



**REPORT FROM:** PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 6<sup>th</sup> August, 2020

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning application.

# **REPORT TO COLNE & DISTRICT COMMITTEE on the 6<sup>th</sup> AUGUST, 2020.**

**Application Ref: 20/0276/HHO**

**Proposal: Full: Erection of two-storey side extension and alterations to vehicle access (Re-submission).**

**At: Netherheys House, Barrowford Road, Colne**

**On Behalf of: Mr Anwar**

**Date Registered: 05 May, 2020**

**Expiry Date: 30 June, 2020**

**Case Officer: Kathryn Hughes**

This application has been brought before Members as more than three objections have been received.

## **Site Description and Proposal**

The application site is a semi-detached dwelling located in the settlement of Colne. It adjoins and is surrounded by dwellings of a similar scale to three sides with larger properties set within extensive grounds to the north across Barrowford Road. The dwelling is constructed in natural stone with a slate roof, timber windows and doors.

Although Netherheys has some local importance it is not listed nor is it within a Conservation Area and therefore although limited weight is given to standing it is an attractive

The proposed development involves the erection of a part two-storey and single storey side extension. The extension would measure 7.1m x 10.990m at ground floor and 7.1m x m 7.1m at first floor with an overall height of 8m to pitch (4m to single storey). The proposed extension would have a natural stone finish, slate roof, grey sash windows to match existing, dark grey aluminium bi-folding doors to the front and dark grey velux rooflights. Alterations to the vehicle access and parking arrangements are also proposed.

## **Planning History**

20/0150/HHO - Full: Erection of two-storey side and rear extensions; alterations to vehicle access and erection of 1.85m stone wall with vehicle gate to south boundary (Part retrospective) – Refused 24<sup>th</sup> April, 2020.

## **Consultee Response**

PBC Environment – Protected trees have been felled on this site without consent. Both trees had considerable amenity value, providing setting and context to the house itself and these were still worthy of protection. A Tree Replacement Notice has been issued for the site.

The Tree Replacement Notice was for 2no. Acer platanoides Emerald Queens measuring 18-20cm girth at the time of planting. They are to be located at either side of the existing path into the site on the Netherheys Close elevation.

The location of the replacement trees will not be impacted by the proposed development.

LCC Highways – The Highway Development Support Section does not object to this application subject to a bound surfacing material being used for any new hardstanding.

Colne Town Council – Colne Town Council objects to this planning application in the strongest possible terms. The Council has concerns with regards to the overbearing nature of the 1.85m stone wall to the neighbouring properties and the inappropriate choice of materials for the proposed extension. The Town Council also feels that, given trees were illegally felled from the garden, replacements should be planted in the positions of the felled trees. This building is No. 7 on Colne Neighbourhood Plan's Non-Designated Heritage Assets List:

[https://contowncouncil.org.uk/ctc/wpcontent/uploads/2020/01/Colne-Local-Heritage-List-Infomages-2020-01\\_DRAFT.pdf](https://contowncouncil.org.uk/ctc/wpcontent/uploads/2020/01/Colne-Local-Heritage-List-Infomages-2020-01_DRAFT.pdf)

This development will completely trash the symmetry of the House and the new projecting gable will remove any vestige of historical interest in this building.

National Grid – Should you be minded to approve an informative note for the Applicant should be attached to the decision notice.

### **Public Response**

Nearest neighbours notified by letter and more than three responses have been received objecting on the following grounds;

- Loss of privacy;
- Overbearing impacts and losses of light;
- The extension does not relate well to the dwelling and adjacent properties;
- The height of the stone walls;
- The replacement trees would be too close to the pavement and their growth restricted, will these be protected or just felled in a couple of years;
- There are no plans of the third floor although there is a fixed staircase and velux windows added;
- The digging out and removal of the root ball together with the proposed extension foundation work gives a likelihood of disturbance/damage to my retaining wall and to fencing and posts;
- Netherheys Close is a small cul de sac which is safe for children, any increase in traffic is likely to make access and egress unsafe; and
- The planned height reduction is minimal and will put my property into shade with little natural light into my bathroom and privacy will be reduced.

### **Officer Comments**

The main considerations for this application are impact on residential amenity, design and materials, protected trees and highway issues.

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

- CS Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance natural and historic environments and sets out specific requirements that aim to ensure development proposals do not detrimentally effect such environments. The need to protect trees with Tree Preservation Orders (TPOs) is outlined in ENV1 given what they contribute to both natural and historic environments;
- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

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

National Planning Policy Framework

- Paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'

## **2. Residential Amenity**

The Design Principles SPD states that two-storey side extensions should be designed to avoid having an overbearing impact, or cause loss of light or privacy for neighbours. Any extensions which protrude beyond the rear elevation of adjacent dwellings should respect the 45 degree rule. Concerns have been raised regarding the potential impact on privacy and living environments.

No. 20 Netherheys Close lies to the East of the application site and is set forward in its plot with a conservatory style extension to the rear.

The proposed extension would not impact on any main habitable room windows in the gable of 20 Netherheys Close with the extension set back 500mm from the front elevation at two storey and flush with the rear elevation single storey for the last 2.2m. The side extension is set of the boundary by 1.750m. The side extension is part single storey to the rear and this reduction in height from just under 9m to 4.5m (3.5 to eaves) would reduce any potential impact on No.20 which has an existing timber fence to the boundary which will screen the ground floor to some degree. The proposed extensions would not appear overbearing, or cause any unacceptable losses of light for adjacent properties with adequate separation provided between adjacent dwellings to prevent any adverse impacts.

Sycamore House to the west is adjoining and would not be adversely affected by these proposals.

With regards to other adjacent properties, the windows to the front and rear would remain over 21m away. Fencing is in place on the boundary with number 20 which would prevent any overlooking from the ground floor window and door in the proposed gable. The first floor gable window would not face any main habitable room windows at number 20 and the rooflights would also raise no concerns in terms of privacy. As proposed the development would therefore be acceptable.

## **3. Design and Materials**

In relation to two-storey side extensions the Design Principles SPD requires such developments to respect the balance and symmetry of the main dwelling whilst also avoiding a terracing effect with adjacent properties. Therefore it must be ensured that any extensions to this dwelling are appropriate to its proportions and Victorian vernacular form.

Concerns have been raised regarding the scale of the extensions. The elevation facing Barrowford Road is the rear elevation and contains some of the dwellings architectural merit whilst the front elevation to Netherheys Close maintains an attractive level of symmetry with a pair of bay windows either side of the entrance door with sash timber windows above. The proposed extension would be set back 500mm from that elevation and would not appear unduly disproportionate and unbalanced in that respect. Whilst the expanse of bi-fold doors proposed to the front extension would not be in character with the original house and would introduce a modern feature to that element subject to an appropriate reveal and the vertical framing pattern proposed this would break up the scale of that opening to an acceptable degree. The side extension would result in a width of 7.1m which is slightly more than half of the existing dwelling (12.7m) with a lowering of the roofline of 1m also proposed the extension would not appear disproportionate and would be subservient to the original dwelling when viewed from both elevations. Its scale and design would be acceptable in terms of impact on the character of this dwellinghouse.

Acceptable materials are proposed and their quality and finish can be controlled by appropriate conditions. The street scene of Netherheys Close comprises of newer, modern dwellings with open front gardens and driveways. However, it is likely that this much older property and the adjoining Sycamore House would have had much more imposing features including the stone wall element to the rear which would screen the ground floor element of the proposal to some extent. When those factors are taken into account, the proposed development would, on balance, be acceptable in visual design terms and accords with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the NPPF.

#### **4. Protected Trees**

A number of trees have been removed from the site including two Sycamores protected by the TPO No3 1989. Comments have been received in that regard. The contributed positively to the character of the property and visual amenity of the wider location, and that their removal has caused an adverse impact on the natural environment. A Tree Replacement Notice has been issued which requires two replacement Sycamores trees to be planted in the garden.

This matter has been dealt with separately by the Environment Officer and the site can accommodate the replacement trees on either side of the proposed extended vehicular entrance into the site. Once in situ the two replacement trees will be protected under the Tree Preservation Order.

#### **5. Highways**

Based on the submitted plans the proposal would increase the number of bedrooms by one. Comments have been raised regarding the potential to add bedrooms to the attic together with parking and highways impacts. The use of the existing attic as habitable rooms would not require planning permission in any event as these are existing.

Currently the site has parking for at least three cars to the front with a revised parking area proposed approximately 9m x 9m which can accommodate three vehicles plus driveway which is acceptable for a dwelling of this size and accords with Replacement Pendle Local Plan policy 31.

LCC Highways have raised no objections subject to a condition requiring the use of a bound surfacing material for the hardstanding, the proposed parking alterations and widening of the existing access point would have no adverse impacts on the safety of this residential cul-de-sac and the proposal would be acceptable in relation to highways matters.

#### **6. Summary**

The application involves the erection of a part two storey and part single storey side extension with access/parking alterations. No unacceptable impacts on residential amenity or the road network would be created from the proposal. The scale and design of the proposal would be appropriate for this site and would allow for the planting and establishment of the two replacement protected trees. The proposed development would not result in a detrimental impact on amenity and is acceptable in terms of scale, design and materials subject to appropriate conditions and thereby accords with policies ENV1 and ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the NPPF.

### **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 would not adversely impact on amenity or highway safety and would be acceptable in terms of siting, design and materials and 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 development permitted shall be begun before the expiration of three years from the date of the permission.

**Reason:** This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

2. This permission shall relate to drawing numbers:

1:1250 location plan, existing 1:500 block plan, proposed 1:500 block plan, 5688-4, 5688-5, 5688-6, 5688-7, 5688-8, 5688-9, 5688-10, 5688-11, 5688-12 & 5688-13.

**Reason:** This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

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

4. The first floor gable window in the side (east) elevation of the development hereby permitted shall at all times be fitted with obscure glazing to a least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way so as to prevent the effect of the obscure glazing being negated by way of opening.

**Reason:** To ensure an adequate level of privacy to adjacent residential properties.

5. The bi-folding doors, windows and door shall be set back from the external wall face of the wall by at least 75mm in depth.

**Reason:** To ensure a satisfactory appearance to the development.

6. All the rooflights to be installed shall be conservation type with a vertical mullion unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development.

7. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings.

7. The proposed development shall not be brought into use unless and until the parking area and driveway shown on plan 5688-4 have been constructed, surfaced, sealed in porous material, drained and marked out within the site in accordance with the approved plans. The parking spaces shall thereafter always remain unobstructed and available for parking purposes.

**Reason:** In the interest of amenity and to provide sufficient off-street parking on the site.