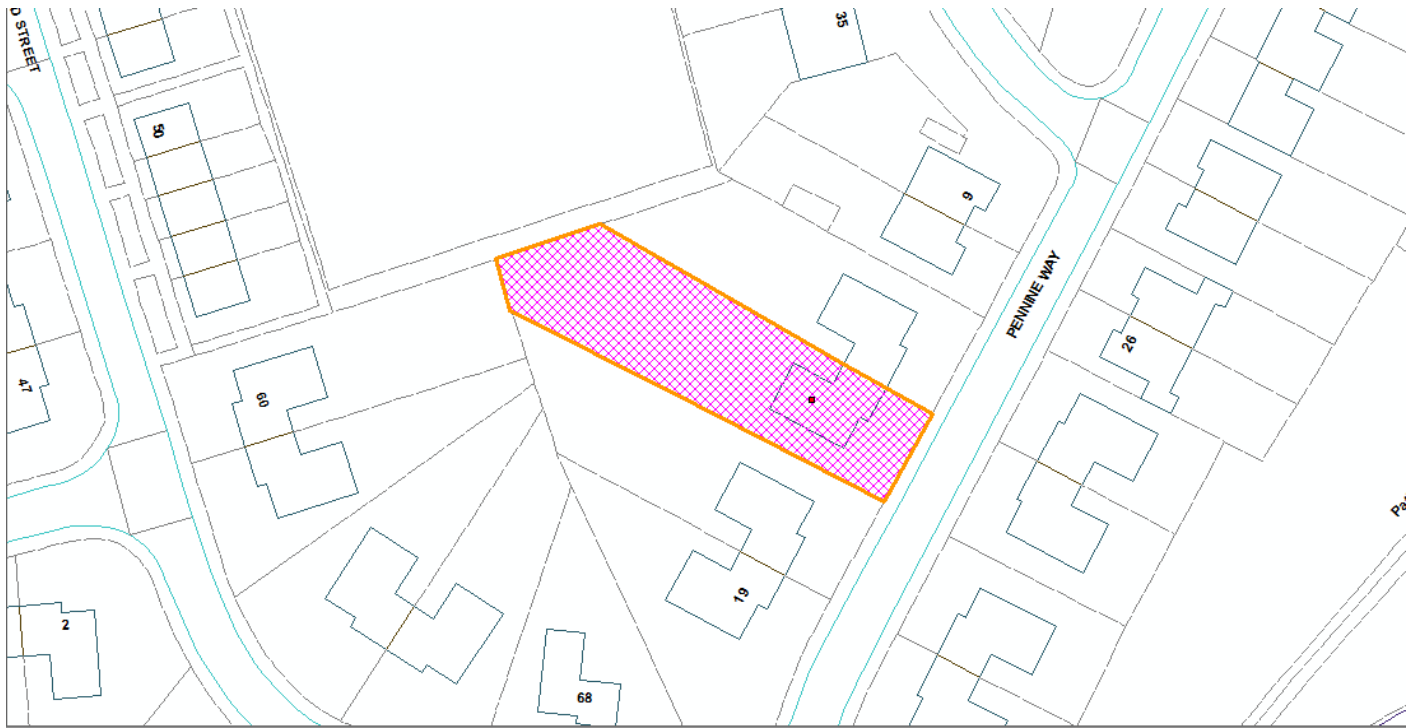
Summary

Due to the proximity of the proposed side extension to a kitchen room window in the side of No.17, the proposed development would result in severe harm to the amenity of the residents of that property in terms of overlooking, overshadowing and having an overbearing impact contrary to the aims and objectives of the NPPF, Policy ENV2 of the Core Strategy Local Plan, and guidance contained within the SPD.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed extension with dormer to side would, by virtue of its proximity to a habitable room window in the side of No. 17 Pennine Way, have an adverse impact upon that property in terms of direct overlooking and having an 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 ENV2 of the Core Strategy Local Plan: Part 1, and guidance set out in the Supplementary Planning Document: Design Principles and National Planning Policy Framework.



Application Ref: 16/0447/HHO

Proposal: Full: Demolition of conservatory to rear and erection of a single storey extension to side/rear with flat roofed dormers.

At: 15 Pennine Way, Brierfield, Nelson, BB9 5DT

On behalf of: Mrs S Akbar

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE 4th OCTOBER, 2016

Application Ref: 16/0450/FUL

Proposal: Full: Change of use from post office (A1) to Hot Food Takeaway (A5), formation of a self-contained flat at 1st floor and installation of a ventilation duct

At: 8 Colne Road, Brierfield

On behalf of: Mr Bilal

Date Registered: 08 July 2016

Expiry Date: 02 September 2016

Case Officer: Kathryn Hughes

This application has been brought before Committee at the request of a Member.

Site Description and Proposal

The application site is a terraced property located within Brierfield Town Centre.

The proposal is to change the use of the property from a post office to a hot food takeaway with flat above.

An external works ventilation duct is proposed to be installed to the rear.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways – Object as the hot food takeaway would have a detrimental impact on highway safety.

There are waiting restrictions on Colne Road immediately outside and adjacent to the property and on the opposite side of Colne Road. Whilst there is unrestricted parking on neighbouring side streets (Hudson Street and Bridge Street) customers may not want to use this in bad weather and winter months. This could then result in inconsiderate/unsafe parking behaviour on Colne Road itself.

Architectural Liaison Unit – recommend security measures are implemented.

PBC Environmental Health – requires conditions relating to odour extraction and sound installation.

Brierfield Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter.

One response received objecting to the proposal as there are already ten takeaways in Brierfield which changes the character of the town centre which once has a diverse number of retail outlets and which together with those in Queensgate/Duke Bar and Nelson is unreasonable development. The amount of litter these outlets produces is reason enough to limit further development such as this.

Officer Comments

The main issues to consider in this application are principle of use, impact on amenity, and parking issues.

Policy

The following Local Plan Core Strategy: Part 1 policies are relevant in terms of this proposal:

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

The saved policies of the Replacement Pendle Local Plan are relevant:

Replacement Pendle Local Plan policy 26 restrict non retail uses within a primary or secondary shopping frontage to no more than 25% and 50% respectively.

Replacement Pendle Local Plan policy 31 sets out the maximum amount of parking for each use class.

Principle of Development

The site is within a Primary Shopping Frontage within Brierfield Town Centre and as such this frontage should not exceed 25% of non-shopping uses in the defined frontage. The defined frontage extends from 6 – 42 Colne Road and measures 92m overall.

At the present time the frontage contains 77m of A1 uses. The proposed changes of this 5m A1 frontage would result in 72m of A1 uses. 75% of the existing frontage would be 69m and therefore this is acceptable.

Impact on Residential Amenity

There would be no undue impact on amenity. This area is mixed commercial and residential area and the proposed change of use from retail to hot food takeaway is acceptable here. The creation of a first floor flat and external flue is acceptable subject to appropriate conditions for sound installation and odour extraction for the flue.

Parking Issues

The site does not have any existing parking and the proposal would result in two four bedroomed units. No parking is proposed or can be achieved within the site.

The site is within the town centre and there are town centre car parks located on the adjacent streets which can be used short term during the day and overnight. There are parking restrictions on Carr Road and LCC Highways have raised concerns regarding appropriate parking if this

development was approved. However, this use is likely to result in less day time activity than the existing use.

Summary

The proposed residential use is acceptable in this location and although there is no off-street parking provision the existing situation is that this property is currently in a commercial use without parking. There is limited on-street parking during the day and there are town centre car parks located close to the site.

This proposal will bring a vacant unit back into use and accords with the Local Plan policies subject to appropriate conditions.

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 proposed development is acceptable in terms of use, amenity and highway safety, therefore complying with policies of the Pendle Local Plan Core Strategy and relevant saved Pendle Replacement Pendle Local Plan policies. 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:

20/14/3, 2016/14/1 & 2016/14/2.

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

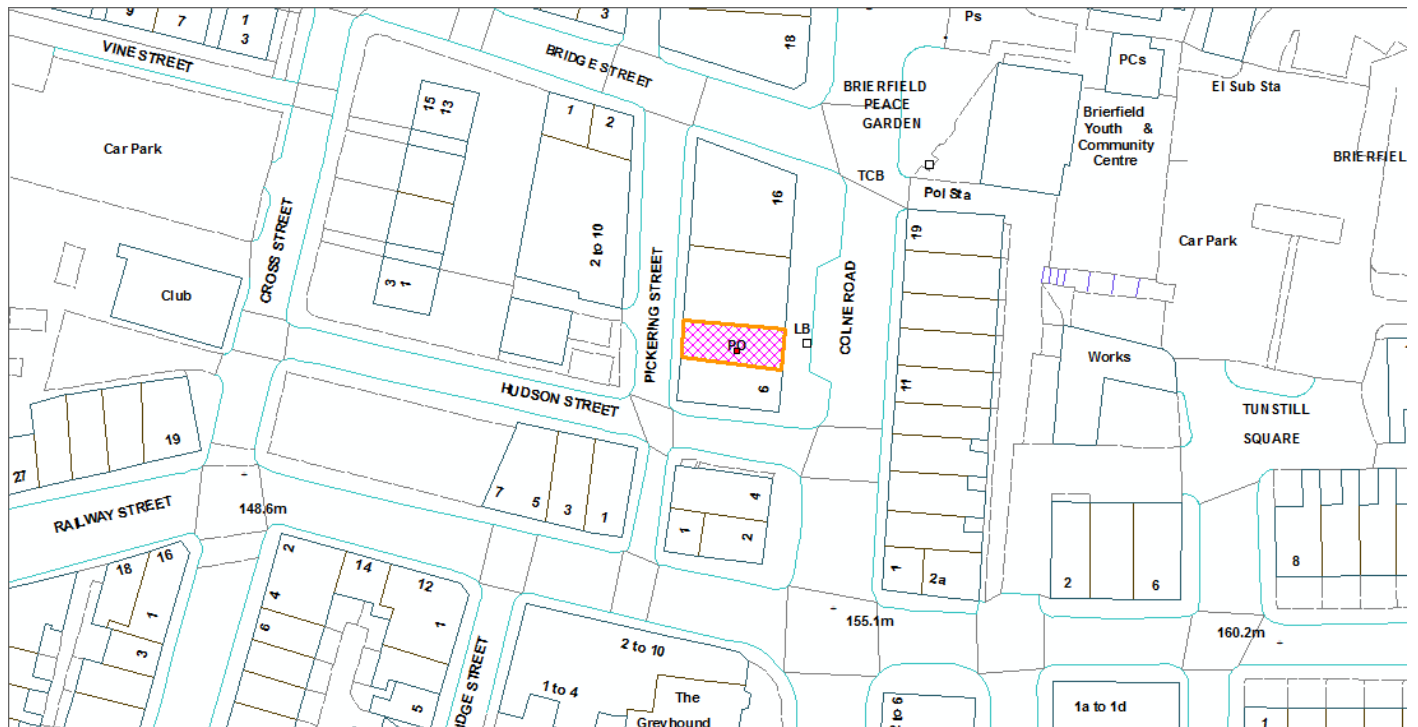
3. Within two weeks of the commencement of development a scheme for the fumes, vapours and odours (including grease and carbon filters) to be extracted and discharged from the premises shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the approved scheme prior to opening for business and shall thereafter be maintained in efficient working order.

Reason: In order to ensure that odours outside the premises are minimised in the interests of residential amenity.

4. Within two weeks of the commencement of development a scheme for the sound installation of odour control equipment shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the approved

scheme prior to opening for business and shall thereafter be maintained in efficient working order.

Reason: In the interests of residential amenity.



Application Ref: 16/0450/FUL

Proposal: Full: Change of use from post office (A1) to Hot Food Takeaway (A5), formation of a self-contained flat at 1st floor and installation of a ventilation duct

At: 8 Colne Road, Brierfield

On behalf of: Mr Bilal

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 21st September 2016