



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

**TO:** NELSON COMMITTEE

**DATE:** 6 February 2017

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications

## REPORT TO NELSON COMMITTEE ON 6 FEBRUARY 2017

**Application Ref:** 16/0721/ADV  
**Proposal:** Advert Consent: Erection of 2 illuminated fascia signs and 1 illuminated projecting sign (retrospective)  
**At:** 68 – 70 Manchester Road, Nelson  
**On behalf of:** Mr M Naeem  
**Date Registered:** 27 October 2016  
**Expiry Date:** 22 December 2016  
**Case Officer:** Kathryn Hughes

This application was deferred at the last meeting to allow for discussions to take place with the applicant.

### **Site Description and Proposal**

The application site is a hot food takeaway which has recently been granted permission. The signage which is applied for has already been erected on the site which lies within Nelson Town Centre and Whitefield Conservation Area.

The two illuminated fascia signs are to the front and side elevations. An illuminated projecting sign has also been erected on the corner of the front elevation. These signs are all internally illuminated by static LED's.

The front fascia sign measures 10.95m x 0.95m sited 2.6m above the ground. It is Perspex with red and blue background with white lettering and a chicken logo illuminated by LED's.

The side fascia sign measures 6.3m x 0.87m sited 2.7 - 3m above the ground. It is Perspex with red and blue background and white lettering and a chicken logo illuminated by LED's.

The projecting sign measures 0.93m x 0.93m sited 2.6m above the ground. It is Perspex with red and blue background and white lettering and a chicken logo illuminated by LED's.

### **Relevant Planning History**

16/0540/FUL: Full: Change of use of No. 68 from retail (A1) to hot food takeaway (A5) and insertion of new shopfronts and security shutters to both units – Approved.

### **Consultee Response**

LCC Highways - The Highway Development Control Section does not have any objections in principle regarding the erection of two illuminated fascia signs and one illuminated projecting sign at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety in the immediate vicinity of the site, subject to the following condition being applied to any formal approval:

1. The limits of the illuminance shall not exceed those described in paragraph two of Schedule 3 Part II of the Town and Country Planning Act (Control of Advertisements) Regulations 1992. Reason: To avoid glare, dazzle or distraction to passing motorists.

Nelson Town Council – No objections, however, the signs have already been installed.

## **Public Response**

Nearest neighbours notified by letter without response.

## **Officer Comments**

The issues to consider in this application are Impact on Amenity and Highway Safety.

### **Amenity**

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.

The shopfront has been recently altered with the original timber shopfront cornice and decorative pilaster capitals being retained, together with the stall riser below. The fascia signs to front and side are internally illuminated box signs which project out almost 20cm from the fascia, resulting in a very bulky appearance which does not respect the scale and proportions of the retained capitals to either side. As a result the signs detract from the appearance and proportions of the building, and the character and appearance of the Conservation Area.

The Conservation Area Design and Development Guidance Supplementary Planning Document para 4.108 states that signs should relate well to the building and to the surrounding area. Para 4.109 states that more impact can be achieved by good design and quality materials than by size and brightness. Simple and restrained signs are often more effective than over-large and garish ones.

The signs are over-large as they extend beyond the original timber fascia's and are garish in terms of design and colours.

These signs do not preserve or enhance the character and appearance of the Conservation Area. National Planning Policy Framework para 134 advises that any harm caused should be weighed against the public benefits of the scheme. There are no public benefits from this scheme and therefore it should be refused on this basis.

The signage would adversely affect the amenity of the area and in particular Whitefield Conservation Area.

The size, colours and design of the signs are not appropriate in this location and would detract from the Conservation Area and therefore fail to accord with policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

### **Highway safety**

The proposed scheme will not impact on highway safety and therefore is acceptable in this aspect.

### **Enforcement Action**

The signs have already been erected and have a detrimental impact on the Whitefield Conservation Area. Due to the harmful nature of the advertisements in this case it would be appropriate to prosecute in order to effect the removal of the unauthorised signs.

## Summary

The signage adversely affects the amenity of the conservation area and is not acceptable in terms of design although it would not raise any adverse highway safety concerns. The signage therefore fails accords with saved policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

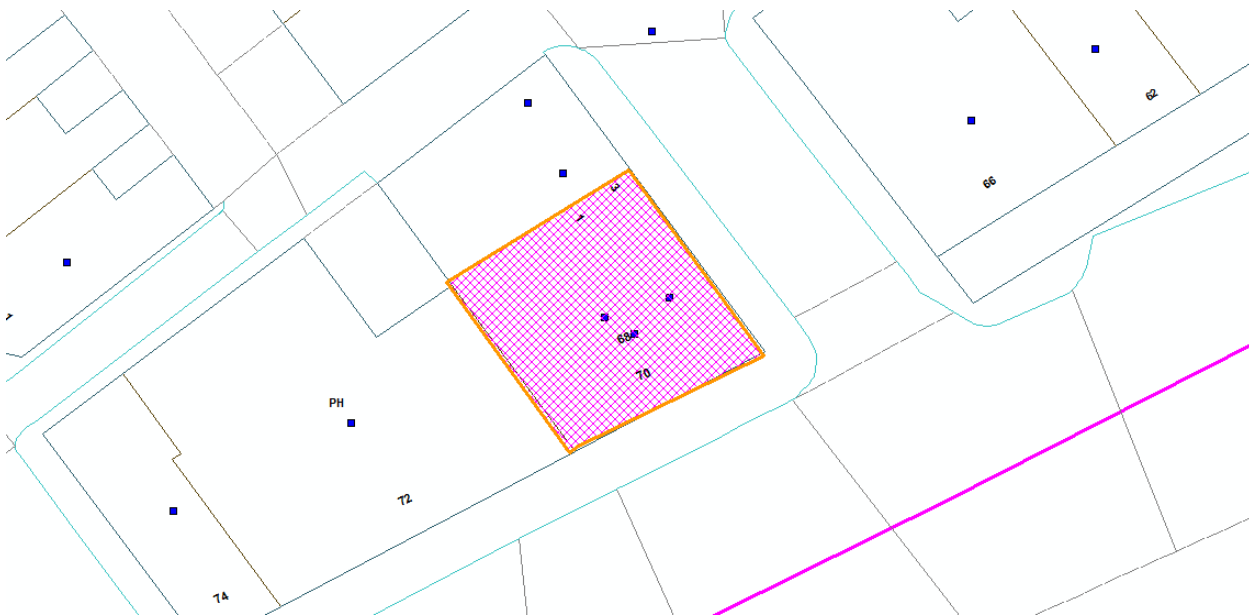
Enforcement action should be taken in order to require the removal of the signage.

## Reason for Decision

The proposed signage is not acceptable in terms of its adverse impact on the Conservation Area as a result of their size, colours and design. Appropriate enforcement action needs to be taken in order to ensure the removal of these signs.

## RECOMMENDATION: Refuse

1. The signage which has been erected adversely affects the amenity of the conservation area and is not acceptable in terms of size, colour and design. The signage therefore fails accords with saved policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Supplementary Planning Document.



**Application Ref:** 16/0721/ADV

**Proposal:** Advert Consent: Erection of 2 illuminated fascia signs and 1 illuminated projecting sign (retrospective)

**At:** 68 – 70 Manchester Road, Nelson

**On behalf of:** Mr M Naeem

**Application Ref:** 16/0724/HHO  
**Proposal:** Full: Erection of dormer to front roof slope and single storey extension to the rear.  
**At:** 239 RAILWAY STREET NELSON BB9 0SE  
**On behalf of:** Mr R M Asif  
**Date Registered:** 1 November 2016  
**Expiry Date:** 27 December 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 mid-terrace dwellinghouse located in a mainly residential area of the town within the settlement boundary.

The proposed rear extension would measure 3.5m x 4.78m x 3.65m to eaves height and 4.9m to ridge height. The extension would be constructed in render and pebble dash walls and slate roof. The extension would accommodate an enlarged kitchen. The outbuilding would be demolished.

The front dormer would measure 3.7m x 2m x 3.9m. The rear dormer would be carried out under permitted development rights.

### **Relevant Planning History**

13/14/0175P - Full: Demolish outbuilding and erection of a single storey extension to the rear - Refused 12/6/2014.

13/14/0380P - Full: Demolish outbuilding and erection of a single storey extension to the rear (Resubmission) - Refused 12/6/2014.

### **Consultee Response**

LCC Highways – No highway concerns and therefore I raise no objections to the proposal on highway safety grounds.

Nelson Town Council

## **Public Response**

Nearest neighbour's notified by letter with one letter of objection received from a neighbour citing the following concerns:-

- not in keeping with the surrounding area;
- restrict daylight to the house;
- surface water drain concerns;
- gas main issues;
- during construction there would security, access and construction work issues;
- will the eaves height exceed current legislation,
- concerns over disruption from build.

## **Officer Comments**

The main issues in this application are design, amenity and compliance with Policy.

### **Policy**

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

The adopted Supplementary Planning Document: Design Principles also encourages high standard of design for developments such as dormer windows. Front dormer windows are not considered appropriate unless they are a characteristic of the area or relate to the design of a building. If they are accepted at the front of a terraced house the design should be of a high quality and visually appropriate.

### **Design**

The surrounding area is predominantly characterised by tradition terraced housing located on to or immediately adjacent to the public footway. The application site and the properties within this terrace row (237-251 inclusive) are attractive stone built properties with slate roofs.

No other dormers are visible to the front of this terraced block and it is clear that they are not a traditional or intrinsic feature of the wider area. The untouched slope of the slate roof and stone chimneys are an essential part of the visual harmony of the terrace.

The proposed dormer window would be of a 'box' style, covering the majority of the roof slope, appearing as a dominant feature. Details of materials have not been provided. Its bulk and scale would be out of keeping and seen as an incongruous addition within the terrace, being immediately visible in the streetscene. It would have a significantly detrimental impact on the character and appearance of the street scene, contrary to Policy ENV2 and would fundamentally conflict with guidance contained within the SPD.

The scheme also seeks to erect a single storey rear extension this itself is acceptable in design grounds and would raise no adverse issues

### **Amenity**

The front dormer would introduce windows to the upper floors the existing separation distances to nearby neighbours would be maintained.

The rear extension does project slightly more than at present but the reduced height mitigates this and would be acceptable in terms of amenity impact.

No part of the development raises any adverse privacy or amenity issues.

## Highways

The proposed development raises no adverse highway safety issues.

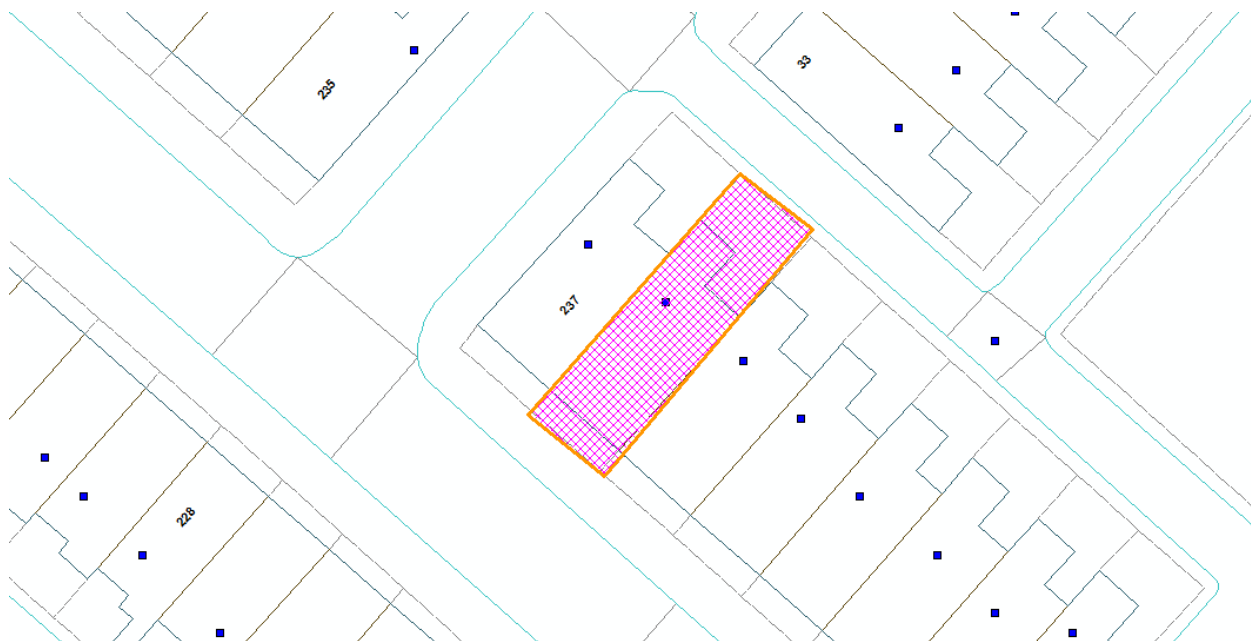
## Summary

Whilst the single storey rear extension would be acceptable in terms of design and amenity the proposed front dormer window would introduce a feature which is not traditional or common in this streetscene. The front dormer would lead to a 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 Local Plan Part 1 and SPD: Design Principles.

### ***RECOMMENDATION: Refuse***

For the following reasons:

1. The dormer window to the front elevation would appear incongruous in the streetscene, introducing a visually inappropriate addition which is not a feature of the area and it would adversely affect the character and appearance of the row. The development thereby fails to accord with Policy ENV2 of the adopted Pendle Local Plan Part 1 and the Design Principles Supplementary Planning Document.



**Application Ref:** 16/0724/HHO

**Proposal:** Full: Erection of dormer to front roof slope and single storey extension to the rear.

**At:** 239 RAILWAY STREET NELSON BB9 0SE

**On behalf of:** Mr R M Asif

**Application Ref:** 16/0737/HHO  
**Proposal:** Full: Erection of two storey side extension, single storey rear extension and first floor extension above porch (re-submission)  
**At:** 21 Hollins Road, Nelson  
**On behalf of:** Mr A Majeed  
**Date Registered:** 14 November 2016  
**Expiry Date:** 9 January 2017  
**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee at the request of Councillors and is a re-submission of an earlier scheme for a similar development (ref – 16/0737/HHO) which was refused for the following reason;

“The proposed development would result in an unacceptable relationship with the neighbouring properties on Hollins Road causing a materially adverse impact upon the amenity of the occupiers thereby failing to accord with Policy ENV2 of the adopted Core Strategy Local Plan Part 1 and the adopted Supplementary Planning Document: Design Principles”.

The property is a two storey semi-detached dwelling located within a predominantly residential area of Nelson. It is within the settlement boundary as designated in the Local Plan. Owing to the topography of the area, the property sits lower than the neighbouring properties to the front (15 and 17) and higher than those to the rear (23-29). Allotment gardens are positioned to the west of the site.

The applications seeks to erect a first floor extension above the porch which will be used as a play room, a two storey extension to the side which will provide a kitchen at ground level and bedroom at first floor level and a single storey extension to the rear.

The first floor extension to the front and the rear extension (which was reduced to fall within permitted development limits) remain the same as the earlier submission. The two storey side extension has been subject to some alterations, which will be discussed in more detail below.

It should also be noted that the applicant has indicated they may consider additional design changes. Any amendments will be reported by way of an update prior to the Committee meeting.

### **Relevant Planning History**

**16/0335/HHO** - Erection of first floor extension to front, two storey extension to side and single storey extension to rear - **Refused**

### **Consultee Response**

**Highways** - The Highway Development Control Section does not have any objections in principle regarding the above proposal. There is no increase in the number of bedrooms proposed and therefore no corresponding increase in parking provision. However we have noted from a desk top study that there is no off-road parking provision at this site and parking is within a communal area. Nevertheless, 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.



**Nelson Town Council** – object to the proposal – too big for the footprint of the area and not within the scope of the properties around, would look out of place.

### **Public Response**

Twelve neighbours were notified by letter and 5 responses have been received objecting on the following grounds;

- Disruption/noise during construction process
- Proximity and scale of extension to neighbours
- Loss of privacy to garden and windows
- Loss of light
- Extension out of character in vicinity
- Loss of views
- Noise from activity in the gardens – extension would push this closer to the boundary and by association the neighbours
- Other building works have resulted in obstruction to communal parking area and damage to grass banking
- Highway safety issues as a result of the works
- Existing issues with drainage due to works on site
- Issues remain from earlier submission
- Danger of existing wall falling down
- Are utilities companies not looking at the application due to rooms not being labelled as bedrooms
- Services and infrastructure unable to deal with increased capacity/occupants
- Extension covers almost all outside space at the site

### **Officer Comments**

The main issues for consideration with this application design, amenity and compliance with Policy.

#### **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 Design Principles SPD expands on the requirements of Policy ENV2, it requires that two storey side extensions should normally be set in from the side boundary by at least 1m and should be set back from the front wall of the house by a minimum of 1m with a corresponding lowering of the roof line. This should be increased to 2m where the ground floor is not set back. These requirements can be relaxed if the construction of the extension would not result in an actual or potential terracing effect. They should be designed in such a way to avoid having an overbearing effect or loss of light/privacy for neighbours.

The SPD advises that there is a general presumption against extensions to the front of a property due to a need to protect the character of the street scene. Small scale additions may be acceptable, depending on their size, the type of property and the degree of set back from the highway.

Advice is also included regarding single storey rear extensions. However, as in the earlier submission, this addition has been designed so that it falls within permitted development rights and as such could be built without the need for consent.

With regard to separation distances, the SPD advises that a distance of 21m should be achieved between habitable room windows which face each other. It does however go on to advise that regard must be had to existing street patterns and interface distances.

## **Design & Amenity**

The previous application was refused owing to the adverse impacts they side and front extensions would have on the amenities of neighbours. Therefore key to the assessment of this current application is to establish what changes have been made to the design and scale of the additions.

The front extension, to be erected above the porch remains as originally proposed. The side extension has been reduced in width by some 745mm at its widest point along the frontage, with a 325mm reduction in width at the rear. In all other respects the massing of the extension and configuration of windows and doors remains fundamentally the same.

Due to the limited changes made, this revised scheme does not suitably address the previous reason for refusal. The reduction in width does little to change the overall scale of the development in relation to the adjacent neighbours. Accounting for the existing layout along Hollins Road, the applicant could not achieve the 21m separation distance. The current distance between the site and dwellings to the front (15 and 19) is circa 13.5m (with a lesser distance of 10.5m when taken from the line of the existing porch).

The side extension would be set back some 500mm from the existing principal elevation of the house, however due to its scale, massing and position of first floor windows, would have an additional, undue and overbearing impact on the privacy of adjacent residents and their curtilage. The applicant had suggested obscured, non-opening glazing to first floor windows to address privacy concerns. Whilst this is noted, it would not fully address the outstanding concerns of scale and impact arising from the development.

The first floor extension to the porch, as detailed above, is even closer to the gardens and rear elevations of the neighbours. Again this relationship has not been addressed.

Whilst the overall impact of the development in the wider street scene is not significant, its relationship with the nearest neighbours would be.

The resubmission thereby fails to address the earlier reasons for refusal and the development remains contrary to Policy ENV2 and the SPD.

## **Highways**

The properties on Hollins Road are served by a communal parking area adjacent to the highway. On street parking is also unrestricted in the wider area. LCC Engineers raised no objections to the original application and their comments remain the same here.

Neighbour objections to the blocking or restriction of access to spaces during construction would be highway (or potentially civil/police) matter.

## **Other Issues**

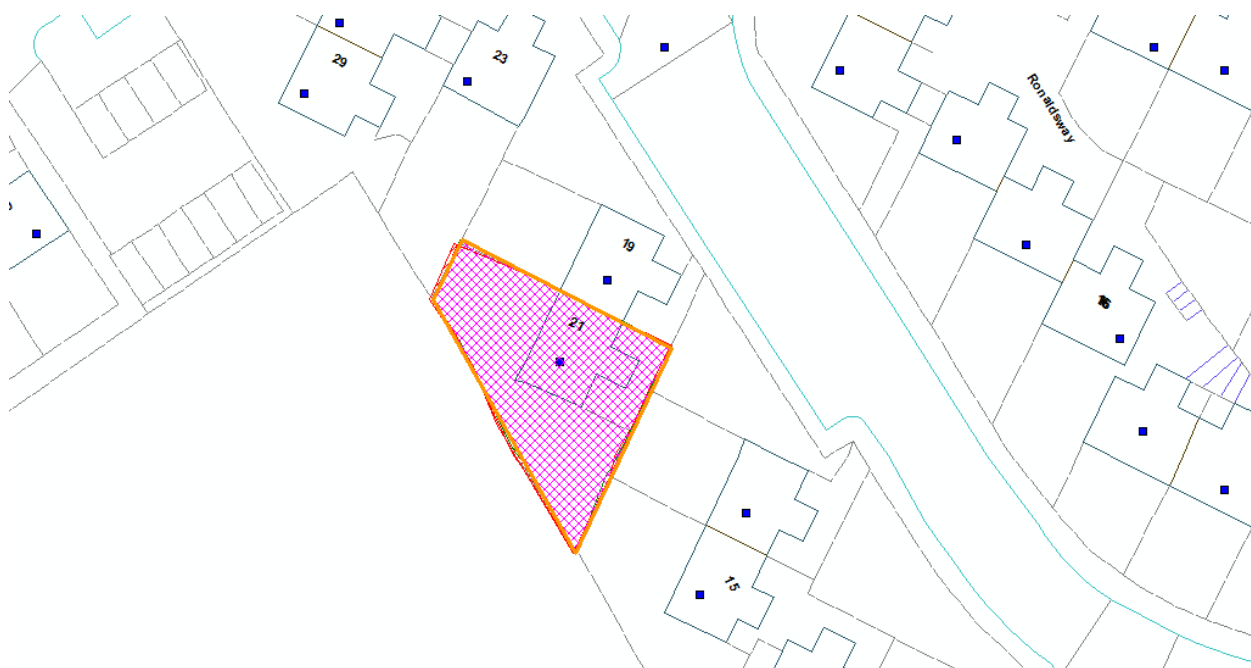
Concerns relating to noise from users of the applicants garden and loss of views are not material planning considerations in the determination of this application.

With regard to drainage, no comments have been received from statutory drainage bodies which would indicate an issue at the site. Any future development, if approved, would also need to meet the required building regulations in this regard.

**RECOMMENDATION: Refuse**

For the following reason;

1. The proposed development would result in an unacceptable relationship with the neighbouring properties on Hollins Road causing a materially adverse impact upon the amenity of the occupiers thereby failing to accord with Policy ENV2 of the adopted Core Strategy Local Plan Part 1 and the adopted Supplementary Planning Document: Design Principles.



**Application Ref:** 16/0737/HHO

**Proposal:** Full: Erection of two storey side extension, single storey rear extension and first floor extension above porch (re-submission)

**At:** 21 Hollins Road, Nelson

**On behalf of:** Mr A Majeed

**LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/SM**

**Date: 27 January 2017**