

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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 30TH MARCH 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 30TH MARCH 2022

Application Ref: 21/0936/HHO

Proposal: Full: Erection of a part single storey, part two storey extension to the rear.

At: 15 Kendal Avenue, Barrowford

On behalf of: Mr & Mrs Berry

Date Registered: 17/12/2021

Expiry Date: 11/02/2022

Case Officer: Laura Barnes

This application has been referred to committee due to the level of public interest.

Site Description and Proposal

The application site is a semi-detached dormer bungalow dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Barrowford.

The proposal is for the erection of a part single storey, part two storey extension to the rear of the dwelling, which would comprise additional living accommodation to the ground and first floor, in the form of larger bedrooms (one with ensuite facilities), making way for an additional office / study to the first floor. To the ground floor there is to be an extension to the dining room, to create a larger open plan kitchen / dining area.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

The number of bedrooms will remain as existing and there is no change in the existing parking available to the property, therefore, we are 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.

Barrowford Parish Council

Concerns: The Parish Council has concerns regarding the adverse impact of amenity caused by loss of light that the proposed two storey 3.5m extension may cause due to close proximity to next doors downstairs window.

The Parish Council has concerns on lack of details on the drainage measure for the large increase in the surface area of the flat roof. The Council questions the sustainability of large flat roofs on domestic premises through increased rainfall attributable to climate change.

Public Response

3 letters of objection has been received, raising the following issues:

- The brick wall to the side elevation would be imposing, cast a shadow and result in a loss of light to neighbouring property.
- The extension breaches the 45 degree angle which would result in a loss of light to the adjoining neighbour.
- Overbearing impact.
- Negative impact upon neighbouring amenity would impact the mental health and quality of life of neighbours.

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 proposed extension is to have two pitched roofslopes with a central valley between. One of the pitched rooves extends across the entire two storey element whilst the other extends across only part of the two storey element, with a flat roof over the remainder of the single storey projection. The pitched roof is much preferable in design terms to the existing flat roof dormer, which dominates the roof slope and does not represent a high quality design. As such, the proposed extension is an improvement in design terms. In relation to the small area of flat roof extension to the single storey part of this scheme, although a pitched roof would generally be encouraged, in this particular location where it is not prominent in public views of the site, it is acceptable.

In terms of materials, the proposed extension is to be constructed of block and render, with a timber weatherboarding to the first floor extension. This is not in keeping with the character of the surrounding area and the materials will need to be submitted to the Council for approval in future, via a discharge of conditions application. A condition can be attached to ensure samples of materials are submitted, in order that they harmonise with the surrounding buildings.

Subject to condition, this accords with the guidance in Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPG in relation to two storey and single storey rear extensions.

Residential Amenity

The Design Principles SPD advises single storey rear extensions located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if they do not project more than 4m from the rear elevation of the existing dwellinghouse. Part of the proposed development is a single storey flat roof extension, positioned upon the shared boundary with No. 17 (which forms the other half of the semi-detached dwelling). The single storey projection is to be 3.5m out from the existing rear wall of the dwelling. As such, the length of the projection accords with the Design Principles SPD in this regard (being under 4m in length). The agent has marked on their floor plan the 45 degree line with the centre point of the neighbour's windows at No. 17. This indicates that there is a breach of the 45 degree angle by 1.6m. However, this modest breach needs to be balanced against the fact that the extension closest to the boundary is to be single storey, the Design Principles SPD would allow a projection of 4m, the height of the extension would be 2.9m and the proposed design of the roof which is flat. Taking all these factors into account, although there would be some impact upon the neighbouring dwelling it would not amount to an unacceptable detrimental impact upon the occupiers of No. 17.

The Design Principles SPD advises that two storey rear extensions will be acceptable only if they do not breach the 45 degree rule. It is also recommended that any first floor extension is set in by 1m from the boundary where the properties are attached (such as semi-detached dwellings) and the neighbouring dwelling does not already have an extension. In this case, the neighbouring dwelling does not have a single storey extension to the rear. However, the applicant has chosen to observe the recommended off-set from the boundary at the first floor level, with the extension being set in by 3m.

In terms of windows, the proposed extension is to have four windows to the rear elevation, two to the first floor and two to the ground floor. The ground floor family room is to be served by a set of bi-folding doors to the rear, with direct access to the rear garden. Although the proposed bi-folding doors are to be closer to the rear boundary of the plot at the application site, there are no neighbouring properties directly behind which are within 21m of the proposed bi-folding doors. As such, the bi-folding doors would not result in an unacceptable neighbouring amenity issue. The other window to the ground floor is to serve a store room. Again, given the separation distances from neighbouring dwellings at the rear and that this window would not serve a habitable room, there would be no unacceptable neighbouring amenity issues in this regard.

To the first floor the two proposed windows are to serve bedrooms. One of the two is in roughly the same position as the existing dormer windows, in terms of proximity to neighbours. As such it would not cause any greater harm to neighbouring amenity than the current position. The other window is to be 3.5m further into the rear garden than the existing windows. However, due to the separation distance between neighbouring dwellings being over 21m this would not result in an unacceptable neighbouring amenity issue.

To the ground floor, the proposed development includes one side elevation window closest to No. 13 Kendal Avenue. This window is to serve a store room, which is not a habitable room. Given that the neighbouring dwelling (No. 13) has two side elevation windows serving habitable rooms,

the proposed window should be obscure glazed. This can be secured by a suitably worded planning condition.

Comments have been received by a member of the public that the proposed development would result in a loss of light and overbearing effect. However, although the proposed extension is two storey in height, it is set away from No. 13 sufficiently to avoid an overbearing effect. To the opposite side, No. 17 Kendal Avenue, the proposed extension is only single storey in height and limited to 3.5m in projection along the shared boundary with No. 17. The two storey element has been set off the shared boundary in order to reduce any overbearing impact.

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 a change to the number of bedrooms, just a change to the size of them. As such, there is no requirement to increase the number of car parking spaces available to the development. The proposed development accords with Policy 31 in this regard.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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 Plan Ref: 001-Rev A.
 - Proposed Elevation and Floor Plans Ref: 002 Rev B.

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

3. Prior to commencement of above ground level works, samples of the materials for the external walls, roof, windows, doors and rainwater goods shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Notwithstanding the plans hereby approved, the ground side elevation window of the development shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 30TH MARCH 2022

Application Ref: 21/0945/FUL

Proposal: Full: Major: Change of use of the land from agriculture to a mixed use of agriculture and equestrian, erection of private stables building and tack store and creation of access track and hardstanding.

At: Field To The East Of Ravensclough, Barrowford Road, Fence

On behalf of: Mrs J. Ellins

Date Registered: 13/01/2022

Expiry Date: 14/04/2022

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major application due to the site are being over 1 hectare.

Site Description and Proposal

The application site is agricultural fields located within the Green Belt between Fence and Brierfield.

The proposed development is the erection of a timber stable building to accommodate three horses and associate access track and parking, and the change of use of the land to a mixed use of and agricultural and equine use.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection.

PBC Environmental Health – Please attach a note relating to contamination.

Coal Authority – No objection. Please attach a note relating to potential former coal mining hazards.

Old Laund Booth Parish Council – No objection.

Public Response

A site notice has been posted and nearest neighbours notified – One response received in support of the application.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 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. Where applicable proposals should maintain the openness of the Green Belt.

Replacement Pendle Local Plan

Policy 39 relates to Equestrian Development, this states that the location, size and design of a proposal must preserve the landscape character and openness of an area. In Green Belt small stable development (up to four stables) will be acceptable provided the application is in close proximity to an occupied building (within 15m of grounds).

National Planning Policy Framework

Paragraph 143-146 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. This includes the provision of appropriate facilities for outdoor recreation as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Green Belt Impact

Saved Policy 39 of the Replacement Pendle Local plan states that in the Green Belt small stable development (to accommodate up to four horses) will be acceptable. The proposed stable building is of suitably small scale, the building and use meet the exception in the Framework for provision of appropriate facilities for outdoor recreation. The development would not result in an unacceptable impact on the openness of the Green Belt in accordance with the Framework and policies ENV2 and 39.

Heritage Impact

The proposed development would have no adverse impacts on the setting of the nearby Listed Buildings.

Visual Amenity

The proposed development would not result in any unacceptable impacts upon the visual amenity of the area.

Residential Amenity

With a condition to control manure storage the proposed building and use would not result in an unacceptable impact upon the residential amenity of any nearby dwellings. The development is acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

With a condition to ensure that the stable is limited to the personal use of the landowner the proposed development would not result in an unacceptable increase in traffic accessing the site and is acceptable in terms of highway safety.

Drainage and pollution

It would be necessary to attach a condition to control the details of manure storage and drainage arrangements.

Summary

The proposed development is acceptable and is therefore recommend that the approval of the application is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the expiry of the publicity period.

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 in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan. 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: Delegate Grant Consent

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with 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 1:2500 – received 05/01/2022, 1470-1A, 1470-2A.

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

3. The external materials to be used in the elevations and roof of the proposed 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. The use hereby approved shall not commence unless and until details of manure storage arrangements, including any foul water drainage, shall be submitted to, and approved in writing by, the Local Planning Authority. The manure storage shall at all times be sited, drained and managed in strict accordance with the approved details.

Reason: To protect controlled waters from pollution and protect the amenity of neighbouring residential properties from odours and flying insects.

5. The equine development hereby permitted shall be for, or ancillary to, the stabling of horses owned, or leased, by the owner of the site only, the site shall not be used for livery or any commercial equine purpose whatsoever at any time.

Reason: In the interest of highway safety.

Note: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the Local Planning Authority.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 30TH MARCH 2022

Application Ref: 21/0962/FUL

Proposal: Full: Change of use of a domestic annexe to tourist accommodation (1 Bedroom).

At: Height Top Smithy, Stump Hall Road, Higham

On behalf of: Mr Mathew Stath

Date Registered: 20/12/2021

Expiry Date: 14/02/2022

Case Officer: Alex Cameron

This application was deferred from the previous Committee meeting for further clarification over the external alterations.

Site Description and Proposal

The application site comprises of a stone built, two storey detached dwellinghouse. The site is located outside of a defined settlement boundary, within the Open Countryside and the Green Belt. The dwelling is surrounded by similar detached properties to the north and west, with open fields to the south and east.

The proposed development is the conversion of an attached two storey annexe to one bedroom tourist accommodation.

Relevant Planning History

13/06/0254P - Full: Extension over garage. Approved

19/0065/FUL - Full: Demolition of sunroom, convert garage to self-contained unit, alteration to roof and openings. Approved

19/0832/NMA - Non-Material Amendment: Amend Planning Permission 19/0065/FUL to alter front window into French Doors with Juliette balcony. Approved

Consultee Response

LCC Highways – Please would you ask the applicant to provide a properly scaled drawing showing parking and manoeuvring for both the main dwelling (3 spaces) and the annexe (1 space)? As there's no capacity for on-road parking on Stump Hall Road all parking and manoeuvring needs to take place within the site. The Proposed Site Layout Plan (1710/SK/02 Rev A) approved under planning permission 19/0065/FUL showed parking for 4 vehicles with adequate internal manoeuvring space to allow vehicles to enter and leave Stump Hall Road in forward gear.

If the applicant intends to provide 2 spaces for the annexe then 5 spaces would need to be provided overall and the manoeuvring area kept free from any obstructions.

Public Response

Site notice posted and neighbours notified – Objections received raising the following concerns:

- The proposal would negatively impact on impact on Height Top Farm Holiday Cottages.
- The use is already operating.
- Unacceptable noise impacts.
- Littering by residents.
- Visual impact of the design and materials. The work has not adhered to the original permission for the extension.
- Raising of the patio and resulting privacy impact.
- Inadequate livestock fencing.
- Concerns about the siting and installation of the oil storage tank.
- The existing septic tank is inadequate to serve the proposed use.
- Highway safety concerns in relation to guests reversing out of the site.
- Need for additional tourist accommodation.
- Concerns about bin storage.

Officer Comments

Policy

National Planning Policy Framework

Planning policy nationally is set out in the National Planning Policy Framework (“the Framework”). This sets out the economic, social and environmental role that planning has. Part 3 deals with supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. It also supports the diversification of agricultural and other land based rural businesses as well as retaining local services and rural communities. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Adopted Core Strategy

Policy 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.

Policy ENV2 (Achieving Quality in Design and Conservation) seeks to encourage high standards of design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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. It states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services.

Policy SDP2 (Spatial Development Principles) states that proposals for new development should be located within a settlement boundary. Proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy WRK5 (Tourism, Leisure and Culture) States that proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

Expansion of the rural economy and farm diversification projects will be supported by promoting the re-use of existing buildings of traditional design and construction and by allowing extensions to existing business premises. Premises alongside the Leeds and Liverpool Canal provide a unique opportunity to preserve our industrial heritage, whilst creating new employment opportunities.

Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Policy 40 (Tourism) Supports proposals for tourism development in villages or rural areas provided that proposals are of an appropriate scale and re-use an existing building of traditional construction. Or, will redevelop within the footprint of an existing building in the open countryside without the need for large scale extension and assist rural regeneration in a location where the environment and the transport and utility infrastructure can accommodate the visitor impact.

Principle of the Development

Policy 40 of the RPLP allows for the conversion of existing buildings in rural area to tourist accommodation use, the use for tourist accommodation would not result in a significant increase in car use over the authorised use as an annexe.

The Core Strategy stresses the importance of tourism to Pendle's rural economy, particularly in relation to the AONB, which this site is within close proximity of, and the need to support tourism with a positive approach. Taking into account the small scale of the proposal it is not necessary for a specific need for this accommodation to be demonstrated.

Whilst concerns have been raised in relation to need and competition with other tourist accommodation nearby, increase competition for established businesses nearby is not a material consideration in determining a planning application.

The use would not impact upon the openness of the Green Belt.

The proposed development is therefore acceptable in principle in accordance with policies 40 and WRK5.

Design and Visual Amenity

There have been concerns raised that the external alterations under the previous permission to form the annexe not having been carried out in accordance with the previous planning permission. Specifically, the pitched roof has not been implemented, the windows are different, and a patio door has been installed in place of a window in the east elevation and the walls of the single storey

element have been rendered. Concerns have also be raised over the visual impact of boundary fences.

Revised plans have been submitted showing the external alterations as existing and as they were before the conversion to an annexe.

The external alterations that have been carried out are the installation of a patio door replacing a garage door, partial blocking up of a garage door and installation of a window it its place and rendering of the artificial stone single storey part of the side extension only.

There is no requirement to implement all elements of a planning permission, such as the approved pitched roof. Furthermore, permitted development rights allow for alterations to window and door openings, rendering and the erection of fences / walls within height limits that the boundary fences do not appear to exceed, without the need to apply for permission. Therefore, the external alterations are permitted development.

This application is for the change of use of the annexe to holiday accommodation only, no permission is required for the existing external alterations.

The proposed use raises no unacceptable design or visual amenity impacts in accordance with policies ENV1, ENV2 and WRK5.

Residential Amenity

The proposed tourist accommodation would have no windows facing adjacent properties.

Concerns have been raised regarding a raised patio to the rear of the property. That is not within the application site of this proposal and does not form part of the application.

Concerns have been raised regarding noise, the noise impacts of tourist accommodation are no different to any other dwelling, as with any other dwelling anti-social behaviour including excessive noise falls under the control of other legislation, planning guidance is clear that such controls should not be duplicated by the planning process.

The proposed development would raise no unacceptable residential amenity issues in accordance with policy ENV2.

Highways

A revised can parking layout plan showing 1 space for the holiday accommodation and 3 for the house with adequate area to turn and exist in forward gear has been submitted and is acceptable.

The proposed development is acceptable in terms of highway safety in accordance with policies ENV4 and 31.

Other issues

Concerns have been raised regarding bins overflowing and littering. There is adequate space for bin storage within the site, planning cannot reasonably control how bins are filled and other littering issues.

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 use is acceptable in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. 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 development must be begun not later than the expiration of three years beginning with 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 – received 20/12/2021, Height Top Smithy – received 10/03/2021.

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

3. The tourist accommodation hereby approved shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of the occupiers of the tourist accommodation and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: In order to ensure proper control of the use of the holiday unit and to prevent the establishment of permanent residency.

4. The parking provision shown on the approved plans received 10/03/2022 shall at all times be maintained free from obstruction and available for parking a minimum of four vehicles with provision for them to turn and exit in forward gear.

Reason: In order to ensure satisfactory levels of parking and adequate turning provision are maintained in the interest of highway safety.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 30TH MARCH 2022

Application Number: 22/0041/HHO

Proposal: Full: Demolition of conservatory and erection of single storey rear extension and extend patio, demolition of garage to side and erection of 2 storey side extension, formation of 3 dormers to front and extend driveway.

Site Address: 18 Forester Drive, Fence

On behalf of: Mr & Mrs Heys

Date Registered: 21st January 2022

Expiry Date: 7th April 2022

Case Officer: Yvonne Smallwood

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

Site Description and Proposal

The application site is a semi-detached bungalow with a rear dormer located within the settlement boundary of Nelson. It is surrounded by bungalows and dormer bungalows.

The application seeks to erect a single storey rear extension which would measure 3m x 10.18m with a height of 2.99m.

The garage would be demolished and a 2 storey side extension would be erected measuring 12.69m in length. The width would be 2.55m from the front elevation to 5.4m depth, then the extension would narrow down to circa 2.2m for the remaining 7.29m.

There would be 3 pitched roof dormers measuring 2.6m length x 1.8m width x 1.36m height (2.03m to apex) inserted to the front roofslope.

The patio area to the rear of the property would be extended by 1.4m with a 0.66m step down to the garden area.

The extensions would be finished in buff brickwork to the lower walls with render above and a concrete tiled roof to match existing. The fenestration would be anthracite UPVC windows with white UPVC doors. The dormers would have UPVC anthracite cladding and felt roofing.

There is existing parking capacity for two vehicles, with space for one car on the driveway and one in the garage. The development would mean there would be no garage and the driveway would be extended by 1.8m to create an additional parking space to the south west, finished with tarmac hardstanding.

Relevant Planning History

None.

Consultee Responses

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. An adequate level of off-road parking would be provided for the type and size of development proposed. The following comments should be noted, and condition and note applied to any formal planning approval granted.

The widened driveway/hardstanding should be surfaced in a bound porous material to prevent loose surface material from being carried onto the adopted highway network, where it could pose a hazard to other users. It should be kept free from any obstacles or obstructions which would prevent its use as off-road parking for two vehicles.

The extended dropped vehicular crossing would need to be carried out under an agreement (Section 184) with Lancashire County Council as the highway authority.

Condition

The proposed development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling. **Reason:** In order to ensure satisfactory levels of off-road parking are achieved within the site.

Note

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parkingand-travel/roads/vehicle-crossings.aspx>

Old Laund Booth Parish Council

No objection.

Public Response

Nearest neighbours notified by letter with four responses summarised below:

Concerns have been raised relating to:

- The light amenity of the neighbour at number 16 – light assessment suggested, to be undertaken by a professional independent company.
- An overbearing impact, an adverse impact on enjoyment of property for number 16.
- Parking provision.
- Access, safety and emergency access of the shared access (ginnel). The need to keep this clean and clear of obstruction at all times.
- Need of natural light to house and patio.
- Loss of light to patio at number 16.
- List of PBC Policies.
- Placing a condition to prevent the dressing room becoming a bedroom.
- Ridge height of number 18 is higher than that of number 16 Forester Drive.
- Inadequate surrounding space to avoid a cramped appearance in the streetscene.
- Adverse impact on the regular house spacing/terracing effect of streetscene.

Relevant Planning Policy

The main issues to consider in this application are impact on amenity and design and materials.

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy requires new development to be in scale and harmony with the surrounding area.

The Design Principles SPD contains further guidance on residential extensions.

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.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

Officer Comments

Design and Materials

The single storey rear extension would have a flat roof with a roof lantern window. The extension would measure 3m x 10.18m with a height of 2.99m. There would be no windows to the side elevations. The rear elevation would have triple sliding doors measuring 5.86m in total and a door to the south east of the development. The single storey rear extension would project back 3m and this falls within the acceptable length and would accord with the Design Principles SPD in this regard.

The existing garage would be demolished and a 2 storey side extension would be erected measuring 12.69m in length. The width would be 2.55m from the front elevation to 5.4m depth, then the extension would narrow down to circa 2.2m for the remaining 7.29m. The two storey side extension would have a ground floor window to the side serving a study with a door to a storeroom. The front elevation would have an additional ground floor window serving a playroom.

The proposed materials would be buff brickwork to the lower walls and render above with concrete tiled roofing to match existing on the main dwelling. The fenestration would be anthracite UPVC windows and white UPVC doors which would be acceptable.

There would be 3 pitched roof dormers measuring 2.6m length x 1.8m width x 1.36m height (2.03m to apex) inserted to the front roofslope. Pitched roof dormers are preferable to flat roof dormers in design terms and there are several examples of dormers to the front roofslope on Forester Drive, therefore front dormers are in keeping with the streetscene with regard to ENV2 and the Design Principles SPD.

Two storey extensions to the side of semi-detached properties should respect the balance and symmetry of such properties. This two storey extension is set in from the shared side boundary by 1m and would not be out of character with the style of nearby dwellinghouses and poses no adverse planning issues. Therefore this two storey extension accords with policy ENV2 and the guidance set out in the Design SPD.

The proposed driveway would be extended by 1.8m to the south west with tarmac hardstanding. The surface of the driveway should be a bound porous material to accord with Highways LCC recommendations.

Amenity

The Design Principles SPD states that single storey rear extensions up to a projection of 4m are usually acceptable. The single storey extension to the rear would project back by 3m from the rear elevation. There is a circa 2m fence between the application site and the adjoining neighbour at number 20 Forester Drive. There is a circa 2m fence between the application site and the neighbour at number 16. The single storey element of the proposed development would not have any unacceptable adverse impacts on the adjacent neighbours.

The Design Principles SPD states that two storey side extensions should be designed to avoid having an overbearing effect or causing loss of light or privacy for neighbours. Two storey extensions to the side of semi-detached properties should respect the balance and symmetry of such properties.

The property to the north east of the application site, number 16 Forester Drive, is a true bungalow with a lower ridge height than that of the application site. There is a shared access between the application site and number 16 which is 1m wide. Number 16 has two windows and a glazed door facing the application site. One of the windows serves a kitchen-diner and the other window serves a sun-lounge. Number 16 has a shed opposite the kitchen-diner window and there is a circa 2m fence between the properties. The sun lounge window has other windows as well as the one facing number 18. The proposed extensions would result in a marginal loss of light for number 16. A light assessment survey has been submitted by the applicant this found that the impact on the kitchen dining room in terms of the level of loss of visible sky would be marginally below what is advised to be acceptable by BRE guidance at a 24% reduction in visible sky, the acceptable level would be up to a 20% reduction. It is likely that this could be acceptably resolved with amendments to the plans, the applicant has been requested to submit amendments to bring the reduction in visible sky below 20%.

Public Responses

The parking is adequate for Parking Standards Saved Policy 31 and Highways LCC have raised no objections to the development. There are properties with similar extensions and dormers on Forester Drive. There would be a marginal loss of light as the side elevation would be extended to the north east and the rear single storey extension would project back 3m from the rear elevation which is within the 4m acceptable length. As there is an existing conservatory to the rear of the application site, this would be demolished and the proposed rear extension would project a further circa 1.5m than existing. A 'daylight, sunlight and overshadowing' professional survey by an independent company has been undertaken to address this.

Access to the property is not a planning matter. There are similar dormers and extensions on Forester Drive, so the developments would not look out of keeping with the streetscene and would therefore accord with Policy ENV 2 and the Design Principles SPD.

Conclusion

It is recommended that the approval of the application is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the receipt of acceptable amended plans.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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: Delegate Grant Consent

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 Plan: 576/02

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 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.