



REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	NELSON COMMITTEE
DATE:	8 May 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON COMMITTEE 8 MAY 2017

Application Ref: 16/0810/HHO
Proposal: Full: Erection of part two storey, part single storey rear extension.
At: 106 Regent St, Nelson
On behalf of: Mr Carter
Date Registered: 9 January 2017
Expiry Date: 6 March 2017
Case Officer: Lee Greenwood

Site Description and Proposal

The application was deferred at the earlier meeting and is brought to Committee at the request of Councillors. The site comprises a semi-detached property within the settlement boundary of Nelson.

The scheme seeks to erect a part two storey, part single storey extension to rear elevation. There have been no changes to the proposal since the earlier deferral, as such the recommendation remains to refuse.

It should also be noted that an earlier permission for a larger home extension at the site was due to be completed on or before the 30th May 2016. This period has expired without completion and any development in this regard cannot be progressed further without an additional application.

Planning History

13/13/0315P - Erection of a two storey & single storey extension to the rear of dwellinghouse – **Withdrawn**

13/14/0176N - Permitted Development Notification (Proposed Large Home Extension): Erection of single storey extension to rear (Length 6m, eaves height 2.55m, overall height 2.8m) – **Notification Accept, Permitted Development**

Consultee Response

LCC Highways; no objections.

Nelson Town Council; no comments received.

Public Response

Eight neighbouring properties notified; no comments received.

Officer Comments

The main issues to consider in this application are compliance with Policy, design, amenity and highway safety.

Policy

Policy ENV2 of the Local Plan Part 1 encourages a high standard of design in new developments, using materials appropriate to the setting.

The Design Principles SPD also contains more specific advice on householder extensions, which will be discussed in more detail below.

Design & Amenity

The SPD states that two storey rear extensions should not breach the 45 degree rule and be set in from the party boundary by a minimum of 1m

The development here seeks to erect a two storey element projecting 4m, before stepping down to a single storey for a further 2m, creating an addition 6m in total from the original rear wall of the house. Whilst it would be set in from the shared boundary by 1m, the extension by virtue of its projection would breach the 45 degree rule by some distance. The neighbour has two ground floor windows and one first floor window to the rear. The latter is located centrally within the upper floor and would be unaffected. However the ground floor windows are in close proximity to the development, which would appear overbearing and dominant from these openings, by virtue of its scale and massing.

The applicant would need to reduce the projection of the two storey element by around half to avoid any adverse impacts on these windows. It is acknowledged that no neighbour objections have been received and that a 6m long single storey extension has previously been deemed permitted under the increased GPDO allowances for householders. However this does not outweigh the harm that would be caused by the first floor element.

The applicant is supported by a statement which states that the extension is required to address the particular needs and requirements of the occupant. Whilst these personal issues are noted, the impacts of the development here are not marginal, as such they can be afforded little weight in the decision making process.

Therefore as submitted the proposal fails to comply with adopted guidance within the SPD and Policy ENV2. The applicant has been made aware of this issue and is considering possible amendments. Any update will be reported to the meeting.

Highways

The proposal does not impact on the current level of off-street parking provision at the site in an area where on-street parking is prevalent. LCC Highway Engineers raise no concerns in relation to the proposal.

Summary

The proposed development, by virtue of its scale and massing would have an unacceptable impact on the amenity of neighbours, thereby failing to comply with Policy ENV2 of the Local Plan Part 1 and guidance within the Design Principles SPD.

RECOMMENDATION: Refuse

For the following reason;

1. The proposed development, by virtue of its scale and massing, would have an adverse impact on the amenities of the adjoining property, owing to its proximity to adjacent windows. The application thereby fails to accord with Policy ENV2 of the Local Plan and guidance within the Design Principles SPD.

REPORT TO NELSON AREA COMMITTEE ON 08 MAY 2017

Application Ref: 17/0042/HHO

Proposal: Full: Erection of two storey extension to rear, including first floor balcony.

At: 103 Reedyford Road, Nelson

On behalf of: Mr Mohibur Rahman

Date Registered: 20/01/2017

Expiry Date: 17/03/2017

Case Officer: Alex Cameron

Site Description and Proposal

This application was deferred from the previous Committee meeting for a site visit.

The application site is a house within a block of four located within the settlement of Nelson surrounded by similar properties. The existing building is finished in brick and render with a slate roof and upvc fenestration.

The proposed development is the erection of a two storey. The proposed extension would project 4.455m from the existing rear wall with an eaves height of 5m and a ridge height of 6.6m. The proposed extension would be finished in brick and render with a slate roof and upvc fenestration.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objections in principle regarding the proposed erection of a two storey extension to the rear at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning approval. The property currently has three bedrooms. From early morning site observations two parking spaces were associated with the property - one off-street within the curtilage; the other on-street immediately outside the property. The proposal is to increase the number of bedrooms to four and, given the property's location, there should be a corresponding increase in the number of parking spaces provided.

Reedyford Road is classed as a main distributor road and consequently heavily trafficked. Whilst some on-street parking was noted outside a number of neighbouring

properties on both sides of the road we would not wish to encourage this further. Therefore I would ask the applicant to provide a second, adequately sized off-street parking space, which can be accommodated within their curtilage.

Property Services – Under the terms of the conveyance when the property was sold by the Council in 1983, consent is required for any external alterations or additions to the property, in addition to planning permission.

The owner is advised to contact Liberata Property Services in order to obtain this consent. If consent is not obtained, any future sale of the property may be delayed.

Nelson Town Council -

Public Response

Nearest neighbours notified - No response.

Officer Comments

Policy

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy states that all new development will be required to meet high standards of design, this is expanded upon in relation to domestic extensions by the Design Principles SPD.

Design

The proposed extension is acceptable in terms of design and materials and would not adversely impact upon the visual amenity of the area in accordance with policy ENV2 and the guidance of the Design Principles SPD.

Amenity

Taking into account its small size of the balcony and distance from the boundaries it would not unacceptably impact upon the privacy of adjacent properties. The windows of the proposed extension would also result in no unacceptable privacy impacts.

The design principles SPD states that two storey extensions will be acceptable only if they do not breach the 45 degree rule. In addition, where the properties are attached and the neighbouring property has no extension adjacent to the boundary, any first floor element of an extension should be set in from the party boundary by a minimum of 1m.

There is an existing ground floor extension on the boundary to the rear of No.101 and the proposed extension would not unacceptably impact upon the upper floor windows of that property. However, there are no existing extensions to the rear of No.105 and the proposed extension would both breach a line of 45 degrees taken from a ground floor

living room window in the rear of that property and would be set in from the boundary by only 0.6m. Taking this into account, the proposed extension would result in an overbearing impact upon and unacceptable loss of light to the rear of No.105.

The proposed extension is therefore contrary to policy ENV2 of the Local Plan Part 1 and the guidance of the Design Principles SPD.

Highways

The proposed extension would increase the maximum requirement for off-street parking as set out in Policy 31 of the Replacement Pendle Local Plan from two to three spaces. The site currently has provision for one off-street parking space, with a condition for this to be increased to two spaces the proposed development would be acceptable in terms of parking provision and highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed two storey extension, due to its rearward projection and proximity to the boundary of No.105 Reedyford Road, would result in an overbearing impact upon and unacceptable loss of light to the rear of that property and thus unacceptable harm to the residential amenity of its occupants contrary to Policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy and the guidance of the adopted Design Principles Supplementary Planning Document.

REPORT TO NELSON AREA COMMITTEE ON 08 MAY 2017

Application Ref: 17/0084/HHO
Proposal: Full: Erection of a single storey extension to the front.
At: 198 Every Street, Nelson
On behalf of: Mr Muhammad Khan
Date Registered: 27/09/2016
Expiry Date: 22/11/2016
Case Officer: Alex Cameron

Site Description and Proposal

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

The site is a mid-terrace dwelling located within the settlement boundary of Nelson and Whitefield Conservation Area. To the south west side is a dwelling and retail premises with extensions to the front and to the north east are dwellings. The building is a traditional stone terrace with a blue slate roof and upvc fenestration.

The proposed development is the erection of a single storey extension to the front. The proposed extension would project 0.95m from the existing front elevation, it would be finished in natural stone with a natural slate roof and upvc fenestration.

Relevant Planning History

None.

Consultee Response

LCC Highways - No objection.

PBC Conservation Officer - The terrace is prominently located on Every Street within the Whitefield Conservation Area (CA). The terraces on the opposite side of the road have recently been restored and refurbished to good conservation standards as part of the heritage-led regeneration of the CA.

As Every Street was originally the main 'high street' of Whitefield there are several commercial properties within the terraces which are distinguished from the dwellings by their projecting shopfronts which were historically built-out over the forecourts. Some of

these remain in commercial use whilst others have been converted to dwellings; many have been altered prior to the designation of the CA.

This historic functional distinction between dwellings and shops is still apparent, and part of the character of the CA as a planned settlement. The adjoining properties with front projections retain their non-residential uses, whilst the shop at the far end of the terrace has been converted to residential.

The CA SPD at para 4.53 -4.56 advises that front extensions are not normally appropriate. In particular front porches or similar additions will not be appropriate where the house is part of a terrace or group of houses where porches are not traditionally found. These cottages were traditionally flat-fronted, and have a consistent 'vertical ' scale and proportions, and repeated detailing of plain stone surrounds around doors and windows. The proposed forward extension would remove this detailing and introduce a much larger shop-style window of horizontal emphasis rather than vertical. This would cause harm to the character and appearance of the CA.”

LCC Highways - The above proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds, subject to the following comment being noted. The applicant should ensure that any drainage from the new extension's roof does not discharge onto the adjacent adopted highway network.

Nelson Town Council -

Public Response

Site and press notices posted and nearest neighbours notified. No response.

Officer Comments

Policy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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.

Design Principles SPD and Conservation Area Design and Development Guidance support both of these policies SPD.

The Design Principles SPD states that Front extensions and porches can be particularly prominent in the street scene and should be carefully designed to retain the character of

residential areas. Generally there will be a presumption against extensions at the front of a property due to the need to protect the character of existing street scenes.

The Conservation Area Design and Development Guidance SPD also contains guidance on front extensions, this states that front extension will not normally be appropriate, there are relatively few buildings where a front extension could be successfully accommodated without any adverse impact on the appearance of the building and the streetscene. It also states that porches will not be appropriate where the house is part of a terrace or group of houses where porches are not traditionally found.

Design and impact of the Conservation Area

The property is located within the Whitefield Conservation Area, where significant regeneration work has been undertaken over recent years, with group repairs to terraces and installation of traditional style windows, doors and boundary treatments. Although the block the property sits in is not one that has been part of the group repair, the block immediately opposite is.

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.

Porches and front extensions are not an original feature of the block in which the application site sits, although there are two similar front extension to the adjoining properties to the south west, these are later additions. These extension adversely impact upon the streetscene.

The proposed extension would result in an unacceptable adverse impact upon the appearance of the building as it would remove original window surround detailing, the vertical form and balance of upper and lower floor windows and drastically alter the original character of the front elevation of the building. This would result in an unacceptable impact upon the character and appearance, and thus the significance, of the Conservation Area.

The Council has a duty to preserve or enhance the character and appearance of the Conservation Area and therefore the presence of these existing inappropriate front extensions does not justify additional detriment with the addition of the proposed extension.

The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by para 134 of the National Planning Policy

Framework and the proposal would also conflict with guidance in the Conservation Area Design and Development Guidance SPD.

This proposal therefore fails to accord with policies ENV1 and ENV2, the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

Residential amenity

The proposed development would not raise any unacceptable residential amenity impacts.

Highways

The proposed development would not result in an unacceptable parking or highway safety impacts.

Summary

The proposed development would introduce an inappropriate front extension which would adversely impact upon the form and character of the original building and harm the character and appearance of the Conservation Area. The proposed development thereby fails to accord with Policies ENV1 and ENV2 of the Replacement Pendle Local Plan and also the guidance contained within the Design Principles and Conservation Area Design and Development Guidance SPD's.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed front extension would remove original features of the front elevation of this building and would be unsympathetic to the building's original form and character, this would lead to reduction in the design quality of the area to the detriment of the character and appearance, and thus the significance, of the Whitefield Conservation Area. Whilst this harm would be less than substantial, the proposed development does not offer any public benefit which could outweigh the harm. The proposed extension is therefore contrary to policies ENV1 and ENV2 of the adopted Local Plan Part 1: Core Strategy, the Conservation Area Design and Development Guidance SPD, the Design Principles SPD and paragraph 134 of the National Planning Policy Framework.

REPORT TO NELSON AREA COMMITTEE ON 08 MAY 2017

Application Ref: 17/0106/FUL

Proposal: Full: Change of use of car park to car sales, erection of a sales office building and covered valet/car prep area.

At: Land Between Number 129 And Bank Street, Leeds Road, Nelson

On behalf of: Mr Shah

Date Registered: 02/03/2017

Expiry Date: 27/04/2017

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Committee because more than three objections have been received.

The application site is a private car parking area to the west side of 129 Leeds Road. To the west is Bank Street and the car park of an industrial premises to the north and to the south is Leeds Road with commercial premises and dwellings opposite.

The proposed development is the change of use of the land to use for car sales (Sui Generis) and erection of a car preparation / valet and sales shelter and office building. The layout would consist of 6 car sales plots and 2 customer parking spaces, the proposed building would have a footprint of 12.6m x 5.1m with an eaves height of 3.5m and a ridge height of 4.5m. The building would be finished in stone to the front and side and render to the rear with a natural slate roof and upvc fenestration.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objections in principle regarding the proposed change of use of a car park to a car sales, erection of a sales office building and covered valet/car preparation area at the above location. 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, subject to the following comments being noted, and conditions being applied to any formal planning approval.

The number of vehicles for sale should be restricted to no more than six at any one time; these should be wholly within the car sales site. No vehicles shall be placed for sale within the surrounding public highway network, including the footway in front of the proposed sales pitch, as these could pose a hazard to other highway users.

The car valeting and preparation area should be used solely for the purposes of the car sales business and no other commercial activity to limit the number of vehicle movements to and from, and within the site, given the restricted nature of the site access.

Customer parking within the site should be reserved for customers only and should be clearly signed so that effective use of the parking area is made.

Nelson Town Council -

Public Response

Nearest neighbours notified – Responses have been received objecting to the application on the following grounds:

- There is insufficient car parking space in the area and the use would exacerbate parking problems.
- The propose use would increase traffic and exacerbate highway safety issues in the area.
- The layout would not provide sufficient parking spaces to meet their requirement.
- The proposed development does not respect the local context and street pattern or the scale and proportions of surrounding buildings.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that existing open spaces will be protected from development. The council will encourage and support improvement to these spaces.

Policy ENV2 (Achieving Quality in Design and Conservation) 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 our heritage assets.

Principle of the Development

The site is located within the settlement of Nelson, this is an acceptable location in principle for the proposed car sales use.

Visual Amenity

The design and scale of the proposed building area acceptable and its materials would be acceptably in-keeping with the area and is therefore acceptable in terms of design and visual amenity in accordance with policy ENV2.

Residential Amenity

The proposed car sales use and ancillary car prep / valet area would not result in an unacceptable impact upon the residential amenity of any adjacent dwellings.

Highways

A number of concerns have been raised in relation to highway safety and parking in the area. The site is accessed from Bank Street which leads only to a narrow back lane to the rear of 129-151 Leeds Road, the width of the access to the back lane means that Bank Street is unlikely to be regularly used as vehicular access for anything other than the application site.

The parking layout of the site is cramped and would be likely to result in the need for cars accessing the site to reverse out onto Bank Street, however, taking into account that through traffic on Bank Street is unlikely, this would not result in an unacceptable highway safety impact.

The junction with Leeds road is acceptable to accommodate the additional traffic that would result from the proposed use.

The existing site is private land and therefore would not result in the loss of public car parking. An adequate level of on-site car parking is proposed and therefore the proposed use would not result in an unacceptable increase in on-street parking in the area.

The proposed development is therefore acceptable in terms of parking provision and highway safety.

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 policy, design, amenity, highway safety.

The development therefore complies with the development plan. 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: Proposed Development Rev C.

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 car valeting and preparation area shall be used only for purposes ancillary to the main car sales business and not for car washing, valeting or vehicle repairs other than those.

Reason: In the interest of highway safety.

5. The car parking spaces and manoeuvring area shall be laid out in accordance with the approved plan before the use hereby permitted becomes operative, the customer parking spaces and manoeuvring areas shall thereafter remain free from obstruction or parking of vehicles for sale and available for customer parking and manoeuvring.

Reason: To allow for the effective use of the parking areas.

6. All vehicles for sale shall be within the car sales area only. No vehicles shall be placed for sale within the surrounding public highway network.

Reason: In the interest of highway safety

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 26 April 2017