



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 3rd JANUARY, 2022

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 3RD JANUARY 2022

Application Ref: 21/0747/HHO

Proposal: Full: Erection of dormer windows to front and rear roofslopes

At: 79 Bentley Street, Nelson

On behalf of: Mr Saeed Chaudhary

Date Registered: 10th September 2021

Expiry Date: 5th November 2021

Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a two storey stone terraced dwellinghouse, located within a residential area of Nelson.

The existing house is finished in stone with a slate roof and UPVC fenestration.

The proposal is for the erection of flat roof dormers to the front and rear roofslopes.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways -

Bentley Street (U20059) is an unclassified, adopted road.

One extra parking space is required for this proposal.

Currently parking is on street, no traffic restrictions are in place. Further to a site visit to the property, parking on street was not full to capacity. I am of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. There is no objection to this proposal on highway grounds.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

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.

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

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.

Officer Comments

Policy

The Design Principles SPD states that dormers should be set below the ridge line of the original roof by at least 0.2m, set in from the side elevation by 0.5m and from the rear elevation by 1m. Dormers should be faced in materials which match the existing roof coverings.

Design and Materials

The proposed rear dormer would be set in from the side elevations by 0.1m on each side and set back from the rear elevation by 1m. It would be level with the ridge line instead of being set lower by at least 0.2m. The rear dormer would not be set back 1m from rear wall and would result in a significantly disproportionate addition to the roof. The materials would be slates or tiles in grey. The roof would be rubber membrane EPDM and the windows would be UPVC. The materials for dormers should match existing. The proposed materials would match or be similar in appearance to those in the locality, so would comply with the guidance in the Design Principles SPD.

With regard to front dormers, the Design Principles SPD states that dormers on a front roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality or the dormer would otherwise be appropriate in visual design terms. Bentley Street comprises of narrow, uniform, terraced properties, none of the houses on the row have front dormers. Therefore, front dormers are not a feature of similar houses in the locality. The proposed front dormer would be readily visible from a number of public vantage points on Bentley Street and Camden Street. It would result in a development which is detrimental to the character of the street scene and would not comply with the guidance in the Design Principles SPD.

As a result, the proposed development is not acceptable in relation to design or visual amenity and as such does not comply with Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The proposed front dormer would face directly north west onto Bentley Street. The proposed rear dormer would face directly south east, to the rear elevation of properties on Romney Street, retaining an existing separation distance of 14m from the rear elevation of the closest neighbouring properties, which would be acceptable, as there are existing windows at the same distance and the dormer window would not have greater adverse impacts on amenity than existing.

The Design SPD states that regard must be given to existing street patterns and the existing interface distance between properties characteristic in the area. Given these are rows of compact terraced properties and the proposed rear dormer would not decrease the separation distance between them as existing, it would comply with the street patterns of the area and not have a detrimental impact on residential amenity over and above the existing situation. Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would not result in any unacceptable on street parking or have any highway safety impact.

RECOMMENDATION: Refuse

The proposed front dormer would be an unsympathetic, unacceptable addition to this traditional terraced property 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.

Application Ref: 21/0747/HHO

Proposal: Full: Erection of dormer windows to front and rear roofslopes

At: 79 Bentley Street, Nelson

On behalf of: Mr Saeed Chaudhary

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3rd JANUARY 2022

Application Ref: 21/0756/HHO
Proposal: Full: Erection of dormers to the front and rear roofslopes.
At: 59 Hargreaves Street, Nelson
On behalf of: Mohammad Asghar
Date Registered: 16/11/2021
Expiry Date: 11/01/2022
Case Officer: Alex Cameron

This application has been brought before Committee at the request of the Chairman.

Site Description and Proposal

The site is a mid-terrace residential property located within the settlement boundary of Nelson surrounded by similar properties. The site lies within the Whitefield Conservation Area.

The proposed development is the erection of dormer windows to the front and rear roof slopes. The proposed dormer windows would be flat felt roofed with grey upvc cladding, white upvc windows.

Relevant Planning History

13/07/0261P Full: Erect single storey extension to rear. Approved.

Consultee Response

LCC Highways - No objection.

Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified. No response.

Officer Comments

The main issues for consideration are compliance with policy, impact on the conservation area, design and materials.

Policy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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.

Design Principles SPD and Conservation Area Design and Development Guidance support both these policies SPD.

The Design Principles SPD states that the roof is an important element of a building's design and unsympathetic extensions can have a negative impact. It sets out several criteria that dormers should adhere to. Dormers should not be so large as to dominate the roof slope resulting in a property which looks unbalanced. Roof alterations should be minor and sympathetic to the original design of the building.

The Conservation Area Design and Development Guidance SPD also contains guidance on development. It emphasises a need to retain historic elements, specifically identifying Whitefield as an area where original dormer windows exist. It states that new dormers should always be sympathetic to the building.

Design and impact of the Conservation Area

The property is located within the Whitefield Conservation Area, Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

Part of the significance of the conservation area derives from the distinctive and consistent blue slate roofslopes of the terraces. Dormer windows are not a characteristic feature of this terraced block or the Conservation Area.

The proposal is to create large flat boxed dormers to the front and rear of the building. The dormers are overly large with a poor design in the context of the vertical nature of this Victorian terrace house.

The dormer proposed to the front elevation would be clearly at odds with, and detract from the design and clean lines of the front of the terraced row. Furthermore, the proposed dormers also include the use of inappropriate upvc cladding.

The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by para 202 of the National Planning Policy Framework and the proposal would also conflict with guidance in the Conservation Area Design and Development Guidance SPD paras 4.19-4.20.

This proposal therefore fails to accord with policies ENV1 and ENV2, the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

Residential amenity

The site is located within a typical terrace layout, with many properties having facing primary windows. The introduction of this development would not have an unacceptable impact on adjacent neighbours in terms of privacy.

Highways

The proposed development would increase the number of bedrooms from three to four. Taking into account that the property is in a sustainable location within walking distance of public transport and the area is characterised by properties without off-street parking, the proposed increase in bedrooms would not result in an unacceptable on street parking or highway safety impact.

Summary

The proposed development would introduce a poorly designed front dormer window and front and rear dormer windows clad in materials which are not characteristic of the area and which would harm the appearance of the conservation area. The proposed development thereby fails to accord with Policies ENV1 and ENV2 of the Replacement Pendle Local Plan and also the guidance contained within the Design Principles and Conservation Area Design and Development Guidance SPD's.

The proposed development would not preserve or enhance the character and appearance of the conservation area and therefore should be refused.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed dormer windows would lead to a considerable reduction in the design quality of the area to the detriment of the character and appearance of the Whitefield Conservation Area, this would result in less than substantial harm to the significance of the Conservation Area which would not be outweighed by public benefits, contrary to paragraph 202 of the National Planning Policy Framework, policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and guidance of the Conservation Area Design and Development Guidance SPD.

Application Ref: 21/0756/HHO

Proposal: Full: Erection of dormers to the front and rear roofslopes.

At: 59 Hargreaves Street, Nelson

On behalf of: Mohammad Asghar

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 3RD JANUARY 2022

Application Ref: 21/0762/FUL

Proposal: Full: Change of Use from dwelling house (Use Class C3) to Community Centre (Ground Floor) (Use Class F2(b)) and Self-Contained Flat above (Use Class C3), erection of single storey extensions to front & rear elevations and disabled access ramp to front elevation.

At: 125 Bradshaw Street, Nelson

On behalf of: Mr Hasnaat Saeed

Date Registered: 20/09/2021

Expiry Date: 15/11/2021

Case Officer: Laura Barnes

This application has been called in by a Councillor

Site Description and Proposal

The application site is a two storey end terraced property currently used as a residential dwelling with three bedrooms. The application seeks permission to change the use of the ground floor, to be used as a community centre, with a three bedroomed flat above (making use of the attic space for one of the bedrooms). The conversion involves a single storey extension to the front elevation and a disabled access ramp.

The site is within the development boundary of Nelson and is not allocated for any specific use in the Pendle Local Plan.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

Having considered the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location.

There would be no change in the number of bedrooms.

No supporting information has been submitted regarding the operation of the community centre. However, the size of the proposed centre would prevent large numbers of people attending at any time. It is also surrounded by terraced housing and so the majority of those going to the centre are likely to arrive on foot.

Consequently, it is unlikely to generate significant traffic movements.

Lancashire Constabulary

Recommend following Secure by Design Principles, the information they have provided is available on the Council's website under the planning reference for this application.

Environmental Health

Raised concerns about the potential for neighbouring amenity issues with the community facility being used in the evenings. The level of disturbance to neighbours could be controlled by limiting the operating hours and ensuring there is sound insulation.

Public Response

Nearest neighbours have been notified, 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.

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

Principle of the Development

The site is located within a built up area, which is surrounded by residential uses. A change of use in this location would be acceptable, subject to conformity with policies relating to design and residential amenity.

Design

The proposed development involves a single storey extension to the front elevation which is to project out by 0.9m from the existing front wall. The building currently has two bay windows to this elevation, which project out. The main wall to the ground floor would be brought out to meet with the extent of the bay windows, making it a straight. The side wall of the kitchen would also be brought out to this level, creating a larger entrance hall from the back yard. The proposed extension is to have a pitched roof, leaning against the existing building. The ground floor of the building would accommodate a meeting room, ground floor WC and community centre.

To the front elevation, the proposals also involves a disabled access ramp with a hand rail. The proposal is a simple structure which is functional and would not detract from the front elevation of the property. The materials used for the construction of the proposed extension are to match the existing dwelling.

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

Residential Amenity

In terms of amenity, the size of the existing building will dictate the number of people that will be able to use the facility. Given that the community centre element of the scheme is to only take up floor space to the ground floor, it is not extensive.

Whilst the Environmental Health Officer has raised some concerns about the potential for neighbouring amenity issues with noise generated from the community centre, and the close proximity to adjoining residential premises (No. 30 Camden Street), measures could be put in place to mitigate this. Limiting the operating hours, to ensure that the premises is not used at anti-social hours and requiring noise mitigation in the form of sound insulation, would ensure that the change of use does not result in an unacceptable impact upon neighbouring amenity, particularly to No 30 Camden Street.

In terms of external alterations, the proposed extension involves the removal of the bay windows in favour of two standard windows and a main entrance (with disabled access ramp). To the rear, the existing kitchen extension is to have an additional window inserted, to serve a meeting room. To the rear elevation the application site is bound by No. 127 Bradshaw Street. This has a blank gable elevation, as such it would not result in an unacceptable neighbouring amenity issue. To the first floor there is to be one additional window, serving the kitchen / lounge area. This opening is proportionate to the other openings to this elevation and does not look out of character.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2 of the Local Plan: Part 1 Core Strategy.

Highways

Given the size of the facility, this will naturally limit the amount of comings and goings impacting the local highway network. The Highways Authority have no objection to the proposed development. There is no parking associated with the residential property at present and the proposed change of use would not alter this.

The proposed development is therefore acceptable in highway terms.

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 is acceptable in terms of design, amenity and highway safety. The development is therefore compliant 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

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan 1:1250 – 100047474
- Block Plan 1:200 – 100047474
- Proposed Elevation and Floor Plans ref: BRA-02-20

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

3. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture and colour and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: In order to ensure that new material matches the existing.

4. No members of the public shall remain on the premises outside the hours of 09:00 and 22:00 Monday to Saturday inclusive and between the hours of 10:00 and 20:00 on Sundays or Bank and Public Holidays.

Reason: In order to protect the residential amenity of nearby residential properties.

5. No part of the development hereby permitted shall be brought into use unless and until details of noise attenuation measures between No. 125 Bradshaw Street and No. 30 Camden Street have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to the permitted scheme being first brought into use. It shall thereafter be retained in perpetuity.

Reason: In order to ensure an adequate means of control are provided so as to protect residential amenity.

Application Ref: 21/0762/FUL

Proposal: Full: Change of Use from dwelling house (Use Class C3) to Community Centre (Ground Floor) (Use Class F2(b)) and Self-Contained Flat above (Use Class C3), erection of single storey extensions to front & rear elevations and disabled access ramp to front elevation.
At: 125 Bradshaw Street, Nelson
On behalf of: Mr Hasnaat Saeed

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE 3rd JANUARY 2022

Application Ref: 21/0863/HHO

Proposal: Full: Insert dormer windows to front and rear roof slopes.

At: 11-15 Berkeley Street, Nelson, Lancashire

On behalf of: Mr Riaz

Date Registered: 29th October 2021

Expiry Date: 24th December 2021

Case Officer: Yvonne Smallwood

This application has been brought before Committee at the request of the Chairman.

Site Description and Proposal

The proposal site is three mid-terraced properties within the settlement of Nelson in a residential location. The existing houses are finished in stone with slate roofs and a mixture of timber and UPVC fenestration.

The proposal is to erect flat roofed dormer windows to the front and rear roofslopes of the three terraced houses.

Relevant Planning History

13/03/0002P – 13 Berkeley Street, Extend kitchen – Approved with Conditions 2003

13/96/0495P – 12 Berkeley Street, Extend kitchen to rear – Approved with Conditions 1996

Consultee Response

LCC Highways – no objections

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

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.

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

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.

Officer Comments

Design and Materials

The Design SPD states that in general, dormers on the front roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in the terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms.

At present there are no front dormers in this terraced block. The simple roofscapes result in a uniform and harmonious character and appearance to the frontage of the buildings on Berkeley Street.

The Pendle Design Principles SPD states that front dormers are not normally acceptable on front elevations. When front dormers are acceptable they should be set down from the ridge height by 0.2m, set in from the side elevations by 0.5m and set back from the front elevation by 1m. The proposed dormers would be set down from the ridge circa 0.2m, which would be acceptable, however they would be set in from the side elevations at varying distances between circa 0.1m and 0.4m which is less than the required distance. The dormers would be set back from the front elevation by circa 0.2m which would be significantly less than the 1m stated in the SPD, therefore the dormers would be unacceptable in terms of design.

Rear dormers would normally be acceptable under permitted development when they meet the criteria. The walling of the proposed flat roofed dormers would be grey UPVC weather boarding, with white spar chippings, hot-bonded to an electrometric roofing felt system in grey, with white framed UPVC windows. The materials would not match existing, however they would not look out of place to the rear of the properties.

The proposed front dormers would not respect the simple, unaltered roofscapes in the street, which provide the visual context for the scheme. They would be incongruous and out of keeping with the surrounding area and would be visibly obtrusive, disrupting the harmony of the street scene.

The proposed flat roofed front dormers would cause unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.

Amenity

The proposed dormer windows would not result in any greater impact than existing upper floor windows and therefore would not result in an unacceptable reduction in privacy or other residential amenity impact. The proposed dormer windows would be acceptable in terms of residential amenity.

RECOMMENDATION: Refusal

On the following grounds:

The proposed front dormers would be an unsympathetic, unacceptable addition to these three traditional terraced properties 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.

Application Ref: 21/0863/HHO

Proposal: Full: Insert dormer windows to front and rear roof slopes.

At: 11-15 Berkeley Street, Nelson, Lancashire

On behalf of: Mr Riaz

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 06th December 2021