



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

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

**DATE:** 2ND JANUARY 2023

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 02<sup>ND</sup> JANUARY 2022

**Application Ref:** 22/0400/HHO

**Proposal:** Full: Extensions to dwelling including rooflift, two storey side and rear extension and enlargement of porch.

**At** 137 Barkerhouse Road, Nelson.

**On behalf of:** Mr Ansar Iqbal.

**Date Registered:** 20/06/2022

**Expiry Date:** 15/08/2022

**Case Officer:** Joanne Naylor

## **Site Description and Proposal**

The application site is a two-storey semi-detached dwellinghouse within the settlement boundary of Nelson in a predominately residential area. The dwellinghouse is located on a corner plot with Barkerhouse Road and Hendon Road, it has red brick walls and a pitched natural slate roof, there are gardens to three sides and a garage to the rear of the property accessed of Hendon Road. The application site has a front porch, uPVC windows and a boundary treatment of red brick walls with privet hedging and wooden fencing.

The proposal is for a two storey side extension with a reception room, hall and wet room to the ground floor and two bedrooms and a store room to the first floor, the proposed rear extension would replace the garage with a kitchen and to the first floor the proposed rear extension would be for a bathroom. The proposal would have a parking space to the rear of the dwellinghouse accessed from Hendon Road.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### LCC Highways

The proposal site is close to local amenities, is on a bus route, and there was capacity on-road for parking in the vicinity. I can confirm that the application is unlikely to adversely affect the highway network or its users, therefore, there is no objection to this proposal. However, it must be noted that any changes to the drive with this proposal should be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials. Reason: To prevent loose surface material from being carried onto to the public highway thus causing a potential source of danger to other road users.

### Parish/Town Council

No comment.

### PBC Environmental Health

There is quite a lot of work for this proposal for a residential property, a condition needs to be placed to control the hours of work so as to protect the amenity of neighbouring properties.

## **Public Response**

The nearest neighbours have been notified by letter, one response supports and one two letter of objecting, comments relate to:

- Concerned that the light will be reduced and impact on the rear bedroom and garden
- Concerned the rear extension will cause overbearing impact and reduce light
- That the two storey extension will reduce light due to its depth and height.
- The roof lift is out of character of the area, concerned that it will cause harm to the neighbouring property in terms of water tightness, and the impact of the roof lift on the chimney stack, if the increased wall height will be single wall and the finish to the additional wall.
- Where flashing will be used to the roof of No. 135, who is responsible for maintaining the flashing
- Concerned about the shared guttering, plans do not indicate the gutters or downpipes
- For the porch, there are hedging to the front and side in close proximity to the proposed porch. The porch will extend beyond the building line of the existing porch and the bay window.
- Objection base on the insufficient design and the detrimental impact to No. 135 for property value and the living environment.

### **Officer Comments**

The main considerations for this application are the policies, design and materials, residential amenity, and highways.

### **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 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.

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 extensions should be constructed in materials and style to match the existing dwelling and pitched roof elements are preferred. The dwellinghouse has red brick and render finish to the walls and natural slate tiles to the pitched roof. The front elevation of the proposed development would have red brick to the ground floor and render to the first floor, to the side elevation on Hendon Road the ground floor would be red brick and the first floor would be rendered, to the rear elevation of the two storey side and rear extension, the walls would be rendered, and to the single storey extension the walls would be red brick.

The existing windows are white uPVC and the proposed windows would also be white uPVC, however the design of the windows is different, a condition could be placed to ensure that the windows match in design, material and colour in order to bring uniformity to the dwellinghouse and improve the appearance of the dwellinghouse.

The Design Principles SPD advises that two storey side extensions should avoid causing a terracing effect and where a staggered or irregular arrangement of dwellings in the street, then the requirement for the extension to be set in by 1m from the side boundary, set back 1m from the front wall and a lowered ridgeline can be relaxed. The application site is on a corner plot with dwellings on Hendon Road being staggered, the semi-detached properties on Barkerhouse Road have a staggered arrangement, and the terraces opposite being at an oblique angle to Barkerhouse Road, therefore the proposed side extension would not result in a terracing effect.

For corner plots particular attention needs to be given to the design regarding the streetscene. Where open corners are not a feature of the area, not in a prominent position in the street scene or the where the extension wouldn't have a significant impact on the street scene due to screening. The application site has red brick walls and privet hedging with a height of circa 2m and fencing to Hendon Road of circa 1.8m height. Opposite the application site, the bungalows have fencing to the boundary along Hendon Road. The boundary treatments of the application site are well screened and remove the openness and reduce the prominence of the application site. The proposed development would not have a significant effect on the streetscene and a suitable condition would be placed to ensure that the boundary treatment is retained.

The existing roof is a dual pitched roof, the proposed development would retain the dual pitched roof to the existing dwelling house and the proposed two storey side extension, to the rear the proposed development would have a hipped dual pitch roof. This design would be acceptable in this location.

At the first floor, the proposed two storey rear extension would project 2.5m from the rear elevation of the existing dwellinghouse. Both the application site and the adjoining neighbour have single storey extensions to the rear which are attached. In this case, a two storey extension is allowed as long as the 45 degree guidance is not breached for any first floor windows. The distance between the proposed extension and the neighbour's bedroom window is circa 2.9m, this would not breach the 45 degree guidance and would not result in unacceptable overshadowing or obstruction of outlook. In addition, the second storey element of the rear extension would be set in by 1.5m from the party boundary with No. 135.

For single storey rear extensions the Design Principles SPD advises that rear extensions located near the party boundary of a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. Where a rear extension has a greater depth it is acceptable where it does not breach the 45 degree guidance or where the extension stands away from the boundary of the adjoining property. The application site already has a rear extension to the party boundary of the neighbouring property at 135 Barkerhouse Road and to the rear boundary with No. 1 Hendon Road. The proposal would retain the same floor area as the existing kitchen and garage and retain the height at circa 3.5m, the only external change would be the proposed window to the side elevation, the window would look onto the driveway and

the highway and bungalows beyond. The distance from the proposed window and the bungalow would be circa 20m which is marginally less than the 21m advised in the Design Principles SPD between habitable room windows facing each other, and as there is a highway between then this would be acceptable in this location.

The Design Principles advises that flat roofs are usually viewed as poor design, the proposed single storey rear extension proposes a flat roof, however, as the existing roof is a flat roof and the proposal would retain the existing floor area and it is to the rear of the property, then a flat roof in this location would continue to be acceptable.

In terms of the porch and canopy to the front elevation, they will be dealt with separately. The proposed porch would have a pitched roof, rendered low walls with windows above and glazed double doors to the front elevation, it would project 1.1m from the front elevation, be 2.2m in length and 3.5m in height. A similar sized porch structure could be achieved under Permitted Development which would allow a footprint of 3sqm and be up to 3m in height. The proposed porch would have a footprint of 2.75sqm and would be 3.5m in height which is marginally more than that under Permitted Development, the scale of the proposed porch would be acceptable in this location.

The proposed canopy would be attached to the porch by the pitched roof, it would have three columns supporting the roof structure, be 3.7m in length, 3.5m in height and 1.1m in depth. Whilst the proposed canopy would not be particularly in keeping with the character of the wider area, the proposed canopy would not dominate the front elevation due to its dimensions. The proposed canopy would have a footprint of 4sqm and a height of 3.5m, although this would be greater than that which could be achieved under Permitted Development, the proposed canopy would be in proportion to the dwellinghouse and there is sufficient space to the front garden for it to not encroach too far towards the highway. In addition, the existing bay window on the front elevation will be retained and remain as a separate structure to the porch and canopy, this will ensure that the front elevation retains integrity of the original house and its appearance to the street scene. As this proposed development is located on a corner plot, the Design Principles usually advises that care needs to be taken regarding the building line. In this case, the dwellinghouses adjacent to No. 137 Barkerhouse Road are in a staggered formation and located on a gentle slope. The proposed porch and canopy would not have an unacceptable impact on the streetscene.

The Design Principles advises that the roof is an important element of a buildings design and care should be exercised to ensure it is in keeping with the dwelling. For roof lifts, it would be unacceptable where it would have an adverse impact on the character and appearance of the building and the streetscene. The proposed development would seek to lift the roof of the original dwelling by 0.6m and the proposed extensions would be erected to the same height. The existing dwellinghouse has a ridge height of 7.5m, the proposed roof lift would result in a height of 8.1m. The proposed roof lift would result in the semi-detached dwellinghouse having a roof which would be 0.60cm higher than the adjoining neighbour's roof, it would result in the roof being stepped up from the adjoining property and would appear to sever the roofline of the semi-detached properties. The semi-detached properties on Barkerhouse Road have a uniform roof scene with a red brick central chimney stack, there are similar semi-detached properties along Hendon Road and there are bungalows opposite, which have retained the original roof line. Paragraph 134 of the National Planning Policy Framework 2021 states that development that is not well designed should be refused. The proposal site is on a corner plot formed by Barkerhouse Road and Hendon Road. The introduction of the proposed roof lift would appear as an incongruous development within an area where the roof scene is uniform, it would have an adverse impact on the character and appearance of the building and the streetscene.

The proposed development would not conform to Policy ENV2 and the Design Principles SPD.

## Residential Amenity

The Design Principles SPD advises that extensions should adequately protect neighbours enjoyment of home, to not obstruct outlook of neighbouring dwellings or detract from their privacy.

To the front elevation, the proposed porch would have windows to the side elevation which would project past the bay window, as these windows do not serve habitable rooms there would be no residential amenity issues here. There would be one ground floor window and one first floor window serving habitable rooms, these windows would face onto terrace houses opposite, as there is already an existing relationship from the original dwellinghouse across the highway to the terraced properties, these proposed windows would not result in any greater impact than already exists.

To the side elevation facing onto Hendon Road, at the ground floor there would be one habitable room window serving the reception room and one window at first floor serving the store room which could be used as a bedroom. The distance between the proposed extension and the bungalow opposite is circa 16.6m which is less than the required 21m between habitable room windows facing each other. To mitigate the impact of the ground floor window, a suitable condition could be placed requiring screening to the boundary treatment to preserve the privacy of the bungalow and for obscure glazing to the window at first floor level.

To the side elevation of the proposed single storey rear extension, there is a window facing the bungalows opposite, as already mentioned, there is sufficient distance between this proposed window and the habitable room windows of the bungalow opposite to ensure there is no unacceptable residential amenity issues.

To the rear elevation, the proposal would have two bedrooms each with one window and one bathroom window at first floor which would face the blank gable wall of No. 1 Hendon Road. To the ground floor one bathroom window is proposed which would face the side window of the porch at No. 1 Hendon Road, to preserve privacy a condition for obscure glazing would be placed. There would be no unacceptable privacy issues here.

Subject to suitable conditions, the proposed development would be acceptable in terms of residential amenity and would comply with Policy ENV2 and the Design Principles SPD.

## Highways

The proposed development has increased the bedrooms from two to four. Highways have raised no objection to the proposal as it is close to local amenities, there is capacity for on-road parking and there is room within the curtilage of the property for the parking of one car. Subject to a suitable condition for any changes to the driveway would require that the materials used would be of a bound porous material.

## **RECOMMENDATION: Refuse**

1. By virtue of the proposals siting on a corner plot within an area of semi-detached properties, the proposed roof lift would be poor design and would appear as an incongruous development on a semi-detached property within an area where the roof scene is uniform, it would result in an adverse impact on the character and appearance of the building and the streetscene. Therefore it is contrary to Paragraph 134 of the NPPF, Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy 2011-2030, and the Design Principles SPD.

**Application Ref: 22/0400/HHO**

**Proposal:** Full: Extensions to dwelling including rooflift, two storey side and rear extension and enlargement of porch.

**At** 137 Barkerhouse Road, Nelson.

**On behalf of:** Mr Ansar Iqbal.

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 02<sup>ND</sup> JANUARY 2022

**Application Ref:** 22/0655/HHO

**Proposal:** Full: Erection of a single storey extension to rear and insertion of dormer window to front roof slope.

**At** 12 Wickworth Street, Nelson.

**On behalf of:** Mr Bilal Hussain.

**Date Registered:** 28/09/2022

**Expiry Date:** 23/11/2022

**Case Officer:** Joanne Naylor

## **Site Description and Proposal**

The application site is a mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls with a pitched natural slate roof. There is a flat roof dormer to the rear elevation and a single storey rear extension to the yard. Wickworth Street has retained the chimneys, cobbled road and paved footpaths, and the front roof scene has no dormers.

The proposed development is for the erection of a single storey extension to the rear and the insertion of a dormer with a window to the front elevation.

## **Relevant Planning History**

None relevant.

## **Consultee Response**

LCC Highways – The application proposes the erection of a single storey extension to the rear. A degree of yard space will be retained as part of the proposal, this should still be adequate to allow for the storage of refuse bins, whilst still maintaining pedestrian access. As a result, the retained yard area should avoid refuse migrating and ultimately being left on the back street.

Parish/Town Council – no comment.

## **Public Response**

The nearest neighbours have been notified by letter, no responses received.

## **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 (Protecting and Enhancing Our Natural and Historic Environments) 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.

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

### Officer Comments

The main considerations for this application are the design and materials, and residential amenity.

#### **Design and Materials**

The Design Principles SPD advises that dormers should be in keeping with the dwelling and should not dominate the roof slope which could result in a property being unbalanced. The SPD also advises that front dormers will not normally be acceptable unless they are a feature of other similar houses in the locality and where 25% of the properties have front dormers.

Wickworth Street comprises of two terrace rows with the front elevations facing each other. It has retained the cobbles, paving flags and chimney stacks. Wickworth Street is a very good example of an unaltered street with the character of the streetscene and roofscape being well preserved. There are no front dormers on Wickworth Street which has ensured the roofscape is intact.

Wickworth Street has no front dormers on the front elevation, and the design of the front dormer would dominate the roof slope resulting in the property being unbalanced. The materials proposed for the front dormer would have a pitched roof with rubber membrane and the walls would be natural slate tiles with a window to the front elevation. This would match the existing material of natural slate tiles and reflect the design of the pitched roof.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. The proposed front dormer would be located on a sloping terrace, the distance from the ridgeline varies from 0.31m to 0.17m, it would be set back from the front elevation by circa 0.2m, with a circa 0.4m space either side of the dormer. The proposed dormer would dominate the roof slope and would result in a

dwellinghouse which appears as unbalanced. The proposed front dormer would not respect the simple and unaltered roofscape of Wickworth Road, it would be incongruous and out of keeping with its surroundings. The proposal would have a negative impact on the visual appearance of the dwellinghouse and would disrupt the uniformity and visual harmony of the roofscene and street scene.

The proposed single storey rear extension would have natural stone to the side elevation and painted render finish to the rear elevation. The proposed roof of the rear extension would have a pitched roof element with natural slate tiles and a flat roof element. The pitched roof would have a length of 2.8m from the rear elevation and a height of 4m to the ridgeline. The proposed flat roof would extend from the pitched roof element by 1.9m and would be circa 3m in height meeting the eaves height of the pitched roof. The proposal would extend to the rear yard boundary and have an overall length of 4.7m, the Design Principles advise that 4m is acceptable, however for terraced properties longer projections could be acceptable subject to impacts on neighbouring properties. In this case, the proposal would be to extend the kitchen, the increased length of the proposal would be acceptable in terms of design and materials. The impact of the proposed extension on neighbouring properties are considered in the residential amenity section below. The design, materials and scale of the proposed rear extension would be appropriate for this location and not look out of character. There would be no adverse harm to the character of the street scene, therefore the proposed rear extension would be acceptable in design and materials.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area contrary to Policy ENV1 and Policy ENV2 and the Design Principles SPD.

### **Residential Amenity**

The Nelson 1947 Map identifies the original terrace of Wickworth Street, the map clearly shows the original dwelling in 1947 and it would seem that the original dwelling has not been altered since then, therefore the kitchen at the rear of the property is original.

The Design Principles SPD 45 degree guidance is designed to protect neighbouring amenity from overbearing impacts from extensions close to a boundary. It also advises that extensions up to 4m from the rear elevation of the existing dwelling are acceptable subject to relationship to other properties. The proposed rear extension would be located on the party boundary and would extend from the rear elevation to the end of the rear yard boundary. The relationship to the adjoining neighbour at No. 10 Wickworth Street needs to be considered, as the overall length of the extension would be circa 4.7m long, a height of 4m to the ridgeline and circa 3m to the eaves and the proposed flat roof element would have a height of circa 3m. No. 10 has a habitable room window to the rear, from the rear elevation of the original kitchen the 45 degree guideline would not be breached, however, the proposed extension would increase the length to 4.7m which would result in breaching the 45 degree guidance and would result in an overbearing impact to No. 10. In addition, No. 12 is elevated above No. 10 by circa 0.7m, which would exacerbate the impact of the proposal on the neighbour. The proposal would have an overbearing impact and would result in an unacceptable residential amenity impact on No. 10 Wickworth Street.

The proposed extension would have an additional window to the side elevation which would face onto the rear extension of No. 10. The application site already has a side window facing onto No.

10, the additional proposed window would not have any greater impact than already existing and would not result in any greater harm than currently experienced

The neighbour at No. 14 has a rear kitchen extension the same height and length as the application site and also has a smaller extension with a reduced height which extends to the boundary wall. The proposed extension would increase the length by circa 2m to the boundary wall and retain the height. The impact on No.14 would be the increase in height of the wall by circa 1.2m and in the length by circa 1.9m. This increase could result in a marginally adverse overbearing impact for No. 14, however No. 14 is elevated above No. 12 which reduces this overbearing to some extent. There is already an existing extension at No. 12 this relationship is already established and the proposed extension would not result in any greater harm than currently experienced, it would not result in an unacceptable overbearing impact to No. 14 and would not warrant refusal for the extension.

The proposed front dormer would have a window to the front elevation. The distance between the front elevations of the application site to the front elevation of the properties opposite would be circa 14.2m. However, the existing dwelling house has habitable room windows to the front elevation at ground and first floor, the proposal would have a habitable room window to the second floor. There is a public highway in between these properties. The Design Principles would require a minimum of 21m between habitable room windows facing each other. However, there is an existing relationship already, and the development does not detrimentally impact on those dwellings over and above existing conditions. The relationship across the public highway is also acceptable.

The proposed development would be overbearing and oppressive to the occupant of the neighbouring house at No. 10 Wickworth Street. The proposal would have a negative impact on their residential amenity and would be unacceptable in that respect. The proposed development would be contrary to Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposal would result in the yard retaining an area of 9sqm which would be adequate for bin storage and pedestrian access.

## **RECOMMENDATION: Refuse**

1. The proposed rear extension would result in an unacceptable loss of light to and overbearing impact upon a habitable room at No. 10 Wickworth Street to the detriment of the residential amenity of the occupants of that property contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document.
2. The proposed front dormer would be incongruous and out of keeping with its surroundings and would represent poor design, this would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the the Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document.

**Application Ref:** 22/0655/HHO

**Proposal:** Full: Erection of a single storey extension to rear and insertion of dormer window to front roof slope.

**At** 12 Wickworth Street, Nelson.

**On behalf of:** Mr Bilal Hussain.

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 02<sup>ND</sup> JANUARY 2022

**Application Ref:** 22/0659/FUL

**Proposal:** Full: Remodelling of land surrounding the mosque, including the provision of 49 No. additional car parking spaces and associated landscaping works, a fenced children's play area, access paths with lighting, steps within the woods, a water fountain, a 3G s

**At** Madina Mosque 144 Manchester Road Nelson

**On behalf of:** Mr Ishtiaq Mohammed

**Date Registered:** 29.09.2022

**Expiry Date:** 24/11/2022

**Case Officer:** NW

## **Site Description and Proposal**

The application is to surface and path the outside of the listed building, to create a play area and to have a temporary marquee in place.

Parking is proposed where it currently is around the road and side of the building. The play equipment is proposed on the lower northern side of the site and the marquee to the western boundary beyond which there are terraced houses.

## **Relevant Planning History**

### **Consultee Response**

Highways

Parish/Town Council

United Utilities: Request a drainage condition.

Environmental Health: Concern about noise in the construction phase. Recommend a construction code of practice condition.

Environment & Conservation: No response received at the time of writing the report.

### **Public Response**

- Objection to the path entry/exit leading onto Lime Street because there are already several entrances in place and this will cause traffic and parking issues leading right outside my door.

### **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.

The application site lies in both a conservation area and it is a listed building. There is a duty<sup>7</sup> under section 72 of the Listed Buildings Act to have regard to the preservation and enhancement of conservation areas. Section 66 of the Act states:

*In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

Section 16 of the National Planning Policy Framework relates to conserving and enhancing the historic and natural environment.

Para 197 states:

*In determining applications, local planning authorities should take account of:*

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) the desirability of new development.*

Para 202 advises:

*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*

## **Officer Comments**

The site was a former hotel restored partly through heritage funding administered by Pendle. The main building has been restored with the exception of some rear structures that will need to be worked n in due course.

The outside of the building to its main elevation to the west has rough gravel hard surfacing that is in place which has been there over many years. That also exists for the whole of the land that

adjoins Manchester Road. The proposal is to formalise this with the installation of new surfacing material. The proposal does not materially alter the areas in which vehicles can already park.

It would be preferable not to have parking to the front so that the setting of the building would be better preserved but as cars have been able to park there for the past 20 years and beyond the principle of parking there has already been set and this application does not alter the existing situation. The scheme proposed take away the parking that can currently take place form immediately in front of the building. Lawns would be provided with parking away from the building. That will enhance the setting of the front of the well restored listed building.

The proposal is to lay tiles as a surfacing treatment for the pedestrian areas around the building. Whilst there is no objection to laying a hard surface the material to be used would be critical to the success of this. A condition requiring samples of the materials for this would adequately deal with this.

The surfacing of the site represents an opportunity to better enhance the listed building by putting in surfacing that is appropriate to its setting. The manovering areas are proposed to be porous and would look similar to the appearance of the currently surfacing. Parking spaces would be provided of a porous material bound by defining stone. This pattern would work well provided the materials are of an acceptable colour. A condition has been suggested to ensure that samples are provided before work is undertaken.

Footpaths are prosed around the remainder of the land. These cross in some areas the roots of trees and could impact on the trees. The comments of the Councils Arborist are awaited in order to ensure that the health of the trees is not affected by the proposals. Whilst no ground remodelling will take place there is a need to ensure that the roots are protected by an appropriate condition.

A play are is proposed to the rear of the site. This would be located on land lower than the application site and not towards the main elevations. The setting of the listed building would not be adversely affected by the play equipment in that location.

A site for a temporary marquee is proposed to the west of the site. Residential properties lie beyond to the west. The marquee would not be a structure that would represent a design that would be found in the curtilage of this listed building. It would be an alien feature that would affect the character and setting of the listed building. The applicant has been asked to remove this from the prosed development. An update on this will be given to Committee.

The site of the marquee is posed to be used for recreational activities on the site. The use is located to the rear of residential properties and could lead to noise issues. The activities would be low key with the size of the land limiting the number of people who could use it. Activities are not likely to have a noise impact on residents. A condition requiring details of the hours of operation of this would allow for control of this during evening hours when any likelihood of disturbance would be highest.

The application is acceptable except for the installation of the marquee.

### **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: That the application is approved subject to the removal of the marquee but refused if the marquee is retained.**

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: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

- 2.The development hereby permitted shall be carried out in accordance with the following approved plans: LD0028/p02,

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

- 3.Prior to any works being undertaken samples of all materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The materials to be used thereafter shall strictly comply with the materials so approved.

Reason: In order that the Local Planning Authority can control the appearance of the site to protect and preserve the character and setting of the listed building.

- 4.Prior to any works being undertaken on the footpaths around the site details of how the roots of the trees would be protected as part of the laying of the footpaths shall be submitted to and approved in writing by the Local Planning Authority. The works thereafter shall be undertaken in strict accordance with the approved details.

Reason: In order to protect the trees on site.

- 5.No use of the recreation area to the west of the site shall occur unless and until full details of the timing of the activities are submitted to and approved in writing by the Local Planning Authority. The area shall only thereafter be used in strict accordance with the approved details.

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

**Application Ref:** 22/0659/FUL

**Proposal:** Full: Remodelling of land surrounding the mosque, including the provision of 49 No. additional car parking spaces and associated landscaping works, a fenced children's play area, access paths with lighting, steps within the woods, a water fountain, a 3G s

**At** Madina Mosque 144 Manchester Road Nelson

**On behalf of:** Mr Ishtiaq Mohammed



# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 02<sup>ND</sup> JANUARY 2022

**Application Ref:** 22/0668/HHO

**Proposal:** Full: Erection of a two storey side and rear extension and single storey front extension.

**At** 251 Halifax Road Nelson Lancashire

**On behalf of:** Mrs Hussain

**Date Registered:** 5<sup>th</sup> October 2022

**Expiry Date:** 30<sup>th</sup> November 2022

**Case Officer:** Yvonne Smallwood

This application has been deferred from the Committee meeting 8<sup>th</sup> December 2022

## **Site Description and Proposal**

The application site is a two storey detached dwellinghouse, with an attached single storey garage. The property is located within the settlement boundary of Nelson

This application seeks to erect a two storey side and rear extension and a single extension to the front.

## **Relevant Planning History**

None

## **Consultee Response**

Highways –

There is no objection to this proposal but I would recommend the following:

### **Condition**

- The parking areas must be constructed of a bound porous material and created before first occupation up until the life time of the dwelling existing in its proposed state. Reason: To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative.

Parish/Town Council

Public Rights of Way

## **Public Response**

Press and site notices placed and nearest neighbours notified by letter with one response, summarised below:

- Concerns related to the side wall being built off the garage wall of number 253. The extension would be built on the boundary wall line, which would encroach on the land belonging to the neighbour at number 253. A verbal agreement has been made to build

slightly back from the garage at number 253 and a request has been made for something to be provided in writing to reflect this amendment.

- Two storey extensions should be set in by 1m – the proposal is immediately adjacent to the boundary. The extension is very close to the fence at number 253.
- Loss of daylight, sunlight, overshadowing, loss of outlook or loss of privacy, or appearing dominant for number 253.
- 45 degree guidance would be broken
- 25 degree guidance would be broken
- Balance and symmetry of property should be respected – proposal incongruous.
- Proximity of proposal to public footpaths
- Impact Conservation Area due to close proximity
- Retaining wall of number 253 could be undermined by the proposed construction
- The scale, proportion, height and mass of the development is out of keeping with the existing property and locality.
- The proposed plan illustrates that the extension constructed on top of the garage wall of number 253 for which consent has not been granted.

### **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**

#### **Design**

The proposal would create a 2 storey side extension to the north east boundary of the property. This would result in significant changes in appearance to the existing building.

The design for this application is poor. The proposal would unbalance the house. The gable looks incongruous to the streetscene. The uniformity of the property is not preserved. There should be a 1m gap between the development and the boundary.

The proposed materials would match existing, therefore they would be acceptable.

As a result, the development would unbalance the house. The development would be poor design, resulting in an unacceptable impact on the character and visual amenity of the area and would fail to accord with policies ENV2 and Pendle Design Principles SPD.

### **Residential Amenity**

The Design Principles SPD states that all extensions must adequately protect neighbours enjoying their own home and must not overshadow to an unacceptable degree.

The 2 storey element of the extension would project to the side boundary of number 253 Halifax Road without leaving a 1m gap.

The single storey rear extension would project back from the existing rear elevation by circa 5m. Extensions to the rear are normally acceptable up to 4m in length. The neighbour at number 253 has an existing garage (which has Planning Permission to become a self-contained residential annex, Ref: 20/0396/FUL). The proposal would break the 45 degree guidance for the rear window of the lounge of number 253, however the existing garage already breaks the 45 degrees, therefore there would be circa 3m of the extension visible from the centre of the rear window of number 253, which would be acceptable in regards to the rear extension.

The 2 storey side extension would be very close to the boundary of number 253 and would not leave a 1m gap. This is contrary to Pendle Design Principles SPD.

The proposal would not have an unacceptable impact on the residential amenity of the neighbours to the front and rear of the site.

Therefore, the proposed development is acceptable in terms of residential amenity and complies with policies ENV2 and Design Principles SPD with regard to residential amenity.

### **Highways**

The development provides adequate external parking for the proposed extensions. The existing access onto Halifax Road is to be retained. Therefore, the scheme accords with Saved Policy 31 in relation to parking.

### **Other matters**

Concerns related to the side wall being built off the garage wall of number 253. The extension would be built on the boundary wall line, which would encroach on the land belonging to the neighbour at number 253. A verbal agreement had been made to build slightly back from the garage at number 253.

### **RECOMMENDATION: Refuse**

The proposed development would unbalance the house. The development would be poor design, resulting in an unacceptable impact on the character and visual amenity of the area and would fail to accord with policies ENV2 and Pendle Design Principles SPD.

**Application Ref:** 22/0668/HHO

**Proposal:** Full: Erection of a two storey side and rear extension and single storey front extension.

**At** 251 Halifax Road Nelson Lancashire

**On behalf of:** Mrs Hussain

## **REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 02<sup>ND</sup> JANUARY 2022**

**Application Ref:** 22/0698/HHO  
**Proposal:** Full: Erection of a boundary fence.  
**At** 35 Clegg Street, Brierfield.  
**On behalf of:** Mr Adeel Khalid.  
**Date Registered:** 18/10/2022  
**Expiry Date:** 13/12/2022  
**Case Officer:** Joanne Naylor

### **Site Description and Proposal**

The application site is within a traditional residential area with similar semi-detached properties and terraced housing. The site is a two storey dwellinghouse located on a corner plot formed by Clegg Street and Walter Street, with red brick walls to first floor and white render above, there are gardens to all three elevations of the dwelling house. There is a boundary treatment of red brick wall circa 1m high with a wooden fence above the red brick wall laid horizontally around the boundary of the property and there is vehicular access off Walter Street.

The application seeks permission for the erection of a fence to the boundary treatment. At the time of the site visit, the fencing that this application seeks permission for was already in place and had a height of circa 1.9m.

### **Relevant Planning History**

19/0774/NMA: Non-Material Amendment: Change of finishing materials from pebbledash to render for Planning Permission 18/0898/HHO. (31 October 2019)

18/0898/HHO: Full: Erection of two storey side and rear extension. Approved with Conditions (22 March 2019).

18/0418/HHO: Full: Erection of two-storey extension to side (East). Approved with Conditions (8 August 2018).

### **Consultee Response**

#### **LCC Highways:**

I have viewed the plans and the highway related documents submitted, I have the following comments to make:

Clegg St (U19723) is an adopted unclassified, single, local road, with a 20 mph speed limit. The property is situated on the gable of Clegg St and Walter St. I note this is a retrospective application. I have visited the site. At the time of my visit parking on street was full to capacity on both Clegg St and Walter St. The vehicular access to the property is constructed on Walter Street, Brierfield and the pedestrian gate is on Clegg Street.

The vehicle access on Walter Street was included on the application 18.0898 and conditioned. The width of the access has changed from 5m to 3.43m. The opening needs widening to 5m as previously approved, because it is heavily parked the extra space is required for manoeuvring and highway safety.

The gates in place are too narrow and must be sliding. In order to retain the two parking spaces required.

Parish/Town Council – no comment.

### **Public Response**

The nearest neighbours have been notified by letter, there has been one response supporting the proposal, and one response relating to:

- No objection to the boundary fence
- That the fence appears to already exist and is it to be replaced already.
- 

### **Officer Comments**

The main considerations for this application are the policies, design and materials and highways, and residential amenity.

### **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 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) sets out the aspects required for good design.

### **Design and Materials and Highways**

The Design Principles SPD provides advice for gates, walls and fences and that design plays an important role in defining the character of residential areas and particularly so on highway frontages. In traditional areas, the character of the area is determined by hedging, sandstone walls or brick walls and these boundaries should be preserved.

Within this area the front boundary treatments are red brick walls with privet hedging to the semi-detached properties and natural stone walls to the terraced properties. This has created the character of the area which is in harmony and reflects the materials and design used in this area.

The application site is on a prominent corner plot and has retained the original red brick wall with a height of circa 1m. The proposal seeks to erect a wooden fence on top of the original red brick wall resulting in an overall height of 1.9m. The material for the proposal would be wooden fencing laid horizontally along the boundary. In this location the material of wooden fencing would not match the existing materials and the design would be alien with the wooden fencing being laid horizontally. The design and material of the fencing would be poor design and an incongruous feature in a traditional setting. It would have a negative impact on the streetscene and on the character of the area.

As part of the boundary treatment, there is a vehicular access to the application site from Walter Street which was approved by planning application 18/0898/HHO. The pillars to the vehicular access have been built with concrete block and are set against the original red brick walling. The use of concrete block would be poor design in this setting and would be an incongruous development in the streetscene and harm the character of the area. A suitable condition could be placed to ensure the material would match the existing red brick wall.

LCC Highways have raised the issue that the vehicular access is not wide enough to ensure that vehicles emerging onto the highway from the application site would have a clear view of on-coming traffic and could cause highways safety issues. The proposed plans show that the vehicular access would be 3.4m wide, which would be inadequate and would result in highways safety issue when emerging from the curtilage onto the highway. In addition the proposed fence would increase the boundary treatment to a height to 1.9m, this would further limit the visibility of any vehicle emerging onto the highway. The proposed width of the gate and the height of the fencing would result in a highways safety issue.

In this area there is an issue of lack of parking. LCC Highways have identified that the gate needs to be sliding to ensure that two parking spaces can be retained within the curtilage of the application site. Through a condition the gate was approved by planning application 18/0898/HHO. This application is for the proposed fencing, the issue with the gates width would need to be addressed separately.

The proposal would cause a highways safety issue as the height of the fence and the width of the gate would reduce the visibility of any vehicle emerging onto the highway.

The proposed fencing would be poor design and the materials would not be in harmony with the original boundary treatment of the dwellinghouse, it would not preserve the boundary treatment and would impact negatively on the character of the area and the streetscene.

## **Residential Amenity**

The proposed boundary treatment would not result in any unacceptable reduction in privacy or other residential amenity impact. The proposed fence would be acceptable in terms of residential amenity.

### **RECOMMENDATION: Refuse**

1. The design and materials of the proposed fencing would be incongruous and out of character with its surrounding and the street scene. It would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and the Design Principles SPD.
2. The scale of the fencing and the width of the vehicle access would reduce the visibility of a vehicle emerging onto the highway resulting in a highways safety issue.

**Application Ref:** 22/0698/HHO

**Proposal:** Full: Erection of a boundary fence.

**At** 35 Clegg Street, Brierfield.

**On behalf of:** Mr Adeel Khalid.



## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 12<sup>th</sup> December 2022**