

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 8th November 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO BRIERFIELD & REEDLEY COMMITTEE ON 8 NOVEMBER 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: Lee Greenwood

Site Description and Proposal

The application was deferred at the previous meeting to allow for the submission of amended plans.

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 had also been proposed across the roof slope of the original property, however this aspect of the scheme has been revised following the submission of amended plans.

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.

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 Framework 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.

Design

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.

In order to address concerns relating to the proposed side dormer and its impact on the amenities of neighbours, the scheme has been revised and the front elevation of the property reconfigured. At present the dwelling, like others immediately adjacent, is gable fronted, although there is some variety in the wider street scene. It is now sought to increase the width of the frontage and re-orientate the roof so that a dormer facing out towards the highway can be accommodated. The resulting design is not one which sits comfortably within the street scene, appearing at odds with the simple vernacular of the immediate neighbours. Its appearance would be poor and unacceptable in this context.

Therefore, whilst the proposed rear extensions would not materially harm the character and appearance of the area, the front extension as revised would appear incongruous in the street scene, contrary to Policy ENV2 and paragraph 64 of the Framework.

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. Despite these concerns, no revisions have been made to this aspect of the scheme and the revisions create an additional area in extending the width of the lounge, which generates greater massing towards the shared boundary with the neighbours, which exacerbates the above problem.

Therefore, the proposal would still 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 dormer to the side elevation has been removed as part of the revisions which removes any direct privacy loss from upper floor windows. However as detailed in the section above, the amended design generates alternative issues in creating increased massing adjacent to the shared boundary, to the detriment of residential amenity.

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.

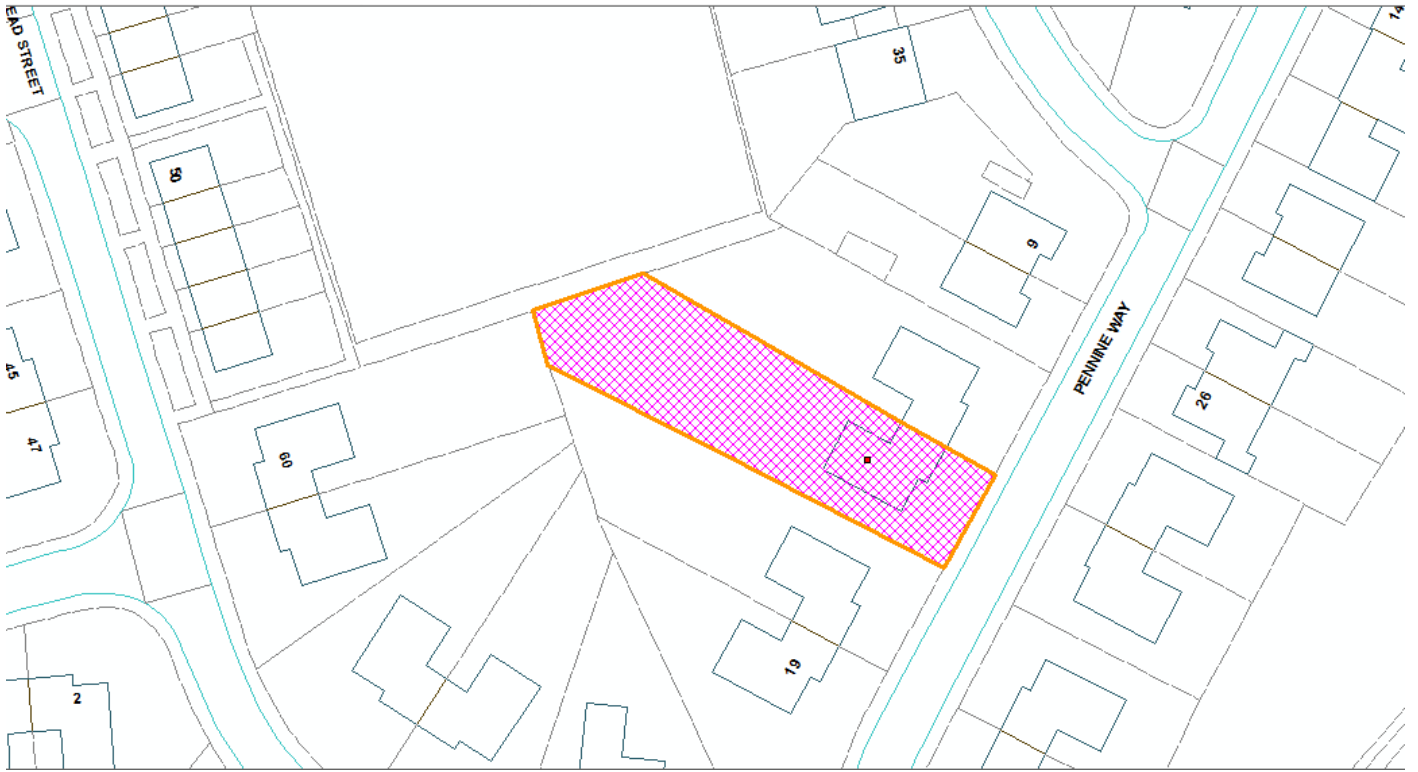
Summary

Despite the proposed amendments which address issues of overlooking, the scheme as proposed would represent both poor design and be of a scale, height and massing which would have an adverse impact on the amenities of the adjacent property. The application is therefore contrary to both National and Local Policies.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed development would have an overbearing impact on and loss of light to the window within the side elevation of 17 Pennine Way to the detriment of the living conditions of its residents. The proposed alterations to the front elevation would also represent poor design and appear incongruous within the street scene. The application thereby fails to accord with Policy ENV2 of the Core Strategy Local Plan: Part 1, guidance set out in the Supplementary Planning Document: Design Principles and paragraph 64 of the 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 ON 8 NOVEMBER 2016

Application Ref: 16/0552/FUL
Proposal: Full: Change of use to car sales
At: Yard behind 13 Burnley Road, Brierfield
On behalf of: Mr Iqbal
Date Registered: 15 August 2016
Expiry Date: 10 October 2016
Case Officer: Lee Greenwood

This application is brought before Committee at the request of Councillors.

Site Description and Proposal

The application seeks to change a currently unused plot of land to a car sales pitch off Burnley Road, Brierfield. A 6 car plot is proposed, along with 2 customer parking spaces, a single staff space and an existing shed to be used for valeting vehicles.

The site is behind 13 Burnley Road but set significantly lower than the adjacent highway. Vehicular access will be via an existing gate from the back street, pedestrian access will be via a new external staircase from the frontage on Burnley Road.

The site is within the settlement boundary and of no special designation in the Replacement Pendle Local Plan. It is surrounded by a mixture of existing commercial and residential buildings.

The site was subject to a successful appeal in 2012 for the erection of 4 dwellings, however no work in relation to this approval has been undertaken. There are however some relevant factors assessed at that time which are pertinent to this current submission, which will be discussed below.

Relevant Planning History

13/11/0570P - Erection of 4 No three bedroom terraced dwelling houses and off street parking at the rear – **Appeal Allowed**

Consultee Response

LCC Highways; no objections in principle subject to the removal of the two sales pitches to the front of the site, which would cause highway safety issues.

Brierfield TC; no comments received at time of writing.

Public Response

Seventeen neighbours notified; two responses received (one covering residents from 3 properties), commenting on;

- Impact on amenity
- Increased traffic

- Site adjacent to dwellings
- Noise and disturbance
- Narrow back street access
- Could cause disruption on Burnley Road
- Possibility of vehicles parking on adjacent streets
- Insufficient customer parking
- Number of cars too great

The applicant has subsequently presented the Council with letters signed from 3 of the 4 parties, advising that they wished to withdraw their comments and no longer objected. These person(s) have been contacted separately by the Council to clarify their stance. Any responses will be reported by way of an update.

Officer Comments

Policy

Policy ENV2 of the Local Plan Part 1 seeks to encourage high standards of design in new development.

Policy ENV4 states that new development should have regard to potential impacts on the highways network.

Policy ENV5 seeks to minimise air, noise, light or odour pollution from new development.

Saved Policy 31 of the Replacement Pendle Local Plan relates to parking provision for new development.

Use and Amenity

The site is a vacant plot of land, accessed from the back street via either Albion or Guilford Street. There is no documented planning history for the site, other than the relatively recent submission in 2011 for four dwellings, at which point the site was described as “unused”. Therefore its lawful fall back use is unclear.

The site is set several metres below the footpath level of Burnley Road and as such is not immediately visible from the highway. The current condition of the frontage to Burnley Road is however poor, with a dilapidated fence in situ.

Views of the site are primarily from the upper floor levels of adjacent buildings. The rear of the site is bound by high walls and gates. As such the visual impact of siting cars within the plot would have a negligible impact on the appearance of the immediate area. The site is just outside the local shopping centre of the town and there are a number of commercial uses centred around the main road. As such the introduction of a use of this nature would not in itself be unacceptable.

It would be a relatively small enterprise, constrained by the size of the site. 6 sales pitches are proposed, with 2 spaces for visitors and 1 for staff. A large existing building to the northern boundary of the site would be used to valet vehicles associated with the use. 2 proposed pitches to the front of the site have now been removed from the scheme at the request of LCC Highway Engineers. The proposed frontage would therefore now comprise a new fence and gate, with stepped pedestrian access down in to the site.

Proposed hours of operation are 10am to 6pm Monday to Saturday and 10am to 4pm Sundays/Bank Holidays.

In terms of impacts on amenity, the activities on site can be suitably controlled by condition. The hours proposed above are acceptable and restrictions can ensure that no car breaking or repair takes place on the site.

Highways

Of primary concern in the objections received are impacts on highway safety. It is acknowledged that access to the site via a back street would not usually be the chosen approach. However the back street here is fully surfaced and its use was subject to scrutiny in the aforementioned appeal decision.

The Council had refused the scheme for 4 dwellings on two issues, one of which being highway safety;

“The access to the site from the back street is inadequate in terms of width to allow vehicles to use safely and conveniently and the increased use of this street would result in the likelihood of danger to pedestrians and other highway users due to congestion particularly when a vehicle is parked on the street. The proposal therefore does not accord with policy 31 of the Replacement Pendle Local Plan.”

However the Inspector subsequently disagreed with this reason and in allowing the appeal said the following;

“The proposed dwellings would be accessed via a narrow back lane from either Albion Street or Guilford Street. There would be a maximum of 8 parking spaces provided on site. The Traffic and Development Engineer of the County Council has indicated some reservations about the access, but concludes that the proposal would allow for adequate manoeuvring into and out of the site and that low vehicle speeds would reduce any visibility problems. I concur with these views.”

Whilst the proposed use and the now expired scheme clearly have different characteristics, the principle of using the back street as a dedicated access for a new use has been considered acceptable by an Inspector. LCC Engineers also raise no objection to the development.

Taking these matters in to consideration and accounting for the relatively modest nature of what could be achieved at the site, it is unlikely that the development would generate issues so severe as to be unacceptable.

Summary

Whilst the recommendation is finely balanced in this case, subject to conditions controlling the proposed use, it would be acceptable in this location and raises no adverse amenity or highway safety issues.

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 complies with Policies ENV2 and ENV4 of the Local Plan Part 1 and the saved Policy 31 of the Replacement Pendle Local Plan, being appropriate in terms

of use, design and amenity. 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: *to be added on receipt of amendments*

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

3. Prior to the commencement of development details of the surfacing materials to be used within the site (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The use hereby approved shall not commence unless and until the parking layout and turning areas as indicated on the approved plan, are fully laid out, surfaced and made available for use. The layout shall thereafter be retained at all times whilst the use is operative.

Reason: In order to allow for the effective use of the parking areas.

5. There shall be no more than 6 vehicles for sale on the site at any time and any car for sale shall only be parked on site in the spaces allocated for sales on the approved plans. Staff cars shall at all times only be parked on the site in the space allocated on the same drawing. All other areas shall remain unobstructed at all time.

Reason: In the interests of highway safety and to ensure the effective use of the parking area.

6. No vehicular repairs or breaking shall take place at the site and the only valeting or car washing to take place on the premises at any time shall be associated with those cars for sale from this site.

Reason: In order to protect the visual amenity of the area that the Local Planning Authority can control the activities taking place on the site and prevent pollution of the surface water drainage system.

7. There shall be no external lighting on site without the prior written consent of the Local Planning Authority as to its type, intensity and location. Any lighting thereafter installed shall comply strictly with the details agreed in writing by the Local Planning Authority.

Reason: In order to prevent light pollution to nearby residents in the interests of amenity.

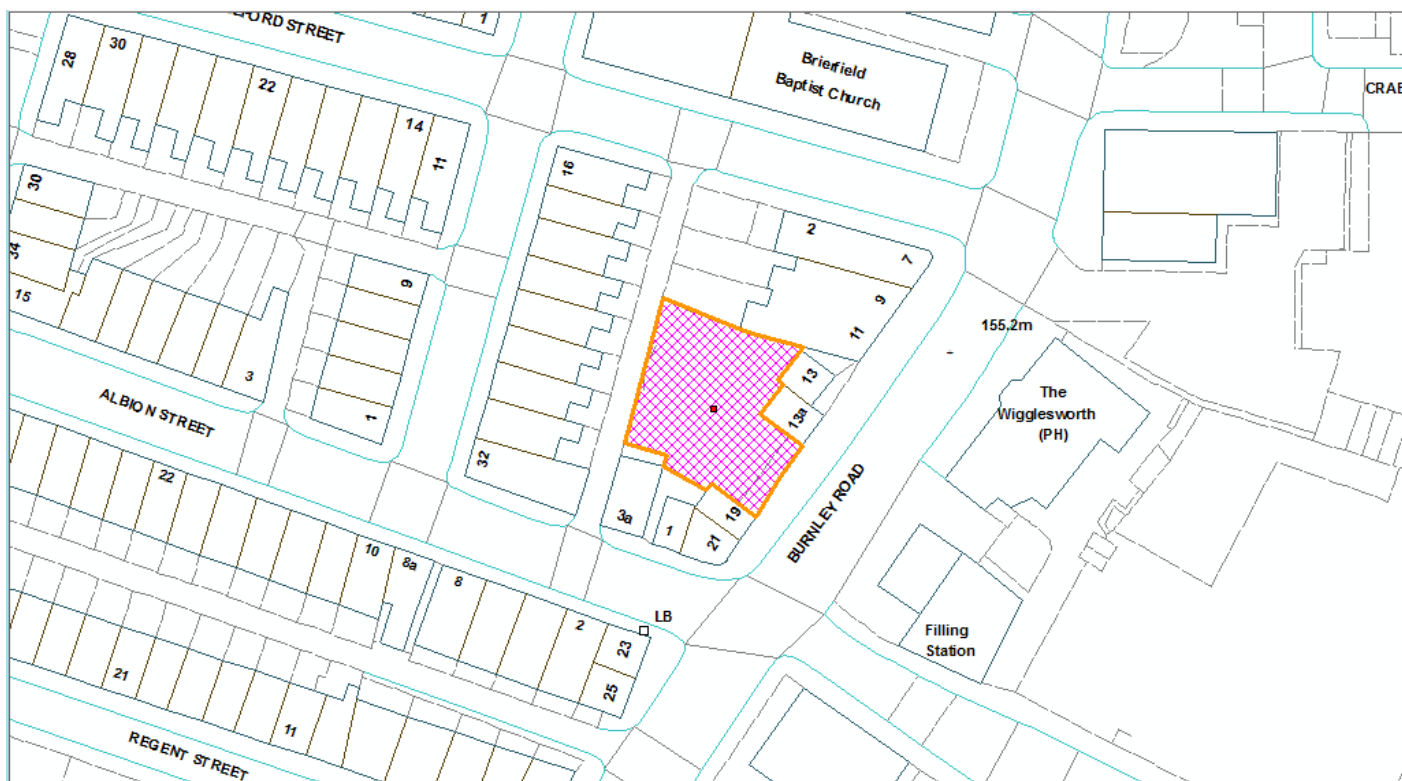
8. No customer shall be allowed to remain on the premises outside the following hours: 10:00 - 18:00 Monday to Saturday; 10:00 – 16:00 on Sundays or Bank Holidays.

Reason: To control the hours that customers remain on the premises in the interest of residential amenity.

9. Plans and particulars showing a scheme of surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out concurrently with the rest of the development and in any event shall be finished before the site is first open to customers.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

Note:



Application Ref: 16/0552/FUL

Proposal: Full: Change of use to car sales

At: Yard behind 13 Burnley Road, Brierfield

On behalf of: Mr Iqbal

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 8 NOVEMBER 2016

Application Ref: 16/0614/HHO
Proposal: Full: Convert garage to habitable room and extend driveway
At: 16 Eskdale Close, Brierfield
On behalf of: Mr S Hassan
Date Registered: 8 September 2016
Expiry Date: 3 November 2016
Case Officer: Lee Greenwood

This application is brought before Committee as three objections have been received.

Site Description and Proposal

The proposal seeks to convert the existing integral garage of this detached dwelling to create a habitable room. The property is located in a predominantly residential area, within the settlement boundary and of no specific designation in the Local Plan.

The scheme also includes the provision of additional parking provision within the curtilage of the property.

Works of this nature would normally be permitted, however such rights were removed when this estate was originally granted consent in 1998.

Relevant Planning History

13/98/0323P – erect 22 detached dwellings - **Approved**

Consultee Response

LCC Highways; having visited the site it is clear that the drive has already been extended. This should be adequate to accommodate 3 vehicles and maintain pedestrian access to the property. Therefore the proposal raises no highway concerns.

Brierfield TC; no comments received.

Public Response

Six neighbours notified; three responses received, commenting on;

- could have a detrimental impact on other housing in the development
- there are restrictions on use of garage
- driveway already extended
- seek assurances that use is domestic and not commercial
- all properties have integral garages which are aesthetically sympathetic to each other
- conversion would therefore be out of character
- development would have a negative impact on the wider development
- scheme would set the property apart from others in the street

Officer Comments

Policy

Policy ENV2 of the Local Plan Part 1 seeks to encourage high standards of design in new development.

Policy ENV4 states that new development should have regard to potential impacts on the highways network.

Saved Policy 31 of the Replacement Pendle Local Plan relates to parking provision for new development.

Design and Amenity

The scope of the development is relatively simple with regard to the external impacts. The existing garage door will be replaced by stonework and a new window opening. Internally works would be undertaken to create a habitable room with access from the main house.

Whilst objections regarding the appearance of the development are noted, their overall impact and scale within the street scene are minimal. Materials to be used would match those existing and whilst this would be the first within the group of dwellings to undertake such a change, it would not result in an adverse or unacceptable appearance in what is a relatively modern housing estate.

The scheme includes the extension of the existing driveway to accommodate 3 spaces in total. These works had already been undertaken at the time of the Officer's visit and have no significant impact on the appearance of area.

Highways

LCC Engineers have assessed the proposal and visited the site. They raise no objections accounting for the provision of 3 on site spaces. The development therefore raises no adverse highway safety issues and is compliant with Policy ENV4 and saved Policy 31.

Other Issues

Assurances have been sought from neighbours that the use of the room is domestic only and not for any commercial purposes. This is a householder application and is considered on that basis. Should future issues arise with regards to the use of the room, it can be dealt with accordingly.

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 complies with Policies ENV2 and ENV4 of the Local Plan Part 1 and the saved Policy 31 of the Replacement Pendle Local Plan, being appropriate in terms of use, design and amenity. 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: 1

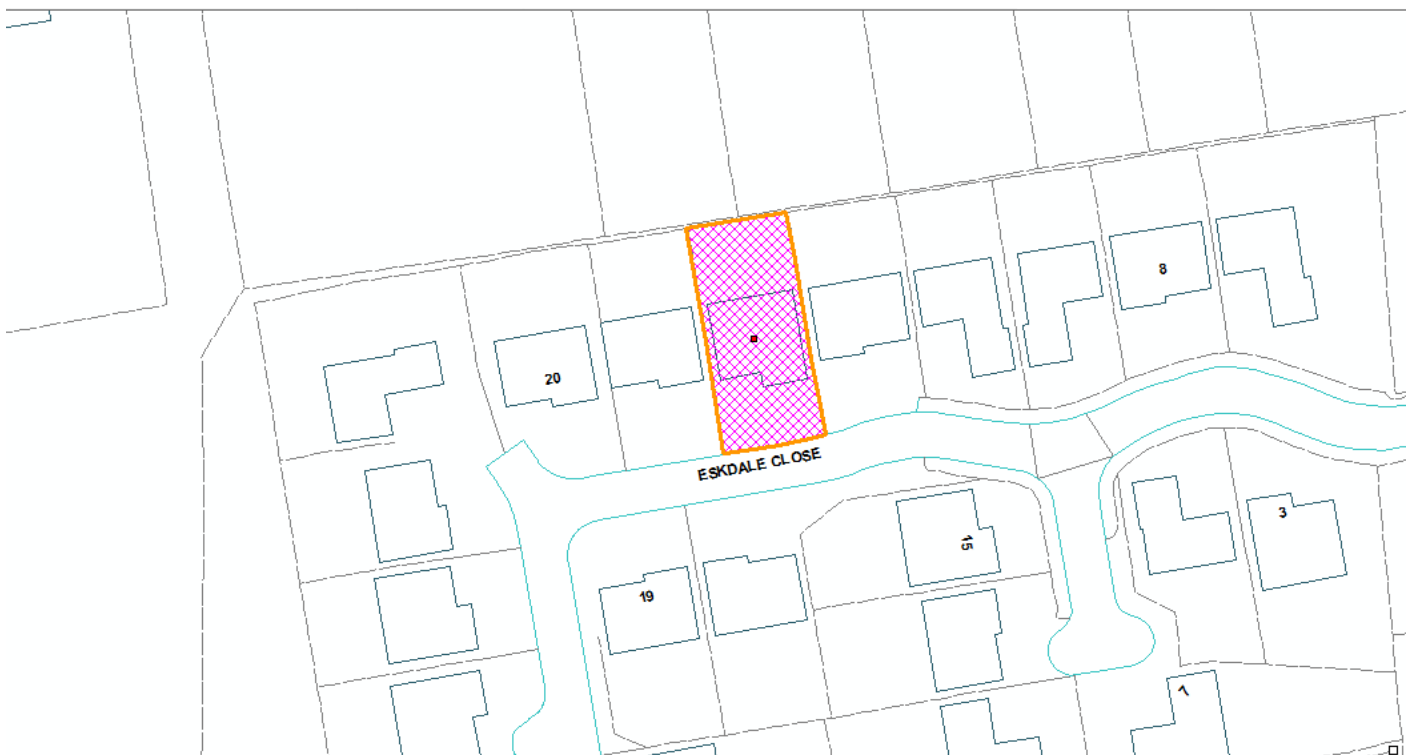
Reason: For the avoidance of doubt and in the interests of proper planning.

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.

4. The additional parking space within the curtilage of the property as shown on the approved plans shall be available for use prior to the first use of the room to be converted and shall be retained thereafter for the parking of vehicles in association with this property.

Reason: To ensure sufficient off street parking provision.



Application Ref: 16/0614/HHO
Proposal: Full: Convert garage to habitable room and extend driveway
At: 16 Eskdale Close, Brierfield
On behalf of: Mr S Hassan

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 28th October 2016