



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 7th JUNE 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 07th June 2021

Application Ref: 20/0753/HHO

Proposal: Full: Erection of side and rear two storey extensions.

At: 181 Regent Street, Nelson

On behalf of: Mr Zulfqar Ali

Date Registered: 12.11.2020

Expiry Date: 05.04.2021

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it has been called in by a Councillor.

The application site is a two storey semi-detached dwellinghouse, located on a corner plot at the entrance to Swinden Hall Road. The site is adjacent to residential properties of similar design, scale and mass. The site is within the settlement boundary of Nelson.

The proposed development is for the erection of a two storey side and rear extension. It would comprise of a lounge, study and bathroom at ground floor level, and a bathroom with two additional bedrooms at first floor level.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Having considered the information submitted, the Highway Development Support Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted.

The proposal would see the number of bedrooms increase from two to three/four. There is currently no off-road parking provided and there would be no room within the curtilage to provide any following the construction of the above extensions. However, there is a bus stop immediately outside No 181, which should lessen the impact of this lack of off-road parking.

There are also No Waiting At Any Time restrictions outside No 181 on both Regent Street and round the junction with Swinden Hall Road. These restrictions, plus pedestrians accessing the bus stop on Regent Street, need to be taken into consideration during construction works to ensure that access to other properties and the public transport network is not obstructed.

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.

Paragraph 130 of the NPPF states permission should be refused for developments of poor design that fail to take opportunities available for improving the character and quality of an area, taking into account local design guides or adopted supplementary planning documents.

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

Design

The application site is within a corner plot, on the junction between Swinden Hall Road and Regent Street. Therefore, the Design Principles SPD advises that particular attention needs to be paid to the design of extensions on corner plots.

In particular it states that two storey extensions must respect established building lines on both street frontages and where there is no clear building line, extensions should be set back from the boundary by at least 3m. In addition, the width of any side extension should not be more than half the width of the original frontage of the existing property.

With particular reference to two storey side extensions, the Design Principles SPD also stipulates; extensions should be set back 1m from the front elevation of the property, with a corresponding lowering of the roof line. Two storey side extensions should have a pitched roof and be constructed of materials to match that of the main dwellinghouse.

The property is located on a restricted corner plot, with little space to the front, rear or side. As such, although the two storey side extension only has a width of 2.5m, this extends right up to the

side boundary of the site. Although there is a small grass verge, not within the applicant's ownership, between the boundary of the site and the pavement, the extension would be readily visible due to its siting and lack of boundary screening.

The two storey side extension would have no set back from the front elevation of the main dwellinghouse and a minimal set down of the ridge line. This would result in a dominant frontage on this prominent corner plot, creating an incongruous extension which would be detrimental to the character of the street scene.

Moreover, due to the significant depth of the two storey rear extension, this results in a long 12m relatively blank side elevation, directly adjacent to Swinden Hall Road. This would appear dominant and disproportionate to the size of the plot, inappropriate within the street scene.

Paragraph 130 of the NPPF states permission should be refused for developments of poor design that fail to take opportunities available for improving the character and quality of an area, taking into account local design guides or adopted supplementary planning documents. The proposed extension is of poor design, does not comply with the adopted Design Principles SPD and would result in a development which is detrimental to the character of the area. Therefore, it will be refused on the grounds of poor design.

Therefore, as submitted the proposal fails to comply with adopted guidance within the SPD, Policy ENV1, Policy ENV2 and Paragraph 130 of the NPPF.

Residential Amenity

The Design Principles SPD advises that two storey side and rear extensions should not breach the 45 degree rule, which would result in loss of light to neighbouring occupiers.

The proposed two storey rear extension would have a depth of 4.5m from the rear elevation of the existing dwellinghouse. As such, when a 45 degree line is drawn from the rear elevation of the closest first floor rear facing window at No.179 towards the proposed extension there is a significant intersection. Therefore, this would result in an unacceptable impact on their residential amenity.

In addition, the SPD states that proposed windows which serve main habitable rooms, in side elevations overlooking adjacent properties are not acceptable. Moreover, a minimum distance of 12m should be retained between a principal window and a blank elevation or 21m separation between two habitable room windows facing each other.

The proposed two storey rear extension includes two first floor rear facing bedroom windows and two ground floor rear facing openings. These would both be within 7.5m of the rear elevation of the bungalows on Swinden Hall Road to the rear. This would not be sufficient separation distance to comply with the SPD and would result in an overbearing impact on occupiers to the rear, particularly taking into account the single storey nature of the bungalows, and would cause detrimental overlooking impacts from such a close proximity. This would have an unacceptable impact on the neighbouring occupiers residential amenity.

Therefore, the proposal is contrary to adopted guidance within the SPD and Policy ENV2, resulting in unacceptable impacts on residential amenity to neighbouring occupiers.

Highways

The proposed extension would result in an increase in bedrooms at the property, from two to four. In accordance with Policy 31 this would require the addition of one on plot parking space.

However, the existing dwelling does not provide any off-road parking, nor is there space within the curtilage of the dwelling to provide off-road parking. The majority of properties on Regent Street park on street, which is currently unrestricted. The property also benefits from a bus stop to the front and is within walking distance of Nelson Town Centre.

As such, on balance no objections are raised in this regard.

RECOMMENDATION: Refuse

For the following reasons;

1. The proposed extension, by virtue of its scale and massing would result in a disproportionate addition to a corner plot property and an incongruous feature in the street scene. The development would therefore fail to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, the adopted Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.
2. The proposed extension, by virtue of its 4.5m depth and two storey height, would result in unacceptable amenity impacts on the occupants of No.179 Regent Street and overlooking impacts to the bungalows at the rear on Swinden Hall Road. The development therefore fails to comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 - 2030) and the Design Principles Supplementary Planning Document.

Application Ref: 20/0753/HHO

Proposal: Full: Erection of side and rear two storey extensions.

At: 181 Regent Street, Nelson

On behalf of: Mr Zulfqar Ali

REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 07th June 2021

Application Ref: 21/0043/FUL

Proposal: Full: Change of use from a shop (Use Class E) to hot food takeaway (Sui Generis), erection of single storey rear extension and alterations to access for flat above.

At: 237 Leeds Road, Nelson

On behalf of: Mr Rana

Date Registered: 10/03/2021

Expiry Date: 05/05/2021

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an existing shop on Leeds Road, within the settlement boundary of Nelson.

The intention is to convert the shop into a Hot Food Takeaway, with a single storey extension and alterations to accommodate a flat above.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

Having considered the information submitted, I would offer the following comment:

Situated in a commercial area of the town of Nelson and with significant traffic regulation orders along the frontage of the site and in the immediate vicinity. I would question the validity of granting change of use of business premises to hot food take away. There is little / no "on street parking provision" with the potential should planning permission be granted for the obstruction of an adjacent bus stop.

From a highway perspective, I would wish to raise an objection to applicant proposals.

Environmental Health

Noise & Vibration from Industrial plant, Extract Ventilation & Ducting

A scheme for the enclosure of any noise emitting plant and machinery with sound-proofing material, including details of any sound-insulating enclosure, mounting to reduce vibration and transmission of structural borne sound, and ventilation or extract system, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved scheme shall be completed prior to the first occupation of the building and shall thereafter be retained. Before any plant is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same matters shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before the plant is first used.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

H34

Sound Insulation

A scheme for the sound insulation of odour control equipment referred to in condition [A] set out below shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full accordance with the approval scheme prior to the permitted use being commenced. The approved sound insulation works shall thereafter be maintained in efficient working order.

Note

1. Regard shall be had of the following: DEFRA Guidance on the control of Odours and Noise from Kitchen Extraction Systems.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

2. Operating Hours

The use hereby permitted shall only be conducted between the hours of 11:00am and 11:00pm on weekdays, Saturdays, Sundays, Bank or Public Holidays.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Public Response

Nearest neighbours have been notified and no response has been received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

ENV4 sets out that where an adverse impact [upon highway safety] is identified, applicants should ensure adequate cost effective mitigation measures can be put in place. Where the residual cumulative impacts of the development are severe, planning permission should be refused.

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow the following sequential approach:

- 1: Town and local shopping centres
- 2: Edge of centre locations
- 3: Out-of-centre sites which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre

Proposals for hot-food takeaways in close proximity to establishments that are primarily attended by children and young people will be resisted.

Replacement Pendle Local Plan (RPLP)

Policy 25 states that new retail and service development should be located within a defined town centre as the first order of priority. The supporting text states that where existing commercial uses

exist outside of a town centre they can be replaced by some other commercial use of the same scale.

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Principle of the Development

The site is located outside of a town centre, Policy 25 of the RPLP allows existing commercial uses outside of town centres to be replaced by other commercial uses of the same scale.

The proposed use of the building would not be of a greater scale of impact than the existing use. Taking this into account, the proposed hot food takeaway is acceptable in accordance with Policy 25.

The site is located approximately 160m from The Zone, Community Hub. It is acknowledged that there are other Hot Food Takeaways within closer proximity than this.

Visual Amenity

The proposed development includes an extraction / ventilation flue on the proposed plans. However, the Environmental Health /officer has requested that should the scheme be approved, details of the ventilation and extraction system are submitted. Whilst it would be visible from the junction with Reedyford Road and Leeds Road, it would not be unacceptably prominent and would be acceptable in terms of visual amenity. It is noted that there is an extraction / ventilation flue to a neighbouring property which is located to the rear.

The proposed development is acceptable in terms of visual amenity in accordance with policy ENV2.

Amenity

The proposed development includes the erection of a single storey extension. Whilst there is an existing single storey rear extension currently, the proposed development seeks to extend this to cover the entire rear yard. It is noted that there is an existing single storey rear extension to the neighbouring dwelling (No. 239) as such the proposed development would not result in an unacceptable overbearing impact upon the neighbour.

The applicant has not provided an indication of operating hours on the application form. On this basis, it must be assumed that 24/7 operation is being applied for. The Environmental Health Officer has commented on this application suggesting a restriction of operating hours, in the interests of neighbouring amenity, this could be controlled by condition.

Overall, in terms of amenity issues there would be no unacceptable impacts, in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Design

The application seeks planning permission to erect a flat roof single storey rear extension, whilst this is to the rear, it would be visible in the streetscene on Reedyford Road. However, it would not cause an unacceptable impact upon the character and visual amenity of the street scene.

The application form does not include details of materials, with exception of the door which is to be UPVC, neither are there details on the plans. However, a condition could be applied to ensure that the proposed materials, with the exception of the flat roof, are to match the existing property.

It is noted that the plans indicate that the applicant wishes to erect illuminated signage to the front and side elevations. This type of development would need an advert consent and is not dealt with as part of the determination of this application. Moreover, the Council does not have any details of the type of illumination, colour or hours which this would be lit.

Overall, the proposed development is acceptable in relation to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Highways

The Highways Authority have reviewed the proposed development and have objected on highway safety grounds due to the lack of car parking. It is noted that there is a bus stop directly outside the front of the application site and double yellow lines, where parking is prohibited in much of the surrounding area to the front and side of the property. It is also at a junction, where parking may cause a danger to highway safety.

There is a concern regarding waste storage, as it is common to have wheelie bins etc stored in the rear yard, where this application proposes to build across the entire rear yard. It would not be acceptable to have waste receptacles in the back street, causing a restriction to a highway. The application form which accompanies the planning application does not indicate the arrangements for waste storage, neither do any of the plans submitted. As such, there is not sufficient information regarding waste storage in order to determine the application.

As such, the proposed development conflicts with paragraph 108 of the Framework which requires any impact upon highway safety to be mitigated. The proposed development has not provided any mitigation for the proposed impact.

RECOMMENDATION: Refuse

The proposed development does not have any off-street parking and is located on a road junction which may encourage dangerous car parking, resulting in a danger to highway safety, contrary to paragraph 108 of the Framework, Policy ENV4 of the Local Plan: Part 1 Core Strategy and Policy 31 of the Pendle Replacement Local Plan.

Application Ref: 21/0043/FUL

Proposal: Full: Change of use from a shop (Use Class E) to hot food takeaway (Sui Generis), erection of single storey rear extension and alterations to access for flat above.

At: 237 Leeds Road, Nelson

On behalf of: Mr Rana

Application Ref: 21/0089HHO

Proposal: Full: Erection of dormer to front and rear roof slopes

At: 18 Roberts Street, Nelson

On behalf of: Mr M Munsif

Date Registered: 12/02/2021

Expiry Date: 09/04/2021

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an end-terrace 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 flat roof dormers to the front and rear roof slopes, to create two additional bedrooms and a bathroom in the roof space.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

No objection

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 ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (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 care should be exercised to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. Dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced.

The proposal is for a flat roof extension which dominates the entire front and rear roof slopes of the dwelling which has a harmful effect upon the character and appearance of the original dwelling. This also has a wider effect on the street scene in a terrace which has a simple and uninterrupted ridge line. The proposed dormer is to be clad with a Marley vertical tile in grey with a rubber roof membrane, in contrast to the natural slate roof tiles.

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

Residential Amenity

The proposed dormer to the front is to have one small window whilst the dormer to the rear is to have two (one serving the bathroom and the other serving the bedroom). There are no windows to the side elevation. The proposed dormer to the rear is 10m directly adjacent to dwellings on Fir Street which have rear yards and windows. The position of the proposed dormer is such that it would cause overlooking with neighbouring dwellings. To the front, the dwellings are more offset because of their position around the road junction, as such the proposed dormer would not cause any overlooking between dwellings.

Therefore, the proposed development is unacceptable in terms of causing an overbearing effect upon neighbouring dwellings, contrary to Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms to the dwelling which would increase the number of parking spaces required. However, the Highways Authority have not raised any objection in relation to highway safety concerns. It is unlikely that a reason for refusal on highway grounds would be sustained. As such, no objection is raised in relation to Policy 31 of the Replacement Pendle Local Plan.

RECOMMENDATION: Refuse

1. By virtue of its position to the front and rear elevations of the dwelling, the proposed dormers would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.
2. Due to their close proximity to neighbouring dwellings, the proposed dormers would cause an overbearing effect upon neighbouring dwellings, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 210089HHO

Proposal: Full: Erection of dormer to front and rear roof slopes

At: 18 Roberts Street, Nelson

On behalf of: Mr M Munsif

REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 07th June 2021

Application Ref: 21/0110/HHO
Proposal: Full: Formation of dormer window to front roof slope
At: 2 Vaughan Street, Nelson
On behalf of: Mr Sijjad Mirza
Date Registered: 16/02/2021
Expiry Date: 13/04/2021
Case Officer: Laura Barnes

This application has been called in for determination at planning committee by a Councillor.

Site Description and Proposal

The application site relates to an end-terrace 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 a flat roof dormer to the front roof slope, to create two additional bedrooms in the roof space.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

No objection

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 ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (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 care should be exercised to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. Dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced.

The proposal is for a flat roof extension which dominates the entire front roof slope of the dwelling, which has a harmful effect upon the character and appearance of the original dwelling. This also has a wider effect on the street scene in a terrace which has a simple and uninterrupted ridge line. The proposed dormer is to be clad with slate to match the existing roof.

The design of this development is unacceptable in this location and as such conflict with Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The proposed dormer to the front is to have one window. There are no windows to the side elevation. The proposed dormer is to be directly opposite properties to the other side of Vaughan Street which have first floor bedroom windows facing towards it. As such, there would be some loss of privacy and an overbearing effect upon the neighbouring dwellings.

Therefore, the proposed development is unacceptable in terms of causing an overbearing effect upon neighbouring dwellings, contrary to Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms to the dwelling which would increase the number of parking spaces required. However, the Highways Authority have not raised any objection in relation to highway safety concerns. It is unlikely that a reason for refusal on highway grounds would be sustained. As such, no objection is raised in relation to Policy 31 of the Replacement Pendle Local Plan.

RECOMMENDATION: Refuse

1. By virtue of its position to the front elevation of the dwelling, the proposed dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.
2. Due to its close proximity to neighbouring dwellings, the proposed dormer would cause an overbearing effect upon neighbouring dwellings, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 21/0110/HHO

Proposal: Full: Formation of dormer window to front roof slope

At: 2 Vaughan Street, Nelson

On behalf of: Mr Sijjad Mirza

REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 07th June 2021

Application Ref: 21/0132/HHO

Proposal: Full: Full: Demolition of existing single storey rear extension, insertion of front and rear dormers and erection of a replacement single storey rear extension

At: 17 Essex Street, Nelson

On behalf of: Mr S Ahmed

Date Registered: 23/02/2021

Expiry Date: 20/04/2021

Case Officer: Laura Barnes

This application has been called for determination at Planning Committee by a Councillor

Site Description and Proposal

The application site relates to a 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 flat roof dormers to the front and rear roof slopes, to create two additional bedrooms in the roof space. In addition, the proposal also seeks permission to demolish the existing single storey extension and erect a replacement.

Relevant Planning History

None relevant

Consultee Response

None relevant

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 ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (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 care should be exercised to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. Dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced.

The proposal is for a flat roof extensions which dominate the entire front and rear roof slopes of the dwelling which has a harmful effect upon the character and appearance of the original dwelling. This also has a wider effect on the street scene in a terrace which has a simple and uninterrupted ridge line. The proposed dormer is to be clad with a concrete hanging tiles, in contrast to the natural slate roof tiles.

In terms of the single storey rear extension, it is to project out from the rear wall of the dwelling by 2.3m. The proposed extension is to have a lean-to roof against the rear wall of the existing dwelling. It is to measure 3.4m in height (to ridge) and 2.2m to eaves.

The design and materials of the dormer element of the proposed development are unacceptable in this location and as such conflict with Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The proposed dormers to the front and rear are to have one small central window each. There are no windows to the side elevation. The position of the proposed dormers is such that it would cause overlooking with neighbouring dwellings.

In terms of the single storey rear extension, it is to have one window to the rear elevation looking out into the rear yard. There are no proposed side windows to the extension, which would overlook neighbouring dwellings.

Therefore, whilst the proposed single storey extension is acceptable, the dormer part of the proposed development is unacceptable in terms of causing an overbearing effect upon neighbouring dwellings, contrary to Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms to the dwelling which would increase the number of parking spaces required. However, the Highways Authority have not raised any objection in relation to highway safety concerns. It is unlikely that a reason for refusal on highway grounds would be sustained. As such, no objection is raised in relation to Policy 31 of the Replacement Pendle Local Plan.

RECOMMENDATION: Refuse

1. By virtue of its position to the front and rear elevations of the dwelling, the proposed dormers would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.
2. Due to their close proximity to neighbouring dwellings, the proposed dormers would cause an overbearing effect upon neighbouring dwellings, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 210132HHO

Proposal: Full: Full: Demolition of existing single storey rear extension, insertion of front and rear dormers and erection of a replacement single storey rear extension

At: 17 Essex Street, Nelson

On behalf of: Mr S Ahmed

REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 07th JUNE 2021

Application Ref: 21/0157/HHO

Proposal: Full: Single storey rear extension and the erection of dormers to the front and rear main roof slopes

At: 262 Leeds Road Nelson Lancashire

On behalf of: Mr Ishfaq Hussain

Date Registered: 02.03.2021

Expiry Date: 27.04.2021

Case Officer: Neil Watson

Site Description and Proposal

This is a typical terraced property on the main road to Nelson & Colne. There are no dormers on the front of the house. The houses faces properties refurbished under the HMR programme. The rear of the property has a small outrigger. It faces an extension of the neighbours that has a kitchen window in it directly facing the proposed extension. There is also a living room window in the main elevation of the neighbour directly adjoining the site. A wall 1circa 1.5m high sits in between the two.

Relevant Planning History

No relevant planning history.

Consultee Response

None

Public Response

None

Relevant Planning 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. 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.

Officer Comments

The application proposes extensions at both the rear of the house and a dormer to the front.

The street upon which the property is on does not have dormers on it. The row in which the building is situated faces properties that were renovated as part of the Housing Market Renewal programme and are well presented good examples of terraced properties. The Council's adopted design SPD indicates that dormers would not normally be acceptable design features in locations which do not have dormers as a feature. That is the case here. Other examples of dormers further along Leeds Road show how poor decisions have diluted the urban fabric of Nelson and have led to a dilution of the urban design quality of the area. Allowing a dormer here would result in a further area having its design and townscape quality diminished.

The proposal is to extend at the rear. The new windows would face a rear outrigger on the adjoining house and would also allow direct overlooking into the rear windows in the main façade of the dwelling. This cannot be overcome by requiring fencing which, to be effective, would have an unacceptable impact on the amenity of the adjoining residents.

RECOMMENDATION: Refuse

- 1 The proposed front dormer would be an unsympathetic, unacceptable addition to this traditional terraced dwelling and would result in unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.

- 2 The erection of the rear extension would lead to an unacceptable relationship between habitable windows in the adjoin property and hence the development would result in an unacceptable loss of privacy of the occupants of the adjoining dwelling.

Application Ref: 21/0157/HHO

Proposal: Full: Single storey rear extension and the erection of dormers to the front and rear main roof slopes

At: 262 Leeds Road Nelson Lancashire

On behalf of: Mr Ishfaq Hussain

REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 07th JUNE 2021

Application Ref: 21/0175/HHO

Proposal: Full: Erection of a pitched roof dormer to the front and flat roof dormer to the rear roof slopes.

At: 557 Colne Road Brierfield Burnley

On behalf of: Mr Syed Akhtar Shah

Date Registered: 08.03.2021

Expiry Date: 03.05.2021

Case Officer: Neil Watson

Site Description and Proposal

The site is a terraced property that sits within a row of other terraced units. There are no dormers on the row nor in the immediate vicinity.

Relevant Planning History

No relevant planning history.

Consultee Response

None

Public Response

None

Relevant Planning 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. 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.

Officer Comments

The application site is a typical mid terrace property. It has a plain front elevation and chimneys. There are no dormers on the row or in the vicinity.

The design of the dormer is a modest one and would sit in the middle of the roof slope. Although modest it would be an alien feature in an otherwise unbroken roof line. The Design SPD indicates that dormers in unbroken roof lines would not normally be permitted. Here the dormer would look alien in nature and would detract from the character and appearance of the row of properties.

The rear elevation faces window in the property opposite. The dormer would however not have any different relationship to that of the existing windows. The design would be acceptable.

RECOMMENDATION: Refusal

The proposed dormer would be incongruous and alien feature in the street scene. The poor design would result in a development that is contrary to policy ENV2 of the adopted Part 1 Pendle Local Plan – Core Strategy and to the policies in the National Planning Policy Framework.

Application Ref: 21/0175/HHO

Proposal: Full: Erection of a pitched roof dormer to the front and flat roof dormer to the rear roof slopes.

At: 557 Colne Road Brierfield Burnley

On behalf of: Mr Syed Akhtar Shah

REPORT TO NELSON, BRIERFIELD & REEDLEY AREA COMMITTEE 07th JUNE 2021

Application Ref: 21/0288/FUL

Proposal: Full: Erection of covered recycling bays and welfare shelter (Regulation 3 Application)

At: Fleet Street Depot, Fleet Street, Nelson

On behalf of: Pendle Borough Council

Date Registered: 13/04/2021

Expiry Date: 25/05/2021

Case Officer: Craig Barnes

The application has been brought before Committee due to being made by the Council.

Site Description and Proposal

The application site relates to land forming part of the Fleet Street Depot, Nelson. The site is adjacent to the Leeds and Liverpool Canal (a Biological Heritage Site) located to its west, with Junction 13 of the M65 beyond. Industrial land uses feature within the wider locality to the site to its north and south, whilst the residential terraces are located to the east. The site is located within the settlement boundary. It is not located within a conservation area nor is it listed or forms part of the setting of a listed building.

The proposed development seeks to erect a Welfare Shelter and Recycling Bay within the site of the Fleet Street depot. The Welfare Shelter is proposed to be erected close to the entrance of the site.

The welfare shelter would be 8 metres in width, 3.6 metres in length and 2.8 metres in height at its tallest point.

A recycling bay, features a canopy shelter is proposed within the western part of the Fleet Street Depot. The location of this development currently features waste processing infrastructure. This part of Fleet Street Depot is not near any existing land uses, it is however adjacent to the Leeds and Liverpool Canal. A high boundary wall separates the site (and depot) from the Canal. The recycling bay is 12 metres in width, 10 metres long, and 8.7 metres in height.

Relevant Planning History

None.

Consultee Response

Lancashire County Council Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore the Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

Cadent Gas Network

Gas Infrastructure shown to be in close proximity to proposals. Guidance provided on steps required for the safe development of the site.

PBC Environmental Protection

No objection.

Canal and Rivers Trust

Based on the information available our substantive response (as required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)) is the following general advice:

The application site is located to the east of the Leeds and Liverpool Canal which is owned and managed by the Trust. The submitted Location Plan shows the covered recycling bays located in close proximity to the canal boundary.

From the details submitted it appears likely that the proposed development would use existing foundations to support the new structure, however the trust would welcome this detail being confirmed. Should the development require new foundation or excavation work then details should be provided prior to the commencement of the development, with a cross section showing the depth and dimensions of foundations relative to the canal. This to ensure that works in proximity to the canal do not adversely affect its structural integrity. This detail could be secured via use of an appropriately worded condition.

The site boundary runs adjacent to an area of vegetation and care should be taken to limit the disturbance of tree roots.

Public Response

No comments 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 ENV1 (Protecting and Enhancing our Natural and Historic Environments) sets out measures taken through policy and decision making to protect the borough's most sensitive natural and historic environments from harm arising as a result of new development.

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 4c County and District Designated Sites

Saved Policy 13 relating to quality and design of new 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.

Principle of Development

The application seeks planning permission to new shelters within the Fleet Street Depot, Nelson. The Fleet Street Depot is an established facility used to support the provision of statutory Council services within the settlement boundary of Nelson. Proposals are ancillary to existing uses and will not result in new or increased activities at the site which may affect adversely surrounding uses, residents, wildlife, designations, or infrastructure. The proposals are acceptable in principle.

Design

Submitted plans confirm the scale, form and appearance of the proposed development. Both proposed structures are a lightweight construction. The structures would be sited within the Fleet Street Depot which has a range of structures already in it. The Depot is not in a conservation area and does not have prominent views into it from any surrounding viewpoints.

Both structures are of modest scale in their setting. They are of a compatible scale to the surrounding buildings and are of a design which fits into the existing built form. They respond approximately to their surroundings and are acceptable in design terms in their setting.

Taking into account the above, the proposed design of the development is suitable. The proposed development is therefore consistent with Policy ENV2 of the Pendle Core Strategy and Policy 13 of the Pendle Replacement Local Plan.

Amenity

The application site has some relationship with existing dwellings and businesses located on Charles Street south of Fleet Street Depot. Only the proposed Welfare Shelter is located near to these uses. The use of the Welfare Shelter will not adversely affect these existing neighbouring uses and there will be no overlooking or loss of privacy.

The proposed Recycling Bay is a larger structure, however is set back within the Fleet Street Depot at the location of current waste processing facilities. The development would not generate any new or additional use which may adversely affect neighbouring uses by way of effects from noise or air pollution. The development site is located adjacent to the Leeds and Liverpool Canal but would be of a compatible design and scale with the existing facilities so as not to affect the amenity or enjoyment of the canal.

The development will not affect the amenity of any adjoining land uses.

Contamination

Ground works required to accommodate the proposals are limited with the re-use of existing foundations where possible. Any potential impacts on contaminated land can be adequately controlled by a planning condition.

Effects on the Leeds and Liverpool Canal Biological Heritage Site

The site is located adjacent to the Leeds and Liverpool Canal, a Biological Heritage Site. The development proposal is in two parts. The proposed welfare shelter is distant from the Canal and as a result its construction and operation will have no effect on this designation.

The proposed recycling shelters are in close proximity to the Canal. The Canal is separate from the Fleet Street Depot by a high and substantial wall which helps to minimise the potential for adverse effects on wildlife and users of the Canal from ongoing activities taking place at the depot. This wall, which will be retained by proposals, will similarly prevent any adverse effects on the Canal caused as a result of the development and its future operation. The development is limited in terms of the extent of works required for its build and does not introduce new activities to the site.

The development will not result in any adverse impact on the canal and its BHS status. The proposed development is therefore consistent with Policy ENV1 of the Pendle Core Strategy and Policy 4C of the replacement Pendle Local Plan.

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:

- A21-03/01 Site Location Plan (Received 6th April 2021)
- PRO-PC-001 Elevation Plan Proposed Recycling Bin (Received 6th April 2021)
- PRO-PC-002 Elevation Plan Proposed Canopy (Received 6th April 2021)

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

3. The external materials to be used on the development hereby permitted shall at all times be as stated on the planning application form and approved plans and there shall be no variation without the prior written 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.

4. If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority. The contingency plan shall thereafter be carried out in full in accordance with the timescales set out in the plan.

Reason: In order to deal with any unexpected contamination found at the site.

Application Ref: 21/0288/FUL

Proposal: Full: Erection of covered recycling bays and welfare shelter (Regulation 3 Application)

At: Fleet Street Depot, Fleet Street, Nelson

On behalf of: Pendle Borough Council

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 7TH JUNE 2021

Application Ref: 21/0317/HHO
Proposal: Full: Erection of two storey side extension and single storey rear extension.
At: 42 Edge End Avenue, Brierfield
On behalf of: Mr and Mrs Uddin
Date Registered: 14/04/2021
Expiry Date: 09/06/2021
Case Officer: Laura Barnes

This application has been called for determination by planning committee due to the number of objections received.

Site Description and Proposal

The application site is a two storey semi-detached dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Brierfield.

The proposal is for the demolition of the existing garage and erection of a part single and part two storey extension to the rear and a two storey side extension.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

No comment

Environmental Health

Contaminated Land Informative

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the Local Planning Authority.

Public Response

Nearest neighbours have been notified by letter, 55 letters relating to this application have been received (including the applicant responding to some letters of objection), they raise the following issues:

- Loss of light
- Construction vehicles and the delivery of materials will cause problems for highway safety
- Party wall issue relating to the boundary with No. 44
- The proposed development would block views of the open countryside
- Overbearing impact upon neighbouring dwellings

- Potential structural / ground stability issues in the area
- The extension will block more sunlight from the road meaning that when it snows it will take the snow longer to melt on the road
- Outlook would be completely changed
- Not in proportion with existing dwelling
- There will be an increase in traffic associated with the development

And in support of the application, the following points have been made:

- The proposed extension would be in keeping with others on the street
- It will provide a family with a bigger living space
- It will add value to properties in the area
- The building work will provide work for local builders
- Houses in this area need modernising
- Proposed plans are similar to extension which have gone up elsewhere on Edge End Avenue

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 proposed extensions to the side are set back from the front elevation and down from the ridge height of the existing dwelling. Neither principle has been followed here which results in a proposed development which would create a terracing effect with the neighbouring dwelling.

The proposed two storey rear element and two storey side element of the extension have a pitched roof, in accordance with the Design Principles SPD. The proposal involves a rendered finish to the entire property, including the proposed extension. The roof is to be constructed of tiles and the windows are to be UPVC. These materials are considered appropriate in this location. The porch to the front of the dwelling is to have a pitched roof and be constructed of matching materials to the rest of the proposed development.

The design of the proposed development is not acceptable and would result in a terracing effect, causing harm to the wider visual amenity of the area. This is contrary to Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that two storey rear extensions will be acceptable only if they do not breach the 45 degree rule. It is also recommended that any first floor extension is set in by 1m from the boundary where the properties are attached (such as semi-detached dwellings) and the neighbouring dwelling does not already have an extension.

In this case, the neighbouring dwelling does not have a single storey extension to the rear on the shared boundary. However, the applicant has chosen to observe more than the 1m off-set from the boundary at the first floor level. 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 proposed extension is to project 3m at the ground floor level. As such, the proposed extension would not result in an unacceptable impact upon the neighbouring dwelling at No. 40.

The proposed development does not have any proposed window to the side elevation. It is noted that the intended boundary treatment is a 2m high close boarded fence. To the front elevation the proposed extension is to have one first floor window, serving a bedroom. To the ground floor there is to be an additional patio door. Whilst this is an unusual feature within the streetscene, usually found to the rear of a property, it would not cause any harm to the overall appearance of the building, neither would it result in any unacceptable neighbouring amenity issues. To the rear, the proposed extension is to have two windows to the first floor, one of which is to be obscure glazed. To the ground floor the single storey extension is to have two rooflight windows along with two sets of patio doors and a single window, which is obscure glazed. Although the proposed first floor window is set further back in the plot than the existing first floor windows, due to the position of the plot (being set forward of the neighbour at No. 44) it would not cause any unacceptable neighbouring amenity issues.

It is noted that there is a ground floor side elevation window to the neighbouring dwelling, No. 44 which faces the proposed development site, as well as a first floor landing window). The result of the proposed extension would be an overbearing effect upon the neighbouring dwelling. Further, due to the proposed development being set forward in the plot from the neighbouring dwelling there would be a further overbearing effect to the front of the dwelling. This is contrary to Policy ENV2 of the Local Plan, Part 1 Core Strategy and the Design Principles SPD.

It is noted that the proposed development includes a raised terrace area to the rear, this is not dissimilar to the existing raised terrace area and as such would not cause any unacceptable neighbouring amenity impacts. Further, the position of the garage to the side / rear of No. 44 assists in providing some privacy between the rear gardens.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 of the Local Plan, Part 1 Core Strategy and the Design Principles SPD.

Highways

The proposed development would result in an increase in the number of bedrooms to four (with an additional office which could be used as a bedroom) increasing the need for off-street parking, in accordance with Policy 31 of the Replacement Local Plan. Policy 31 requires three off-street car parking spaces where there are to be 4+ bedrooms. In this case the site plan indicated two off-street parking spaces. This is not sufficient car parking and may lead to on-street parking which could cause a danger to highway safety. The Highways Authority have not provided any comments on this application.

Other Matters

Issues relating to a boundary wall have been raised by objectors to the proposed development. However, this is not a material planning consideration but rather a civil matter. As such, it does not form part of the determination of this application. Similarly, issues relating to a loss of views. This is not a material planning consideration and cannot be taken into consideration in the determination of this application.

RECOMMENDATION: Refuse

For the following reason:

1. By virtue of its scale and design, the proposed extension would result in an overbearing effect upon the neighbouring dwelling and would cause harm to the visual amenity of the area, contrary to the National Planning Policy Framework, Policy ENV2 of the Local Plan, Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 21/0317/HHO

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

At: 42 Edge End Avenue, Brierfield

On behalf of: Mr and Mrs Uddin

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 7TH JUNE 2021

Application Ref: 21/0327/HHO

Proposal: Full: Erection of single storey extension, outbuilding and external staircase to rear (retrospective).

At: 49 Lancaster Gate, Nelson

On behalf of: Mr Dilawar Hussain

Date Registered: 19/04/2021

Expiry Date: 14/06/2021

Case Officer: Laura Barnes

The application has been brought before committee due to there being 3 or more objections.

Site Description and Proposal

The application site is a semi-detached dwelling located within the built up area of Nelson, within the settlement boundary.

The development comprises a detached outbuilding and a single storey rear extension, both of which have a flat roof. At the time of the site visit the development had been completed.

Relevant Planning History

13/14/0246N - Permitted Development Notification (Larger Home Extension): Erection of a single storey extension to the rear (Length 6m, eaves height 2.8m, overall height 2.8m). Prior Notice Not Required

13/15/0599P - Full: Erect single storey extension and garage to rear
Approved with conditions

Consultee Response

LCC Highways

No objection

United Utilities

In consideration of the affected public sewer(s), United Utilities have no objection to the development subject to garage not built directly over the 300mm sewer as agreed with the owner, but would request that all works satisfy the Approved Document's Guidance that supports the requirement of Part H4 of the Building Regulations.

The following guidance should be passed to the applicant/property owner;

What does this mean?

- United Utilities will not object to your development based on the information you have submitted. However, we would still ask that you take the appropriate steps to protect the public sewer from your development and also protect your development from the public sewer should it ever fail.

- Please note you will be responsible for any damage to the public sewer caused by your development, even were our permission to build is not required.
- These protective measures can be found in the Building Regulations Guidance; electronic copies of the guidance can be found here:

<http://www.planningportal.gov.uk/buildingregulations/approveddocuments/downloads>

What do I need to do next?

- The most important thing is to establish the exact location and condition of the sewer as you should not build near to or over a sewer that is in poor condition. Furthermore this will help you be sure that your work will not lead to damage to the public sewer. Defects such as deformation (change in Shape) hair-line cracks, open/displaced joints are unlikely to cause the sewer to fail and will not normally require attention if the sewer remains the same. Once construction starts close to or over the sewer these defects could possibly cause the sewer to collapse. Work to rectify such issues post development can be both intrusive and expensive, the cost of which may be repayable to United Utilities by the applicant.
- You will need to appoint your own contractor who can contact our call centre on 03456 723 723 and request an 'Access Certificate' from the local Wastewater Network Engineer to get permission to survey the sewer.
- You may need to procure the services of a structural or civil engineer who can make sure that your proposals meet the other requirements of the Building Regulations including how to protect the sewer (Part H4) and how to protect your building from the sewer (Part A2 & A3). They will be familiar with these regulations and what needs to be done to satisfy them.

Other useful information.

- United Utilities provides the approximate location of its sewers according to its records. These records are not necessarily accurate or complete nor do they normally show the positions of every sewer, culvert or drain, private connections to the public sewers or the particulars of any private system. No person or company shall be relieved from liability for any damage caused by reason of the actual position and/or depths being different from those indicated.
- The applicant should carry out a site survey to determine the exact position of any underground assets prior to construction. Should the site survey identify any discrepancies the applicant should contact United Utilities Developer Services for further assistance as soon as possible.

Public Response

Nearest neighbours notified, three letters of objection have been received, raising the following issues:

- The entire rear garden is to be taken up by a building
- Out of character of the area
- The flat roof is not in accordance with the Design Principles SPD
- Poor quality building materials have been used
- The extension encroaches upon the party wall
- Damage caused to neighbouring property
- A dangerous precedent could be set for this type of development

Three letters of support have also been 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.

Policy ENV5 (Pollution and Unstable Land) states that the Council will work with its partners to address the risks arising from contaminated or unstable land.

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

In terms of their relationship to host dwellings, outbuildings could be assessed in a similar way to garages. The Design Principles SPD advises that garages should not be over dominant in relation to the host dwelling and should respect the design and materials. It states that garages should be positioned in a location which would not affect the appearance of the original dwelling house and that flat rooves should be avoided.

The outbuilding has a flat roof, however it is acknowledged that if it had a pitched roof it would create more of an impact upon the neighbouring dwelling at No. 47 Lancaster Gate. The extension is to accommodate a workshop / gym and WC, whilst the single storey rear extension comprises a family room. The application also seeks planning permission for a set of external stairs which lead from the driveway to the rear garden terrace, to the rear of the outbuilding. The plans indicate that the staircase is to be simple in their design and constructed of steel.

The principle of the single storey rear extension has been established through the planning history. A larger homes extension and planning permission have been approved for the same single storey rear extension. As such, the extension is acceptable in relation to design.

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

Residential Amenity

The outbuilding has one window which faces towards the garden at No. 51 Lancaster Gate. There is also one side window facing towards No. 51. These windows are no worse than the existing side elevation window to the existing dwelling. Both No. 51 and No. 49 have kitchen windows which face each other and look across the driveway which runs between the houses.

It should be made clear that the roof of the outbuilding and single storey extension should not be used as a roof terrace, as this would impact upon the privacy of the neighbouring dwelling to No. 47. It is recommended that a balustrade is placed along the back of the outbuilding, in order to prevent people from sitting out on the roof of the building. This can be controlled by planning condition.

It is acknowledged that the extension and outbuilding breach the 45 degree angle with the ground floor rear patio doors to No. 47. However, a similar effect could be achieved if the applicant were to exercise their Permitted Development Rights and erect a 2m high close boarded fence along the shared boundary.

Therefore, the development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Land Stability

Policy ENV5 sets out that the Council will work to minimise the risk from unstable land. Following the excavation of the rear garden to make a level area to site the outbuilding upon, the applicant has constructed a retaining wall in parallel to the rear boundary of the site. Calculations for this work have been requested from the applicant in order to be sure that there is no land stability issue. This information is needed in order to fully assess the proposals.

Highways

The 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.

Other issues

An issue relating to the party wall between No. 47 and 49 Lancaster Gate. This is not something which relates to the planning application and is not a material planning consideration in determining the application. Similarly, damage cause to the neighbouring property is a civil issue which is not a material consideration in determining this application.

There is an exposed sewer to the rear of the driveway which has come about following the excavation works involved in making the level area for the outbuilding. United Utilities have previously agreed with the applicant that the sewer must not be built over. They have set out that the applicant is required to provide protection to the sewer in accordance with the consent previously granted. Any protective measures will have to be agreed with United Utilities. Therefore, a scheme of arrangement must be submitted and agreed with United Utilities, this could be dealt with by condition.

Following a site visit, it was noted that the plans are not entirely accurate in relation to the rear of the outbuilding, where there is a roof over a corridor which runs along the rear and side of the

building. It is recommended that delegated consent is given, so that a decision can be issued once accurate plans are received.

RECOMMENDATION: Refuse

For the following reason:

1. The applicant has failed to demonstrate that the structural stability of the land has not been unduly affected, contrary to the National Planning Policy Framework and Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Application Ref: 21/0327/HHO

Proposal: Full: Erection of single storey extension, outbuilding and external staircase to rear (retrospective).

At: 49 Lancaster Gate, Nelson

On behalf of: Mr Dilawar Hussain

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 24th May 2021