



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

**TO:** NELSON, BRIERFIELD & REEDLEY COMMITTEE

**DATE:** 28th February 2022

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 28th FEBRUARY 2022

**Application Ref:** 20/0429/FUL

**Proposal:** Full: Erection of a religious building (Use Class D1) (Floor Area 900 sq.m.); formation of 12 parking spaces (7 Accessed from Stanley Street and 5 in underground car park with access from Arthur Street) and associated landscaping.

**At** Gospel Mission Pentecostal Stanley Street Brierfield

**On behalf of:** Masjid Usman Ghani

**Date Registered:** 13.07.2020

**Expiry Date:** 9/7/2021

**Case Officer:** NW

### **Site Description and Proposal**

The application site located to the rear of the health centre in the central area of Brierfield. The proposal is to erect a large building with three floors and a minuet.

The site is located in a mixed use area which has a variety of property types surrounding it including terraced houses.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

Highways: The site was visited on 4 and 7 August 2020, around midday on both dates. The site has previous planning permission for the erection of two storey side and rear extensions and provision of two classrooms for religious study (ref 16/0550/FUL granted October 2016) and so the principle of a larger religious building on this site has been established. Therefore the following comments relate to the specifics of the current scheme.

Having considered the information submitted, together with site observations, the proposal raises concerns regarding the development's impact on the surrounding highway network. Whilst the applicant has submitted information outlining proposed measures to control the impact of the development on the highway network, highway safety issues still remain. Therefore the Highway Development Support Section objects to this application on highway safety grounds due to lack of parking and intensification of use.

Parish/Town Council

United Utilities: Request drainage conditions are attached to any permission.

Environment Agency

Coal Authority: Withdraws its objection based on the submitted assessment.

### **Public Response**

Three Objections have been made on the following:

- The plans show parking that uses peoples gardens
- Lack of natural light
- Overcrowding of cars
- House prices drop
- Too much traffic
- Damage to road surface

### **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 planning application is to erect a religious building in the central area of Brierfield. The building is a large structure that will have a large presence in the location. Its design and how it fits into the street scene and wider town scale are important elements to consider as part of the application. We have asked for further information and deferred bringing the application to Committee to allow for further information to be brought forward in order to allow us to consider this impact. We have unfortunately not been able to illicit the information form the application and the latest contact has not been responded to.

There is also an issue regarding the amount and location of car parking that has been provided to support the application. The applicant has been asked to supply further information on that to allow consideration of the issues. Again unfortunately we have not been able to get that information.

In the circumstances the application is no acceptable in terms of the information supplied on highways and design to be able to adequately assess the application and hence as submitted it is not acceptable on these grounds.

### **RECOMMENDATION: Refuse**

1. The applicant has failed to supply adequate information on the highway impacts of the development which are, as submitted, inadequate and the development would lead to a

situation inimical to highway safety and a danger to users of the highway. The development is thus contrary to policy ENV 2 of the adopted Local Plan and the policies of the National Planning Policy Framework.

2. The applicant has failed to supply adequate information for the assessment of the impact of the design of the development on the townscape. The proposal as submitted represents poor design which would be harmful to the environment and townscape in which the application site is located. The development is thus contrary to policy ENV 2 of the adopted Local Plan and the design policies of the National Planning Policy Framework.

**Application Ref:** 20/0429/FUL

**Proposal:** Full: Erection of a religious building (Use Class D1) (Floor Area 900 sq.m.); formation of 12 parking spaces (7 Accessed from Stanley Street and 5 in underground car park with access from Arthur Street) and associated landscaping.

**At** Gospel Mission Pentecostal Stanley Street Brierfield

**On behalf of:** Masjid Usman Ghani

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 28th FEBRUARY 2022

**Application Ref:** 21/0055/CEA

**Proposal:** Lawful Development Certificate (Proposed Use): Use of premises for retail (Class E).

**At** Springbank Buildings 226 - 248 Every Street Nelson

**On behalf of:** Mr A Khan

**Date Registered:** 02.03.2021

**Expiry Date:** 4/27/2021

**Case Officer:** NW

### **Site Description and Proposal**

The application is to establish if an A1 use is lawful in the building.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

Highways

Parish/Town Council

United Utilities

Environment Agency

Environment & Conservation

### **Public Response**

Comments' received commenting on:

- A1 is not suitable for the building
- Refer to a previous application where there was an in-depth analysis of why this should be refused.
- There was a strong objection to the previous application from LCC.
- We will not rehearse what has previously been said as this is on record.
- The business has been operating as an A1 business for some time without pp and this proposes a further 334sqm.
- This would introduce a mixed B1 and A1 shop and cash and carry.
- Inadequate car parking
- Concerns about who the business is providing parking for.
- The building is being used for B1 and B8 uses.

- The application does not fit in with permitted development. The previous occupants were selling products online whereas this will be on site sales. This means traffic was at a minimum.
- The applicant indicates that the business will contribute to the sustainable development of mixed-use communities – what does this mean?
- Astonished that the Council is now trying to allow this application through a LDC.

## **Officer Comments**

This application is to determine whether the use of the building outlined on the application form would be lawful for retail purposes. Comments have been made regarding the merits of using the building for retail purposes. The merits of using it or not for retail are not at issue here. This application seeks to lawfully clarify whether a retail use of the building can or cannot happen in the building as a matter of law. This has to be assessed based on the balance of probability and the onus is on the applicant to provide information as to the basis of the application.

The basis for applying for a certificate of lawful development for an alternative use can be put forward on two grounds. The first is that the current use is allowed to be changed to another use through the provisions of the Town & Country Planning (General Permitted development) Order 2015 (“the GDPO”). The GDPO grants permission for development to occur automatically. The issue is whether the GDPO would grant permission for the change of the current use of this site to a retail use.

The second element is whether development occurs at all. The Town & Country Planning Use Classes Order 1987 (“the UCO”) sets out categories of uses for different forms of use. For example before being recently amended it contained a use class A1. This use class contained uses such as hairdressers, travel agents, retail shops etc. into a single use class. Under section 55 of the Town & Country Planning Act 1990 development occurs only if a change of use of a building or land occurs. Therefore if several uses of a building are contained in the same use class then they can interchange without constituting a change of use.

The UCO has been much amended in the last few years with the legislators intending to free up the use of many buildings by creating different use classes with an extended range of uses within them. Class E was created and this incorporated uses previously contained in other use classes such as A1 retail, D2 assemble and leisure and for the carrying out of any industrial process (that can be carried out in a residential area without causing a nuisance) which was formerly in use class B1.

The full class E is reproduced below:

### ***Class E. Commercial, Business and Service***

*Use, or part use, for all or any of the following purposes—*

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,*
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,*
- (c) for the provision of the following kinds of services principally to visiting members of the public—*
  - (i) financial services,*
  - (ii) professional services (other than health or medical services), or*
  - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,*
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms or use as a swimming pool or skating rink, principally to visiting members of the public,*

- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a crèche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
  - (i) an office to carry out any operational or administrative functions,
  - (ii) the research and development of products or processes, or
  - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Regulation 4 of the Order states:

*“(4) Where land on a single site or on adjacent sites used as parts of a single undertaking is used for purposes consisting of or including purposes falling within—*

*(a) in relation to Wales, Classes B1 and B2 in Schedule 1, or*

*(b) in relation to England, the use described in Schedule 2, Class E, sub-paragraph (g) and Class B2 in Schedule 1 as modified by paragraph (1C)(b),*

*those classes may be treated as a single class in considering the use of that land for the purposes of this Order, so long as the area used for a purpose falling within Class B2, or Class B2 as modified, is not substantially increased as a result.”*

This means that if a building has within it uses falling within Class E as well as Class B2 (which is still in place) the premises shall be treated as a single class.

The premises has been used as storage, for manufacturing, as a gym and office space. There is no increase in any B2 use so it is not relevant whether the manufacturing was B1 or B2 as regulation 4 allows for it to be treated as a single unit.

There are internal alterations shown on the submitted plans. Internal works are excluded from being development under section 55 of the Act.

On balance the evidence is that the existing and proposed uses fall within Class E of the UCO and therefore it is recommended that the Certificate of lawful Development be issued.

**RECOMMENDATION: Issue the certificate of lawful development.**

**Application Ref:** 21/0055/CEA

**Proposal:** Lawful Development Certificate (Proposed Use): Use of premises for retail (Class E).

**At** Springbank Buildings 226 - 248 Every Street Nelson

**On behalf of:** Mr A Khan

## REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE ON 28 FEBRUARY 2022

**Application Ref:** 21/0817/OUT

**Proposal:** Outline: Erection of one dwelling house (Access only).

**At:** Land To The South Of Rockwood Lodge, Halifax Road, Nelson

**On behalf of:** Mr Muhammed Younis Karim

**Date Registered:** 08/10/2021

**Expiry Date:** 03/02/2022

**Case Officer:** Alex Cameron

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

### Site Description and Proposal

The application site is open land to the east of Nelson Golf Club within the open countryside approximately 300m from the settlement boundary of Nelson and is designated as Open Space. The site is accessed from Halifax Road via an existing access to the golf club. Public Footpath No.25 runs to the west of the site, No.23 to the south and No.68a to the east.

This is an outline application for access only for the erection of one dwelling.

### Relevant Planning History

None

### Consultee Response

LCC Highways – Having considered the information submitted, together with site observations, the application raises highway safety concerns, which it is unlikely can be mitigated satisfactorily. Therefore, the Highway Development Control Section raises an objection on highway safety grounds as adequate visibility from the site access cannot be provided.

Halifax Road is subject to a maximum speed limit of 40mph along the frontage of the site. For a road with a speed limit of 40mph a Stopping Sight Distance (or visibility splay) of 120m should be provided. Given the orientation of the site access, the topography of Halifax Road (particularly to the North of the access) and the trees within the verges (particularly to the South of the access) adequate visibility splays cannot be achieved.

Given the site's distance from local amenities and facilities, including public transport, there would be a reliance on the use of private motor vehicles. Whilst the proposed development may be for one dwelling only adequate visibility splays would still need to be provided.

It has been noted that a collision resulting in serious injury has been recorded during the last five years approximately 140m to the South of the site access.

Consideration has been given to the possible re-location of the site access to the South of the existing one. However, there would still be issues with providing the necessary visibility splays with the topography of the road and trees within the verges. The highway authority considers that adequate visibility splays cannot be provided from the site and so raises an objection on highway safety grounds.



United Utilities – No objection subject to drainage condition.

Coal Authority – No objection subject to a note.

Nelson Town Council

## **Public Response**

Site notice posted and nearest neighbours notified. A response has been received objecting on the following grounds:

- The proposed access & residential development is planned to be built on a green field site.
- Despite many objections, planning has recently been approved for adjacent green field land to the north of Rockwood for 5 detached houses, and this additional development is, once again, totally out of place in one of the few remaining beautiful open countryside areas of Brierfield & Nelson.
- We cannot allow even more green field land to be lost forever, and it would, quite frankly, be absolutely unforgivable if planning approval is granted.

## **Officer Comments**

### **Policy**

#### Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) 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.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan 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 300m from the settlement of Nelson and with close proximity of bus stops, it is in a sustainable location within walking distance of links to shops, services. The principle of housing is acceptable.

## **Open Space**

The application site is identified within the Pendle Open Space Audit 2019 as designated for Outdoor Sports, as part of Nelson Golf Club.

The application site is one of 8 outdoor sports sites within the Reedley ward. OS064 is a 42ha site which covers all of Nelson Golf Course. The application site forms a very small portion of this, in the north eastern corner of the course. Compared to the rest of the golf course this section is not maintained or manicured to the same standards and is not part of the main course. It is overgrown and partitioned from the main course by a dense hedgerow and public footpath. As a result, the loss of this small piece of open space, would not compromise the outdoor sports provision of the golf club.

The 2019 OSA places a low priority on increasing the provision of outdoor sports space within Reedley and taking into account the above the social benefits of providing a dwelling would outweigh the loss of this surplus area of open space.

## **Residential Amenity**

The site is a sufficient distance from nearby dwellings to ensure that it would not result in and unacceptable residential amenity impacts.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

## **Visual Amenity**

In principle a dwelling could be accommodated on the site without unacceptable impacts upon the character and visual amenity of the area.

## **Highways**

There are lines of trees within the highway verge either side of the access which restrict visibility from and to the access and the road bends to the north further restricting visibility. The access visibility is substandard for this 40mph road.

Whilst the access is existing it does not appear to be heavily used, it is a secondary service access to the golf club, the proposed dwelling would be in addition to any traffic generated by the use by the golf club, it would result in an unacceptable increase the use of this access with substandard visibility.

There is no viable alternative access point that would address the highway safety impact. The trees are on highway land outside of the applicant's control and there is no proposal for their removal / replacement or indication that their removal would be agreed to by LCC. The proposed development would therefore result in an unacceptable highway safety impact contrary to policy ENV4 and section 9 of the Framework.

## **RECOMMENDATION: Refuse**

Subject to the following conditions:

1. The proposed access is has substandard visibility and the increase in traffic resulting from the proposed development would result in an unacceptable highway safety impact contrary to policy ENV4 of the Local Plan Part 1: Core Strategy and section 9 of the National Planning Policy Framework.

**Application Ref:** 21/0817/OUT

**Proposal:** Outline: Erection of one dwelling house (Access only).

**At:** Land To The South Of Rockwood Lodge, Halifax Road, Nelson

**On behalf of:** Mr Muhammed Younis Karim

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 28<sup>th</sup> FEBRUARY 2022

**Application Ref:** 21/0989/HHO

**Proposal:** Full: Insertion of dormer windows to front and rear.

**At:** 39 Regent Street, Nelson

**On behalf of:** Mr Nawaz

**Date Registered:** 22/12/2021

**Expiry Date:** 16/02/2022

**Case Officer:** Laura Barnes

This application has been called in by a Councillor.

### Site Description and Proposal

The application site relates to a mid-terrace dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Nelson and within an area of Block Improvement (Policy AAP3) in the Bradley Area Action Plan.

The proposal is for a flat roof dormer to the rear roof slope and a pitched roof dormer to the front roof slope, to create an additional three bedrooms and a shower room in the roof space. There are no other dormers to the front roof slope of this terrace.

### Relevant Planning History

None relevant

### Consultee Response

#### LCC Highways

The Highway Development Control Section is concerned about the cumulative effect of the increasing numbers of terraced homes being extended to increase bedroom space without providing any additional parking facilities. However, in this case, the property is situated on a row of terraces and there is no provision for off street parking.

The proposal increases the number of bedrooms. An investigation of the 5 year accident record shows 1 collision of slight severity has occurred within the vicinity of the proposal. The property is in a sustainable location close to local amenities.

Taking the above into consideration there is no objection to this proposal.

### Public Response

Nearest neighbours 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.

#### Bradley Area Action Plan

Pendle Council has prepared the Bradley AAP because a large part of this inner urban ward close to Nelson town centre was identified as a priority area for regeneration and investment under the Government's Housing Market Renewal (HMR) programme. Its role is to support the regeneration of the area.

### **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 pitched roof dormer 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 front dormer is to be clad with a vertical hanging tile and a slate roof. To the rear, the proposed dormer is to have a flat roof and be clad in hanging tiles. The dormer to the rear is larger than the dormer to the front and completely dominates the roof slope.

However, in relation to the rear dormer it must be noted that there is a fall-back position in this particular case. A dormer to the rear may be constructed under Permitted Development, provided that it is of matching materials and does not exceed a volume of 40 cubic metres. In this case the proposed rear dormer has a volume of approximately 20 cubic metres, so is well within the volume permitted. However, at present the roof of the building is covered in slate. As such, in order to be a Permitted Development fall-back position the proposed cheeks of the dormer would need to be covered in slate to match the existing roof.

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

## **Residential Amenity**

The proposed rear dormer is to have two small windows to the rear elevation. There are no windows to the side elevation. The proposed dormer is at right angles to the dwellings directly opposite on Cliffe Street and Crawford Street, as such it is not anticipated that the dormer windows would create any overlooking issue with neighbouring properties.

Turning now to the front dormer, the proposed window to the front is directly opposite residential dwellings on the other side of Regent Street. However, the proposed front window of the dormer is no closer to the properties opposite than the existing front elevation windows of the dwelling. As such, it would not result in an unacceptable neighbouring amenity issue.

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 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 to the front roof slope 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.

**Application Ref:** 21/0989/HHO

**Proposal:** Full: Insertion of dormer windows to front and rear.

**At:** 39 Regent Street, Nelson

**On behalf of:** Mr Nawaz

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 28<sup>th</sup> FEBRUARY 2022

**Application Ref:** 22/0014/HHO

**Proposal:** Full: Erection of a two storey rear extension (Re-Submisison).

**At:** 24 Reedyford Road, Nelson

**On behalf of:** Mr Wakas M Begum

**Date Registered:** 03/01/2022

**Expiry Date:** 28/02/2022

**Case Officer:** Laura Barnes

This application has been called in by a Councillor.

### Site Description and Proposal

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

The proposal is for a two storey extension to the rear of the dwelling to provide an additional bedroom to the first floor and a sitting room to the ground floor. The proposed extension is to be finished in render with a slate roof or interlocking roof tiles.

### Relevant Planning History

21/0760/HHO - Full: Erection of a two storey rear extension.  
Refused  
17/12/2021

### Consultee Response

#### LCC Highways

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

### Public Response

Date of publicity expiry: 01/03/2022

Nearest neighbours have been notified by letter, one response received objecting to the application, raising the following issues:

- Invasion of personal garden space with an eyesore extension
- Loss of daylight
- Overbearing effect

### 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 two storey extensions should be subordinate to the existing dwelling and should have a pitched roof.

The extension is to have a pitched roof, it would be set down from the ridge height of the original dwelling, making it subordinate. The proposed extension is to project out 4.3m from the rear wall and be 5.3m in width. The extension is to be finished with a through colour render and have matching roof tiles to the existing dwelling.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2 and the Design Principles SPD.

### **Residential Amenity**

The Design Principles SPD advises that windows should normally be limited to rear facing, to avoid neighbour amenity issues. There is a proposed ground floor side window serving the sitting room, facing towards No. 26 Reedyford Road. There is a change in levels between the application site and the neighbour at No. 26 with the application site taking an elevated position. The boundary treatment is a brick wall (approx. 1m in height) with a 1.8m high close boarded fence on top of it. There is an existing single storey extension to the rear of No. 26 which accommodates a lounge. There is a side elevation window facing towards the application site and there are no other sources of light serving this room. The proposed lounge window to the side elevation of the proposed extension would result in a direct overlooking issue with the neighbouring property, there would be a separation distance of just 4m between the proposed and existing windows. However, given the boundary treatment and the ability to control the proposed window with obscure glazing, this issue could be mitigated. Whilst the potential privacy issue could be mitigated, the proposal at two storey



in height, given the difference in levels, adjacent to a ground floor lounge window which is the only source of light serving the room, would result in an unacceptable overbearing effect.

The Design Principles SPD advises that rear extensions will be acceptable only where they do not breach the 45 degree rule. The proposed extension is set away from the shared boundary (with No. 22) by 0.9m. However, there is a window to the neighbouring dwelling (No. 22) which is 0.3m from the shared boundary and serves a habitable kitchen / dining area. The proposed extension would breach the 45 degree angle by 2.5m, resulting in an overbearing impact upon the neighbouring dwelling. It is noted that there are other sources of light to the neighbouring kitchen / dining room including a second window to the rear elevation and a door to the side elevation. The neighbour at No. 22 also has a first floor window, serving a bedroom, to the rear elevation. Although this is central in the rear elevation, rather than being very close to the shared boundary as with the kitchen / dining room windows, the window would also be impacted to an unacceptable degree by the overbearing impact of the proposed two storey extension.

At two storey in height, the proposed extension would result in an unacceptable overbearing impact upon the neighbouring dwelling, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Therefore, the proposed development conflicts with Policy ENV2 and the Design Principles SPD.

## Highways

The proposed development would result in an increase in the number of bedrooms serving the dwelling. The Highways Authority have not objected to the proposals. The proposal would not result in an unacceptable impact upon highway safety.

## Summary

Although the proposed development does include some amendments from the original scheme which was refused, it does not go far enough to address the original reason for refusal. As such, the proposed development would still result in an unacceptable neighbouring amenity impact.

## **RECOMMENDATION: Delegate refusal**

For the following reasons:

1. By virtue of its scale and massing, coupled with the difference in ground levels between the application site and neighbouring property at No. 26 Reedyford Road, the proposed extension would result in an unacceptable overbearing effect upon both No. 22 and No. 26 Reedyford Road, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the National Planning Policy Framework and the Design Principles SPD.

**Application Ref:** 22/0014/HHO

**Proposal:** Full: Erection of a two storey rear extension (Re-Submisison).

**At:** 24 Reedyford Road, Nelson

**On behalf of:** Mr Wakas M Begum

## LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 02nd February 2022