



<b>REPORT FROM:</b>	<b>PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER</b>
<b>TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>16<sup>th</sup> DECEMBER, 2021</b>

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## **REPORT TO POLICY & RESOURCES COMMITTEE 16<sup>th</sup> DECEMBER 2021**

**Application Ref:** 21/0608/HHO  
**Proposal:** Full: Erection of a two storey side and rear extension  
**At:** 181 Regent Street, Nelson  
**On behalf of:** Mr Zulfqar Ali  
**Date Registered:** 23/07/2021  
**Expiry Date:** 17/09/2021  
**Case Officer:** Laura Barnes

This application has been referred from the Nelson, Brierfield & Reedley Committee as members were minded to approve the application, contrary to officer recommendation.

The proposed two storey rear extension would be contrary to the guidance of the Design Principles SPD relating to residential amenity impacts and result in unacceptable residential amenity impact upon the adjoining property and property to the rear. This would result in a significant departure from Policy ENV2 of the Core Strategy.

### **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 Nelson. It takes a position on a corner plot, at the entrance to Swinden Hall Road and Regent Street.

The proposal is for the erection of a two storey side extension and single storey rear extension, which would comprise an additional two bedrooms and a bathroom to the first floor along with a study, WC and extended lounge to the ground floor.

The proposed extension is to measure 2.6m out from the existing side elevation and 4.5m out from the existing rear elevation (4m to the first floor). It is to have a pitched roof and is to be constructed of materials to match the original dwelling.

### **Relevant Planning History**

20/0753/HHO: Full: Erection of side and rear two storey extensions.  
Refused

## **Consultee Response**

### LCC Highways

Having considered the information submitted, and a visit to the site, 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. Therefore, there is no change to the current parking requirements. 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**

Nearest neighbours have been notified by letter, without response

## **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.

Paragraph 134 of the NPPF states permission should be refused for development 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 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 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 134 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 ENV2 and Paragraph 134 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 (at ground floor level and 4m at first floor level) 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 a first floor rear facing bedroom window 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.

### **Highways**

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 134 of the National Planning Policy Framework.
- 2.The proposed extension, by virtue of its 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.

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