

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

**TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 21<sup>st</sup> JANUARY, 2021**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO POLICY AND RESOURCES COMMITTEE 21<sup>st</sup> JANUARY 2021

**Application Ref:** 20/0740/HHO

**Proposal:** Full: Erection of a single storey rear extension.

**At:** 35 Percy Street, Nelson

**On behalf of:** Mrs Kunval Ali

**Date Registered:** 02/11/2020

**Expiry Date:** 28/12/2020

**Case Officer:** Laura Barnes

This report has been referred from the Nelson Area Committee as members were minded to approve the application, contrary to officer recommendation. However, the proposed extension would cause loss of light to neighbouring occupiers and cause an overbearing effect, therefore causing 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 mid-terraced dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Nelson.

The proposal is for the erection of a single storey extension to be constructed of stone, to match the existing dwelling, with roof tiles on a dual pitched roof.

The proposed development would incorporate additional accommodation into the dwelling in the form of a kitchen extension and shower room.

### Relevant Planning History

None relevant

### Consultee Response

LCC Highways

### Public Response

Nearest neighbours notified, no response received.

## **Officer Comments**

### **Policy**

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

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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 its surroundings.

#### Replacement Pendle Local Plan

Saved Policy 31 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 of 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.

### **Design**

The Design Principles SPD advises that single storey rear extensions should be constructed in materials and style to match the existing dwellinghouse. The proposed extension is to be constructed of stone with a tile roof. There is an existing single storey extension with a lean to / shed to the rear.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV1, ENV2 and the Design Principles SPD.

### **Residential Amenity**

Section 5.7 of the Design Principles SPD states that single-storey rear extensions located immediately adjacent to the party boundary are normally only acceptable where they would not create any unacceptable overbearing impacts.

The existing kitchen extension has been built directly on the shared boundary with 37 Percy Street, the neighbouring house immediately to the east. Number 37 has a lounge window to the rear. The 45 degree angle with the centre point of the existing lounge window at No. 37 is breached by 1.3m with the existing kitchen whilst the proposed extension would result in a breach of 3.2m. The proposed extension at 4.6m in height all the way along the shared boundary (projecting 4.4m from the rear wall of the house) would create an unacceptable overbearing effect upon the neighbouring dwelling. The

existing single storey extension projects 2.4m in projection with a 1.7m shed projecting beyond this to the rear wall with the back street. The existing single storey extension measures 4.4m at its highest point (the ground slopes away from the front of the site to the back). The existing shed to the rear of the existing extension measures 2.6m in height at its highest point, sloping away towards the back street to 2.2m.

It is acknowledged that the applicant has had a single storey extension as well as the shed since 1947, as it appears on the Council's mapping system from this time. Therefore, they do have a fall-back position which would allow them to extend from the existing 'original wall' of the dwelling by 3m under Permitted Development. The fall-back position would allow an extension up to a height of 4m (3m to eaves) under Permitted Development. At 4.6m (3.4m to eaves) the proposed extension is significantly beyond this height and would impact upon neighbouring amenity more than that which could be achieved by exercising Permitted Development rights.

The neighbour at No. 33 does not have any windows to the side of their existing single storey extension which face towards the application site, minimising any potential amenity issues. The proposed extension is to have two windows to the side overlooking the yard, it is recommended that the smaller window serving the shower room is obscure glazed to preserve privacy. This could be secured by planning condition. As such it would not create any greater overlooking issues than existing.

Overall, the proposed development is contrary in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposed development would not result in a reduction in parking provision on plot, nor would it increase the parking requirements for the property. Therefore, no objections are raised in relation to Policy 31.

## **RECOMMENDATION: Refuse**

1. Due to its scale and proximity to the shared boundary, the proposed extension would have an unacceptable overbearing impact upon the neighbouring dwelling in conflict with Local Plan: Part 1 Core Strategy Policy ENV2, the Design Principles SPD and the National Planning Policy Framework.