

## Update to Nelson, Brierfield and Reedley Committee - 7<sup>th</sup> June 2021

### 21/0327/HHO 49 Lancaster Gate, Nelson

The applicant has submitted a set of calculations prepared by a qualified professional in relation to the structural stability of the retaining wall towards the rear of the application site. These have been reviewed and are acceptable. As such, officers are now in a position to be able to change their recommendation of refusal, to approval.

Reason for approval:

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.

The application is now recommended for approval, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Plans and Elevations Ref: 2035/01

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

2. Prior to the first use of the garden terrace area to the rear of the dwelling a balustrade of 1m in height shall be erected along the rear of the outbuilding on the edge of the roof and shall thereafter be retained in accordance with the approved details, in order to prevent people from walking or sitting on the roof of the outbuilding.

**Reason:** In the interests of neighbouring amenity.

3. Within 3 months of the date of this permission, a 2m high close boarded fence shall be erected along the shared boundary with No. 47 Lancaster Gate. The fence shall remain in place thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to maintain adequate privacy levels between the dwellings.

4. Prior to the first use of the outbuilding, a scheme for the protection of the sewer shall be submitted to and agreed in writing by United Utilities. The scheme shall be implemented and shall thereafter be maintained in accordance with the agreed scheme.

**Reason:** In the interests of public safety.

### 21/0317/HHO - 42 Edge End Avenue, Brierfield

Reference has been made in some of the objections from members of the public to land stability. This is a material planning consideration. However, this is a domestic extension on an existing residential estate and there are no known land stability issues in the area.

Upon further assessment it is not clear whether the ground floor window in the side elevation of No.44 is adequately served by other windows in the rear elevation. This could impact on whether or not the proposed extension has an unacceptable impact on the residential

amenity of the occupants of No.44. Further investigation is required to establish this and therefore it is recommended that the application be deferred to July Committee to enable further investigation to take place.

21/0132/HHO - 17 Essex Street, Nelson

The second reason for refusal has been removed, upon further assessment taking into account the existing upper floor windows and characteristic window to window relationships in the area there is no unacceptable privacy impact. This has not changed the overall recommendation for refusal, and as such the reason for refusal is as follows:

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.

21/0110/HHO - 2 Vaughan Street, Nelson

The second reason for refusal has been removed, upon further assessment taking into account the existing upper floor windows and characteristic window to window relationships in the area there is no unacceptable privacy impact. This has not changed the overall recommendation for refusal, and as such the reason for refusal is as follows:

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.