



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 19th MARCH, 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

POLICY AND RESOURCES COMMITTEE 19th MARCH 2019

Application Ref: 18/0898/HHO

Proposal: Full: Erection of two-storey side and rear extension.

At: 35 Clegg Street, Brierfield

On Behalf of: Mr Adeel Khalid

Date Registered: 19 December, 2018

Expiry Date: 13 February, 2019

Case Officer: Christian Barton

This application has been referred from Brierfield and Reedley Area Committee to Policy and Resources Committee as Members were minded to refuse the application on highway safety grounds.

Site Description and Proposal

The application seeks to erect a two-storey extension to the side and rear of 35 Clegg Street in Brierfield.

The site is a two-storey semi-detached house. It has brick and pebbledash elevations, slate roofing tiles and a white uPVC fenestration. It is surrounded by houses all sides and has garden areas to the front and rear.

The site is within the settlement boundary of Brierfield and has no special designations as part of the Pendle Local Plan.

Planning History

18/0418/HHO - Full: Erection of two-storey extension to side (East) - Approved with Conditions – August 2018.

Consultee Response

LCC Highways - The Highway Development Support Section has concerns regarding the design and scale of off-road parking provision. The proposed space would be within the tangent of the junction of Clegg Street and Walter Street. It also appears that the vehicle crossing would be within the existing dropped pedestrian crossing, neither of which the highway authority would support on highway safety grounds.

Given the high demand for on-road parking, and lack of off-road parking on both Clegg and Walter Streets, we recommend that maximum parking standards are applied to this site, that is, three spaces. Therefore the applicant should provide a revised site layout plan showing three adequately sized parking spaces (a minimum of 5.5m long) with the vehicle access from Walter Street. If adequate off-road parking provision and vehicular access cannot be provided then the Highway Development Support Section would raise an objection to this application on highway safety grounds.

(Update) Thanks for the updated parking plan showing two off-road spaces accessed from Walter Street. I confirm that this is acceptable.

Conditions have been advised requesting the submission of a Construction Method Statement, the use of a bound surfacing material for the driveway and a need to have the proposed parking spaces constructed before first use of the extension.

Brierfield Town Council - No comments received.

Public Response

The nearest neighbours have been notified by letter. 7 comments have been received objecting to the application on the following grounds;

- Increased parking demand;
- Effects on road safety;
- Effects on views;
- Losses of light
- Effects on the existing sewer networks;
- Effects on domestic noise;
- Upset during the construction phase;
- Losses of privacy;
- Losses of openness and garden areas/trees;
- Inappropriate design.

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (NPPF) must be given full weight in the decision making process. Other material considerations may then be set against the Local Plan policies so far as they are relevant.

Officer Comments

The main considerations for this application are the design, residential amenity, parking and road safety.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy ENV2 (Achieving Quality in Design and Conservation) 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 the wider locality.

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to domestic developments and sets out the aspects required for good design.
- Saved Replacement Local Plan Policy 31 sets out appropriate parking standards for developments.

The policy background of the scheme is principally contained with Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene. Policy 31 is relevant given the proposed addition of bedrooms.

2. Design and Amenity

The Design SPD states that domestic extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy for neighbours, or appear unduly dominant to neighbours. Two-storey side extensions to semi-detached properties should respect the balance and symmetry of such properties and have a pitched roof. They should be built from appropriate materials and be set off the side boundary by at least 1m.

The proposed extension would form a wrap round design. The side aspect would project 4m from the gable elevation at depth of 8.8m. It would have a pitched roof height of 6.5m. The rear aspect would project 3.3m from the rear elevation with a flat roofed height of 4.9m. Two parking spaces are proposed to the side that would be accessed of Walter Street.

The development would have brick and rendered elevations and an uPVC fenestration to complement the house. It would have either slate or concrete roofing tiles and both would be appropriate. An appropriate condition should be attached to any grant of permission to control the quality and appearance of the external materials given the prominent position of the site.

The development would be of an appropriate scale in relation to the size of the house. The pitched roof aspect would be set down 0.15m from the main ridge height. It would be set off the side boundary by 5m and would appear proportionate within the corner plot. Comments have been made about the design and losses of openness. The house would retain garden areas to all three elevations following development. Owing to the above, the scheme would be acceptable in relation to the design along with the wider effects on visual amenity.

Owing to ample separation the development would have no detrimental effects on the living environments of the immediate neighbours. Comments have been made about overshadowing. The rear aspect would not breach a 45 degree line measured from the centre of the main habitable room windows to the rear of the adjoining property. The proposed position of the extension and corner plot nature of the site would ensure the development has no overbearing effects on the immediate neighbours.

Comments have been made about impacts on views. Losses of private views are not material planning considerations. There would be no loss of public views of value that would lead to the conclusion that the application should be refused.

Outlook from the ground floor rear windows would be confined to tall hedges on the south boundary. The first floor rear window would overlook the roof of 51 Walter Street that is a bungalow. The proposed rear windows would have no detrimental effects on the privacy of the neighbours to the rear. A kitchen window is proposed facing the rear garden of number 33. An appropriate fencing condition should be attached to any grant of permission in order to avoid overlooking.

Windows are proposed for the gable elevation on both floors. The house currently has a kitchen window facing the houses opposite on Walter Street. The development would bring a lounge window 4m closer to those neighbours. Outlook from that window would be limited by boundary treatments and highway trees. In addition a public highway separates the site from the neighbours opposite on Walter Street. An appropriate obscure glazing condition should be attached to any grant of permission in order to avoid overlooking from the first floor bathroom window.

The existing house has main habitable room windows to the front on both floors. These are within the 21m separation distance advised in the Design SPD. The new extension would add main habitable room windows to the front but the relationship would be no different to the existing situation. In this situation it would be unreasonable to refuse an application based on an impact that mirrors the current relationship.

Owing to the above, and subject to conditions, the development would have no detrimental effects on the residential amenity of the immediate neighbours in compliance with Policy ENV2 and the Design SPD.

3. Highways

Saved Policy 31 requires all developments to be served with adequate parking. Initial concerns were raised from LCC Highways regarding the single parking bay proposed to the front. Comments have also been received about parking and highway safety. Saved Policy 31 requires five bedroom houses to have three off-street parking spaces however these are maximum requirements.

The submitted plan shows two parking spaces to the rear accessed off Walter Street. LCC Highways have confirmed that the revised parking layout is acceptable. The development would add off-street parking that would reduce the level of on-street parking associated with the property.

A condition requesting a Construction Method Statement is not necessary owing to the scale of the development. Appropriate conditions should be attached to any grant of permission to ensure the parking bays are operational and appropriately surfaced prior to first use of the extension in the interests of highway safety.

LCC Highways have raised no principle objections to the development and I concur with their findings. It would not generate significant numbers of vehicular movements and the development therefore raises no detrimental concerns regarding the local road network.

4. Other Issues

Comments have been made regarding increased domestic noise and potential upset during the construction phase. The development is unlikely to create any unforeseen noise issues for neighbours of that nature. Any drainage and sewerage issues are resolved post planning at the Building Regulations stage for domestic developments.

5. Summary

The proposal seeks to erect a two-storey extension to the side and rear of the house. The development would have no detrimental effects on the privacy or living environments of the immediate neighbours. It would also be acceptable in relation to the design and the road network.

The proposal is therefore acceptable for the site and complies with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030), Policy 31 of the Saved Replacement Local Plan and the Design Principles Supplementary Planning Document.

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 proposal is acceptable in terms of design, residential amenity and road safety in compliance 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 strict accordance with the following approved plans: Proposed Site Plan (Drawing Number 1A – Submitted 1st February 2019), Proposed Front and Rear Elevations (Drawing Number 3), Proposed Side Elevations (Drawing Number 4 – Submitted 20th February 2019), Proposed Floor Plans (Drawing Number 2 – Submitted 20th February 2019) and Proposed Roof Plan (Drawing Number 1).

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

3. Prior to the commencement of any above ground works on site, representative samples of the external materials to be used in the construction of the walls and roof of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

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

4. Prior to first use of the extension hereby approved, the first floor window on the gable elevation shall be fitted with obscured glazing with a level of obscurity of Level 3 or above, unless otherwise agreed in writing by the Local Planning Authority, which shall thereafter be retained in perpetuity. Any replacement glazing shall be of an equal degree of obscurity. The window shall also be hung in such a way so as to prevent the effects of obscure glazing being negated by way of opening.

Reason: In order to protect the privacy of the occupiers of adjacent property and prevent overlooking.

5. Before first use of the extension hereby approved, a close boarded fence no lower than 1.8 metres or no higher than 2.0 metres shall be provided along the shared boundary with 33 Clegg Street a point starting in line with the rear elevation of the dwelling to a minimum point of 5m to the south. The fence shall at all times thereafter be retained in good repair.

Reason: To safeguard residential amenity and prevent overlooking.

6. The extension hereby approved shall not be used unless and until, the proposed parking spaces within the curtilage of the dwelling have been constructed, surfaced in bound porous material and laid out in strict accordance with the approved plan 'Proposed Site Plan - Drawing Number 1A - Submitted 1st February 2019'. Those spaces shall at all times remain unobstructed and available for parking thereafter.

Reason: To maintain adequate parking for the development and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

Informative

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx>.



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