



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: NELSON COMMITTEE

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14A Cumberland Street, Nelson

PURPOSE OF REPORT

To consider the planning impact of the development.

RECOMMENDATIONS

(1) To note the report and agree that no further formal action be taken

REASONS FOR RECOMMENDATIONS

(1) The development raises no material planning issues and to take action based on issues that are not material planning matters would be unreasonable

ISSUES

- 1 Approval was given for works to the property 04.09.13. This permitted a change of use from retail to dwelling and erection of single storey rear extension amongst other works.
- 2 Work commenced at the property in October 2013 but it was not until late 2017 that works were externally completed.

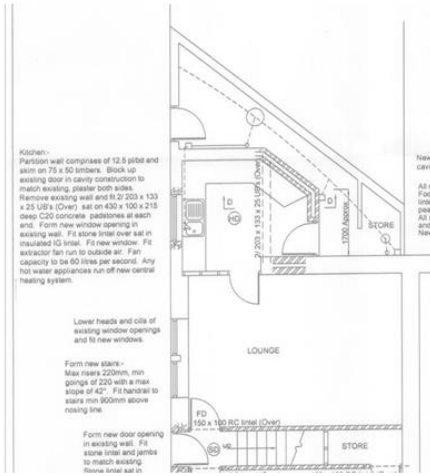
- 3 In December 2017 it was reported that the single storey rear extension had been extended beyond the approved plan. A site visit revealed that the rear extension had enclosed the rear yard completely, rather than leaving a narrow passage between the new extension and an existing store.
- 4 The only position in which the roof is visible is by leaning out of the upper floor window of the adjacent property, 14 Cumberland Street.
- 5 The deviation from the approved plans is minor and is considered to cause no planning harm to the amenity of the area. It would not be considered proportionate or expedient to take enforcement action in this case.
- 6 The complaint relates to access to the adjoining property (14) for the purpose of maintenance. The issues that a Local Planning Authority needs to consider in whether to take enforcement action relate mainly to the design and impact on amenity of the neighbours and area but do not extend to the consideration of whether or not access should or should not be allowed for maintenance purposes.
- 7 The increase in size does not have any visual impact on the street scene or area. There is no loss of light to any neighbouring property and the design is acceptable.
- 8 Whilst it is understood why there would be concern about the ability to maintain the neighbouring house this is not a reason to take action bearing in mind that the development is otherwise fully acceptable.

Recommendation

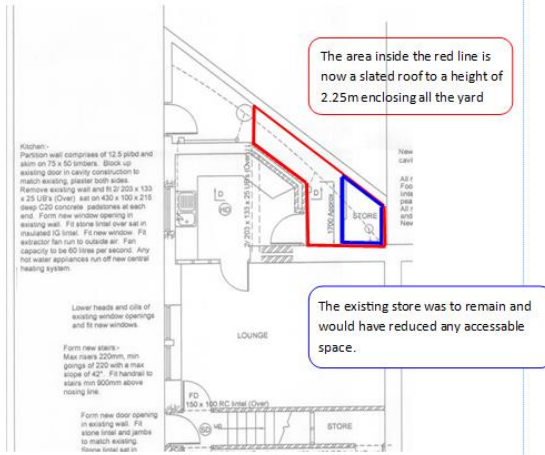
It is recommended that no further action be taken.



14A Cumberland Street, Nelson



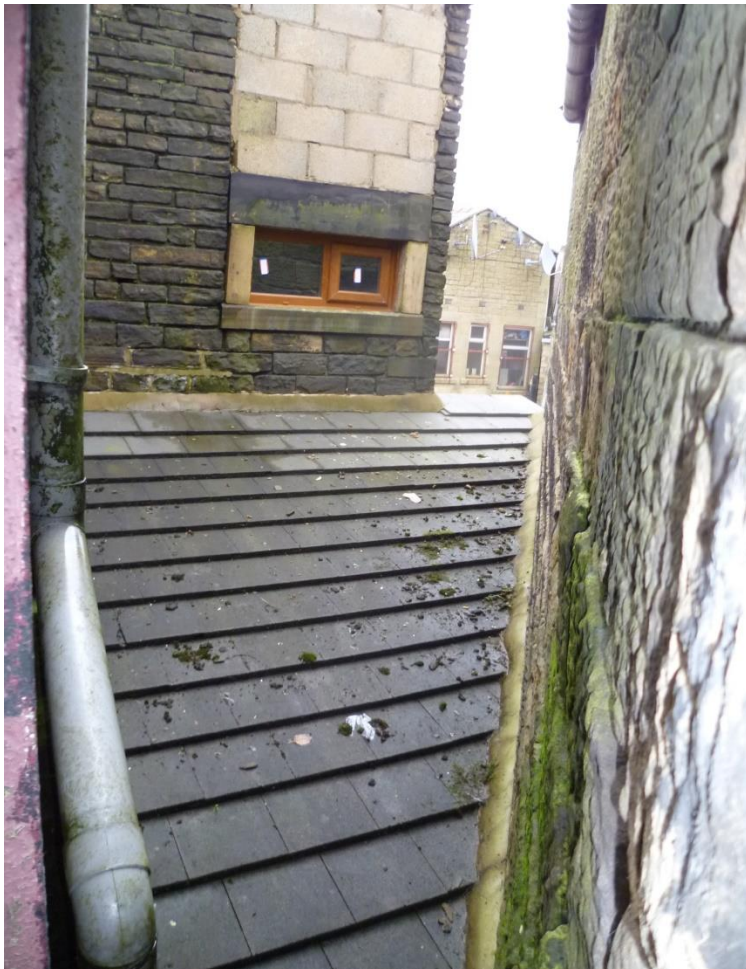
Application as approved



The area inside the red line is now a slated roof to a height of 2.25m enclosing all the yard

The existing store was to remain and would have reduced any accessible space.

Deviation from approval



IMPLICATIONS

Policy: None

Financial: Risk of costs being awarded if enforcement considered unreasonable.

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.