



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 03rd March 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 03rd MARCH 2022

Application Ref: 21/0900/HHO
Proposal: Full: Erection of a single storey rear extension
At: 4 Milton Road, Colne
On behalf of: Mr Aslam
Date Registered: 8th November 2021
Expiry Date: 24th January 2022
Case Officer: Yvonne Smallwood

Site Description and Proposal

The application site is a terraced house located within the settlement boundary of Colne. The property is finished in render and dash to the front and brick and painted render to the rear with UPVC fenestration. There is an existing part single storey and part two storey extension to the rear of the property.

The proposed development seeks to erect a utility room/toilet to the rear of the existing extension that would be 2.69m in length, 2.08m width and 2.62m in height. The overall length of the extension would be 6.74m

Relevant Planning History

19/0239/HHO - Full: Erection of a part single, part double storey extension to rear – Approved with Conditions, 22.05.19

Consultee Response

Colne Town Council

No objection, but noting the letter from the neighbour, that a considerate construction plan be written and provided in advance of any work taking place.

Public Response

Nearest neighbours notified by letter with one objection, summarised below:

The neighbour had allowed access to number 4 via their garden for the previous extension in 2019 which led to numerous problems for the neighbour:

- the digging of foundations caused subsidence that led to lasting damage to the neighbour's storage unit
- the fence was damaged, preventing the dogs being allowed off-lead in the garden
- A water pipe was damaged at number 4 that United Utilities were apparently unaware of
- There was rubble and rubbish left constantly
- Objects were left over-hanging the scaffolding that might have fallen
- Paving slabs and a drain cover were damaged by scaffolding
- The neighbour would not agree to allowing access for another extension

Officer Comments

Policy

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.

Design and Materials

The Design Principles SPD advises that single storey rear extensions are normally only acceptable when they do not project more than 4m from the rear elevation of the dwelling and would not break the 45 degree guidance in relation to neighbouring properties.

The materials would match existing and would therefore be acceptable, according with ENV2 and Pendle Design Principles SPD.

Amenity

The Design Principles SPD states that a single storey rear extension will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. If of a greater depth, it will normally only be permitted if it does not breach the 45 degree rule, where this would not cause detriment to the character of an area.

The length of the proposed extension would be 6.74m, which is 2.74m longer than the 4m length normally considered to be acceptable. The 45 degree guideline would be broken for the adjoining neighbour at number 2, however there is an outbuilding at number 2 close to the boundary. There is a 2m fence between the properties and an established row of conifer trees, therefore the proposed extension would not have any unacceptable adverse impacts on the privacy or light the property at number 2.

The side wall facing number 6 Milton Road is at an angle to prevent the 45 degree guidance being broken. Therefore there are no adverse impacts to the amenity of the neighbour at number 6. There is a 2m fence separating the properties. There are no windows proposed to the side elevations.

The extension would be 2.21m from the rear boundary. There is a window proposed to the rear extension. The rear wall of the proposed extension would be 2.21m from the rear boundary of the application site. There would remain a circa 12m distance between non-habitable windows of the application site and the neighbour to the rear at 3 Ruskin Avenue. There is a 2m fence and some established conifer trees separating the properties which would provide screening and preserve the privacy of the neighbour at number 3 Ruskin Avenue.

Objections raised

There is one objection to this proposal relating to access to the application site during construction. This objection is due to problems experienced in the construction process of the applicant's previous extension at this site.

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 extension is acceptable in terms of policy, design, amenity and highway safety. 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:

Location Plans, Proposed Plans and Elevations 2087 – REV C, received 28.01.22

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

3. The external materials used in the proposed development shall be as stated on the application from 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.

Application Ref: 21/0900/HHO

Proposal: Full: Erection of a single storey rear extension

At: 4 Milton Road, Colne

On behalf of: Mr Aslam

REPORT TO COLNE AND DISTRICT COMMITTEE ON 03 MARCH 2022

Application Ref: 21/0986/FUL
Proposal: Full: Erection of agricultural building (167 sqm).
At: Piked Edge Farm, Skipton Old Road, Colne
On behalf of: Mr A. Swales
Date Registered: 28/01/2022
Expiry Date: 25/03/2022
Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is farmhouse with 1.4 hectares of associated land located within the open countryside. There is a large poultry building to the north which was previously associated with the farmhouse but is now in separate ownership.

The proposed development is the erection of an agricultural storage building. The proposed building would have a footprint of 18.3m x 9.2m, an eaves height of 3.2m and a ridge height of 5m. It would have timber clad walls and a fibre cement sheet roof.

Relevant Planning History

13/08/0509P - Erection of an agricultural building to house free range laying hens - Approved

13/06/0017P - Raise and level field no. 5171 to form new pasture land - Approved

Consultee Response

LCC Highways – No objection.

Lanshawbridge Parish Council - Objection: Councillors feel that, an agricultural holding of this size does not warrant a building so large. The farm site is relatively small, and a building of this size would be more appropriate with a substantially larger farm.

Public Response

A site notice has been posted and nearest neighbours notified, publicity expires on 8th March – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability. Developments should maintain the openness of the Green Belt.

Principle of the Development

The building is very large in comparison to the 3.5 acres (1.4 hectares) area of land with a footprint of 18.3m x 9.2m, an eaves height of 3.2m and a ridge height of 5m.

The land comprises an approximately 0.3 hectares of woodland to the north of the house and a field of approximately 0.9 hectares, so the actual amount of agricultural/forestry land is around 1.2 hectares in total.

It is stated that a high degree of mechanisation is required manage the land. However, the scale of the building appears to be beyond the size necessary to store the equipment detailed and no details have been provided of space required set against the necessary machinery and other space requirements.

Furthermore, the existing agricultural barn and whether that could be used for such storage has not been addressed.

Therefore the application has not provided sufficient demonstration of need for a building of the size proposed.

Visual Amenity and Landscape impact

The application site is located on a relatively flat plateau on the hillside, set down below the land to the north where there is an existing large poultry building. Due to the topography of the site the building would not be prominently visible in the landscape and where it is it would be set against the existing buildings and so would not appear isolated. However, the building would be prominently visible for the public right of way that runs up the access track and immediately past the site of the proposed building.

Due to its scale the building would result in harm to the character and visual amenity of the area in views from the public right of way and that harm would not be offset by the public benefits of supporting agriculture and the overall maintenance of the land because, as detailed above, its scale had not been adequately justified.

The proposed building is therefore contrary to policies ENV1, ENV2 and the guidance of the guidance of the Development in the Open Countryside SPG.

Amenity

The building itself is a sufficient distance from the nearest residential properties to ensure that it would not result in any unacceptable residential amenity impacts.

Highways

The proposed development would not result in any unacceptable highway safety impacts.

Summary

The applicant has failed to demonstrate that the size of the building is commensurate to the needs of the land and the size of the proposed building would result in an unacceptable visual amity impact in views from the adjacent public right of way. It is recommended that the refusals of the application is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the expiry of the publicity period.

RECOMMENDATION: Delegate Refusal

For the following reason:

1. The applicant has failed to adequately demonstrate that the size of the proposed building is commensurate to the agricultural/forestry needs of the land. Due to its size, the proposed building would cause unacceptable harm to the visual amenity of the area contrary to policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and the guidance of the Supplementary Planning Guidance: Development in the Open Countryside.

Application Ref: 21/0986/FUL

Proposal: Full: Erection of agricultural building (167 sqm).

At: Piked Edge Farm, Skipton Old Road, Colne

On behalf of: Mr A. Swales

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 09th February 2022