

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

**TO:** POLICY AND RESOURCES COMMITTEE

**DATE:** 19<sup>th</sup> MARCH, 2019

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning application.

## REPORT TO POLICY AND RESOURCES COMMITTEE ON 19<sup>th</sup> MARCH, 2019

**Application Ref:** 18/0731/HHO  
**Proposal:** Full: Erection of a single storey rear extension.  
**At:** 6 Ethersall Road, Nelson  
**On behalf of:** Mr Asif Butt  
**Date Registered:** 22.10.2018  
**Expiry Date:** 17.12.2018  
**Case Officer:** Charlotte Pinch

This report has been referred from the Nelson Committee as members were minded to approve the application. However, the erection of this extension would cause significant loss of light to neighbouring occupiers and therefore detrimental impacts on residential amenity. Approval of this application would result in a significant departure from policy.

### Site Description and Proposal

The application site is a two storey semi-detached dwellinghouse, surrounded by residential properties of a similar scale and mass.

The proposed development is for the erection of a single storey rear extension, of depth 8.3 metres, width 4.5 metres and height 3.6 metres. It would comprise of an accessible bedroom and wet room. It would be constructed of render with concrete roof tiles and wood grain UPVC.

### Relevant Planning History

None.

### Consultee Response

#### LCC Highways

Having considered the information submitted for the above application, together with observations on site on 2 November 2018, the Highway Development Support Section raises no objection to the proposed development, but makes the following comments.

The proposed development would increase the number of bedrooms and there should be a corresponding increase in off-road parking provision. However, as there is no room to provide a further off-road parking space, we recommend that the existing vehicle crossing is extended across the full property frontage, which would enable two vehicles to enter/leave the site independently. This would also require the re-location of the highway gully and extension of the existing hardstanding surfacing.

Due to the site's location within a residential estate we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

### Cadent Gas

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

## **Public Response**

None received.

## **Officer Comments**

### **Policy**

#### Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

#### Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

## National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

### **Visual Amenity**

The single storey rear extension would not be visible from the front elevation of the dwelling or any public vantage points. The dual pitched roof and external materials consisting of render and concrete roof tiles, would be in keeping with the main dwellinghouse. As such no objections are raised to the design and appearance of the proposal.

### **Residential Amenity**

The Design Principles SPD states that a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling.

The SPD further advises that a single storey extension of greater depth will normally only be permitted if it does not breach the 45 degree rule where this would not cause detriment to the character of the area.

The proposed single storey rear extension has a total depth of 8.3 metres, with a 1.8 metre and 1.4 metre separation distance from each side boundary. No.4 Ethersall Road has ground floor rear facing windows in close proximity to the proposed development. When a 45 degree line is drawn from the closest window on No.4 towards the proposed extension, there is a substantial breach, which would result in a significant detrimental impact on light to occupants of the adjacent dwelling.

Therefore, as submitted the proposal fails to comply with adopted guidance within the SPD and Policy ENV2.

### **Highways**

The proposed extension would add an additional bedroom to the property, therefore requiring two on plot parking spaces in accordance with Saved Policy 31.

The property currently has one driveway parking space to the front of the dwelling, therefore the existing vehicle crossing would need to be extended across the width of the dwelling, to provide a second parking space adjacent to the existing driveway. A parking plan can be secured by condition.

## RECOMMENDATION: Refuse

For the following reason;

The proposed development, by virtue of its depth and distance from side boundaries, would result in a significant detrimental loss of light to the adjacent property's ground floor rear facing windows and therefore an adverse impact on the amenities of neighbouring occupiers. The application thereby fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and guidance within the Design Principles SPD.



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