



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

**TO: POLICY AND RESOURCES COMMITTEE**

**DATE: 18<sup>th</sup> MARCH, 2021**

**Report Author: Neil Watson**  
**Tel. No: 01282 661706**  
**E-mail: [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)**

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning application.

## REPORT TO POLICIES AND RESOURCES COMMITTEE 18<sup>th</sup> March 2021

**Application Ref:** 20/0797/HHO  
**Proposal:** Full: single storey rear extension  
**At:** 45 Manor Street, Nelson  
**On behalf of:** Mr A Rehman  
**Date Registered:** 24/11/2020  
**Expiry Date:** 19/01/2021  
**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 applicant has submitted amended plans which have changed the impact upon neighbouring occupiers, as such the officer recommendation has changed.

### Site Description and Proposal

The application site is a two storey terraced dwelling within the defined settlement boundary of Nelson.

The proposal is for a rear extension which projects 4m beyond the existing rear elevation, with a flat roof. The extension would comprise of an extended kitchen, playroom and ground floor bathroom. It is to be constructed of materials to match the existing dwelling, with the exception of the roof which is to be covered in roofing felt

### Relevant Planning History

None relevant

### Consultee Response

LCC Highways  
No objection

### Public Response

The nearest neighbours have been notified, one letter of objection has been received, raising the following issues:

- Loss of light
- Holly tree on the boundary which has not been indicated
- Effect upon local wildlife

## **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.

### **Residential Amenity**

The Design Principles SPD advises single storey rear extensions 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 dwellinghouse.

The neighbouring dwelling at No. 47 has a small kitchen window and door closest to the shared boundary site and is located to the south of the proposed development. As such, there would be no unacceptable amenity impact in terms of the neighbouring property at No. 47.

Although the applicant has reduced the original proposal from a 5m extension to 4m it is noted that there is an existing 1.2m projection of this property past the rear elevation of the adjacent terrace no. 43. The nearest window at No. 43 serves a dining room, which is a habitable room. Had the application site and the neighbouring property both been on the same level, this would have resulted in a loss of light and an overbearing impact on the neighbouring property to an unacceptable degree. However, in this case there is a significant difference in levels between the two properties, such that the floor levels vary by 1.2m. As such, amended plans have been received which have a height of 2.4m, with a flat roof. This means that the proposed extension, with the exception of 30cm for the flat roof, would sit beneath the height of the base of the neighbouring windows.

Therefore the change in levels, together with the amended plans indicating a flat roof would mitigate any loss of light or overbearing impact upon the neighbouring property. Therefore, the proposed development accords with Policy ENV2 and the Design Principles SPD.

## **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 plans indicate that the materials are to match the existing dwellinghouse, with the exception of the flat roof. As discussed above, the flat roof has been included in the proposals in order to mitigate any neighbouring amenity issue. It is to the rear of the property and not visible from a public vantage point, as such although a flat roof would generally be discouraged it is acceptable in this location.

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.

## **Highways**

The proposed development would not increase the parking requirements for the property. Therefore, no objections are raised in relation to Policy 31.

## **Other Matters**

Objection has been raised in relation to a boundary issues with a holly tree. This is a civil matter between the parties and is not material to the planning application.

It has also been raised that local wildlife would be affected by the proposed development. Whilst this is a material planning consideration it is not considered that the proposed development is of such a scale which would result in loss of habitat or unacceptable impact on biodiversity. As such, it accords with Policy ENV2 of the Local Plan Part 1: Core Strategy.

## **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 accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development 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 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 accordance with the following approved plans:

- Location Plan Ref: TQRQM20328200301638
- Site Plan Ref: TQRQM20328201227586
- Existing and Proposed Floor Plans Ref: AB073, dated 16/01/2021
- Proposed Rear and Side Elevations Plan Ref: AB073, received 03/03/2021
- Proposed Extension indicating relationship with No. 43 Manor Street Ref: AB073, dated 02/03/2021

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

3. With the exception of the flat roof which is to be finished with roofing felt, all the external materials to be used in the elevations of the development hereby permitted shall match those of the existing building in colour, form and texture and there shall be no variation without the prior consent of the Local Planning Authority.

**Reason:** These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

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