



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

TO: COLNE & DISTRICT COMMITTEE

DATE: 02nd December 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO COLNE & DISTRICT COMMITTEE 2nd DECEMBER, 2021

Application Ref: 21/0476/HHO

Proposal: Full: Demolition of conservatory to the North and East Elevations, Erection of replacement sun room to rear, erection of two storey side extension, 2 no. pitched roof dormers, new entrance and minor alterations to the South elevation and basement extension to the rear to house internal pool with balcony and external staircase.

At: 5 Noyna View, Colne

On Behalf of: Mr Haroon Shah

Date Registered: 03 June, 2021

Expiry Date: 29 July, 2021

Case Officer: Kathryn Hughes

This application was deferred from the November meeting to allow for a site visit to take place.

Site Description and Proposal

The application site is a two storey, detached property located within the settlement boundary of Colne. The property lies in a residential cul-de-sac with other residential properties of various styles and frontages. The house is bounded by residential properties to three sides with Foulridge Upper Reservoir and green belt/open countryside to the north. The pale brick property under a concrete pan tiled roof has white uPVC doors and windows and garden areas to the front and rear.

The proposal seeks to demolish an existing wrap-around conservatory and erect a replacement sun room, two storey side extension and two dormers and a basement extension within the rear garden to accommodate a swimming pool.

The basement extension would have a footprint of 17.1m x 6.7m including the side extension of 1.75m and would be 1.8m lower than existing garage floor level. This would accommodate a fitness pool, sauna and hydro pool as well as changing rooms and plant. The basement roof would form a balcony/terrace with sun room and rooflights providing natural light. The structure of the extension would be constructed in brick and ender to match existing.

The sun room would be 19 sq.m. and have glazed elements to the sides and rear elevations.

The two storey side extension would project 13.7m in overall length x 1.75m to the side and accommodate a [passageway and stairway access at basement level, extended utility and bedroom and bathroom at ground floor and extended bedrooms 6 and 7 at first floor.

The two dutch style dormers would be sited on the north (rear) and south (front) elevations on the gable adjacent to No. 7 and serve two first floor bedrooms.

The basement extension would have a footprint of 14.5m x 7.5m with a depth of 3.2m – 4.6m (including pool depth). The basement roof would form a balcony/terrace at a height of 1m above existing floor level and 2.7 above the garden level to the rear with rooflights providing natural light.

The balcony/terrace would be sited on the western side adjacent to No. 3.

Planning History

13/07/0252P - Full: Erect domestic conservatory to rear/side to replace existing – Approved with Conditions – May 2007.

18/0001/HHO – Full: Erection of basement extension to form swimming pool and external staircase to the rear (North) – Approved.

Consultee Response

LCC Highways – No objection.

Colne Town Council

Public Response

Six responses received objecting to the proposal on the following grounds:

- Overdevelopment of the property;
- Sewerage and surface water are an issue;
- Chlorine spillage will affect the wildlife;
- Access and construction will affect us for months or year;
- Disruption in services such as electric, phone line, sewage and gas;
- Inappropriate development in the Greenbelt as very special circumstances have not been demonstrated;
- The proposals would have an adverse impact on no.7 due to their nature, scale and proximity;
- The front elevation is clearly seen in public views from Noyna View whilst the rear is prominent due to sloping nature of the plots and Reservoir to the north which exposes the dwellings and their rear garden;
- The proposed would result in an unacceptable impact due to the two storey element to the side in terms of height and massing adjacent to the side boundary resulting in a substantial impact on the adjacent bedroom window to the front of No. 7 which is worsened by the stagger in building lines and level differences;
- Three new windows are proposed to the gable including a bedroom;
- The dormer windows would overshadow the front elevations and provide from bedroom no.6 into the rear garden;
- The proposal should be refused on poor design;
- An increase to 8 or 9 bedrooms is double the original house and will result in the need for more parking;
- Why would a family of four want such a large extension
- The scale of the extension will result in an unacceptable proximity detrimental to the houses on either side; and
- We object to this becoming a business which will impact on the entire street.

Officer Comments

The main considerations for this application are any potential impacts on Green Belt and the Open Countryside and impacts on residential amenity, design and materials and parking.

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

CS Policy ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals.

CS Policy ENV2 sets out general design principles, historic environment and climate change.

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

The Development in the Open Countryside Supplementary Planning Guidance (SPG) sets out the criteria for new development in the countryside area of Pendle.

1. Impact on Amenity

The basement extension would project out by a total of 6.7m on the sloping garden land to the rear of the site.

The terrace/balcony would be sited within 2.4m of the side elevation of No.3 at a height of 1m above ground floor level and 2.77m above the rear garden level this therefore has potential to impact on amenity in terms of overlooking of No. 3 and therefore an appropriate screen should be erected along this western boundary at a height of 1.8m. This can be controlled by an appropriate condition.

The proposed windows to the north (rear) elevation would not result in any overlooking or privacy issues above that of the existing house.

Alterations to the roof form and two small Dutch type dormer would be sited on the eastern side 1.75m from the side boundary of No. 7 with one facing north and the other facing south each serving a bedroom. These in themselves would not raise any adverse amenity issued. The gable of the two storey side extension would project out by 1.75m at a maximum height of 6.7m to ridge the three ground windows in this gable would serve a bathroom, a bedroom and entrance to the basement pool area. There are no windows in the gable of the adjacent property no.7 which would be affected by this proposal. There are windows in the front elevation of no. 7 which serve habitable rooms, however, the impact on these from the proposed development would be very slight taking into account the height difference of the existing properties and that No. 5 already projects beyond the main front elevation of No. 7.

Along the eastern boundary there would windows at ground floor which would serve a bathroom, bedroom and the spa access. There is an existing bedroom window and conservatory on this elevation. The bedroom would be 1.75m closer to the side boundary with No. 7, however, as this is a blank gable with an existing block wall to the boundary this would not result in any additional impacts in terms of privacy.

2. Design and Materials

The design of the scheme is acceptable subject to appropriate conditions to provide landscaping and protect privacy.

In terms of materials the existing house is of a modern design and therefore materials to match or brick and render and tile roof would be acceptable in this location.

3. Impact on Green Belt/Open Countryside

The proposed extensions would replace an existing conservatory which was a later addition to the original dwellinghouse.

Paragraphs 147-151 of the National Planning Policy Framework sets out the requirements to consider types of development that are not inappropriate within the Green Belt. These include the

extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and the re-use of buildings provided that the buildings are of permanent and substantial construction;

In this case the scheme would result in an increase to the volume of the original property of around 35% which taking into the account the residential nature of the development and the relatively small scale of the extensions would be acceptable and would not result in an unacceptable impact on the openness of the Greenbelt.

The proposed development would therefore not be inappropriate development and would not result in an unacceptable impact on the openness of the Green Belt.

The site is located as part of the landscape character type 'Industrial Foothills and Valleys' that bounds the settlement of Colne to the north and south. The development would be viewed within the existing cluster of residential dwellings in the area. Visibility from the surrounded countryside would be limited and it would be seen in context with the residential nature of the area and relatively small scale of the development.

A suitable condition is also to be applied to the application to ensure the site is appropriately landscaped following works on site.

Policy ENV1 states that development proposals should aim to safeguard or enhance the landscape character of the area and have regard to the landscape types.

4. Other issues

The proposal is to extend an existing residential property. No indication of business use has been made apparent and this application does not seek to operate a business and therefore this does not form part of this application. Whilst comments have been made regarding the site having a business address this is not unusual and many small scale businesses are usually operated in residential properties without any need for planning permission.

5. Highways

The current property has currently has 5 bedrooms and the proposal is to increase to 7 bedrooms.

The requirement for off-street parking therefore would still be 3 spaces.

The current parking capacity for the site is over 3 at present and therefore no additional requirement is necessary and the proposal accords with saved policy 31 of the Replacement Pendle Local Plan.

6. Summary

The proposal seeks to erect extensions within the garden of the property to accommodate a swimming pool and spa area at lower ground level with terrace and sun room above. Two dormers to the front and rear on the eastern side of the roofslope are also proposed and overall the scheme is acceptable in relation to the impacts on residential amenity with the design and materials being acceptable.

There would be limited impact on the openness of green belt and open countryside dues to the small scale of the development and the existing residential nature of the site and adjacent properties.

The proposal is therefore acceptable in this location and complies with Policies ENV1 and ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030), Design Principles Supplementary Planning Document and the Development in the Open Countryside Supplementary Planning Guidance.

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 proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity. 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:

1997-NV-004, 1997-NV-005, 1997-NV-006, 1997-NV-007, 1997-NV-010, 1997-NV-011, 1997-NV-012, 1997-NV-013, 1997-NV-014 and 1997-NV-015.

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

3. All materials to be used in the development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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. Prior to the commencement of development on site, a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

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

Reason: In the interests of visual amenity.

5. Plans and particulars showing a scheme of surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and development shall not be commenced before these details have been approved, unless otherwise agreed in writing. The scheme shall include details of the flow attenuation measures for the surface water disposal system including final run off rates. The approved systems shall be completed in their entirety prior to the first use of the proposed extensions and shall thereafter be retained.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid potential flooding issues.

6. Prior to any above ground works details of an appropriate screen to the western side of the balcony/terrace shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid potential overlooking and protect the privacy of the adjacent property.

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At: 5 Noyna View, Colne

On Behalf of: Mr Haroon Shah

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 15th November 2021