



**REPORT OF:** THE PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

**TO:** DEVELOPMENT MANAGEMENT COMMITTEE

**DATES:** 20<sup>TH</sup> APRIL 2023

**Contact Details:** Neil Watson  
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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 20<sup>TH</sup> APRIL 2023

<b>Application Ref:</b>	<b>22/0772/HHO</b>
<b>Proposal:</b>	Full: Erection of wall at front of property and installing gates and infill panels.
<b>At:</b>	161 Reedyford Road, Nelson, BB9 8ST
<b>On Behalf of:</b>	Mr Manzoor Ahmed
<b>Date Registered:</b>	5 <sup>th</sup> December 2022
<b>Expiry Date:</b>	30 <sup>th</sup> January 2023
<b>Case Officer:</b>	Yvonne Smallwood

This application has been referred back to Development Management Committee as the resolution of the previous committee to approve the application, subject to an amended design, has not been received. The current design would result in development not in accordance with the approved Pendle Local Plan.

### **Site Description and Proposal**

The application site is a semi-detached property in a residential area within the settlement boundary of Nelson. It is positioned on a residential street, surrounded by similar houses. There is a primary school located on Holland Place to the north east of the site.

The proposal is to erect 2m pillars and walls with infill panels, vehicular gates and a pedestrian gate 1.8m high to the north (front) boundary of the application site.

This application is part retrospective.

### **Relevant Planning History**

20/0116/HHO Full: Erection of a two storey and single storey extension to rear – Approved with Conditions, 15.04.2020

13/15/0043P – Full: Demolish existing outbuilding and erect a part two storey/part single storey extension to rear of dwelling house – Approved with Conditions, 2015

13/06/0369P – Full: Remove outbuildings; extend ground floor at rear; replace garage and store – Refused, 2006

13/06/0546P – Full: Extension to rear at one and two storeys; rebuild garage – Approved with Conditions, 2006

### Consultee Response

Highways LCC –

The site was visited on 13 December 2022 when it was noted that the front boundary wall and gate pillars had already been erected. It was also noted that a 2m high side boundary wall with 159 Reedyford Road had been constructed. Having considered the information submitted, together with site observations, the height of the stone boundary wall to the front of the site would obstruct visibility to and from the site for vehicles exiting onto Reedyford Road. The wall would also obstruct the view of vulnerable highway users (pedestrians) on the footway outside the property, including those going to and from the primary school located on Holland Place. The highway authority therefore raises an objection on highway safety grounds.

To alleviate our objection a visibility splay must be provided with all structures including any walls, fences, posts or gates, at a height below 1m. The splay should be measured as follows, a distance of 2m back from the edge of the footway by 45 degrees which will result in an opening of 4m. It is noted on the drawing that the opening is proposed at 3.70m approximately, therefore this will need widening to 4m to provide the appropriate splays for highway safety reasons.

Alternatively, the walls, fences, posts and gates will need to be lowered to a maximum height of 1m.

The gates should open inwards or be sliding, however the separate pedestrian gate arrangement would prevent a sliding gate being provided.

Cadent Gas –

We have no objection to your proposal from a planning perspective. What you need to do Please review our attached plans, which detail the Cadent gas asset/s in the area. If your application affects one of our high pressure pipelines, it is a statutory requirement that you input the details into the HSE's Planning Advice Web App. For further details, visit [www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm](http://www.hse.gov.uk/landuseplanning/planning-advice-web-app.htm) The HSE may wish to apply more stringent criteria for building proximity after assessment.

Please ensure that you formally consult with them before you proceed. In order to help prevent damage to our asset/s, please add the following Informative Note into the Decision Notice: Noise attenuation assessment to be noted for awareness if habitable buildings in close proximity near to the AGI IMPORTANT!!!!

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

Nelson Town Council

## **Public Response**

Nearest neighbours notified by letter without response.

## **Officer Comments**

### **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.

### **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.

### **Design and Materials**

ENV2 – requires high standards of quality and design in new development and the need to be in scale and harmony with the surroundings. The proposed walling and fencing is much higher than that of the neighbouring properties, who have picket fences, stone/brick walls or privet hedging up to 1m in height.

SPD 5.24 states that the style and materials of walls, gates and fences should match or be in harmony with the existing style of the area. Highway visibility should be preserved.

The proposed materials are coursed artificial stone with dark grey UPVC trellis infill. The gates would be dark grey UPVC. There are a variety of boundary materials along Reedyford Road, therefore the proposed materials would be acceptable and would accord with Policy ENV2 and the Design Principles SPD.

A boundary with a height of 1m would be the maximum height for Permitted Development for a wall, fence or gate fronting a highway. The proposed development is 2m high for the pillars, with infill panels marginally lower. The gates would be 1.8m. These developments would exceed the 1m maximum height and are therefore contrary to ENV2 and Design Principles SPD.

### **Amenity**

The Design Principles SPD 5.24 states that the style and materials of walls, gates and fences should match or be in harmony with the existing style of the area. The surrounding area is typified by picket fences, stone/brick walls, concrete infill panels or privet hedging up to 1m in height. The proposed development would be too large and domineering in the streetscene and would therefore be contrary to ENV2 and Design Principles SPD.

### **Highways**

Highways LCC have raised an objection to this proposal on highway safety grounds. The height of the stone boundary wall to the front of the site would obstruct visibility for drivers accessing Reedyford Road. The wall would also obstruct the view for pedestrians using the footway outside the property, thereby posing a hazard to drivers and pedestrians, particularly given the close proximity of the Primary School on Holland Place.

In order for the objection raised by Highways LCC to be alleviated, suitable visibility splays would need to be provided for highway safety reasons: none have been received.

Alternatively, the walls, fences, posts and gates would need to be lowered to a maximum height of 1m and the gates would need to open inwards or be sliding.

The Highway visibility would be reduced by the proposed pillars, walling, infill panels and gates, therefore this application is unacceptable and contrary to the Pendle Design Principles SPD, which states that highway visibility must be preserved.

### **RECOMMENDATION: Refuse**

1. The proposed stonework, infill panels and gates to the front of the site would obstruct visibility to and from the site for vehicles accessing Reedyford Road. The proposal would also obstruct the view pedestrians on the footway outside the property, including those going to and from the primary school located on

Holland Place. The development would thus lead to a danger to pedestrians and would be inimical to highway safety and is therefore unacceptable.

2. The proposed development would cause unacceptable harm to the character and visual amenity of the area, contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy and the guidance of the Design Principles Supplementary Planning Document.

It is recommended that enforcement action is taken to remove this development as the development has already occurred. The developer could benefit from Permitted Development rights and erect a front boundary of up to 1m in height.

**Application Ref:** 22/0772/HHO

**Proposal:** Full: Erection of wall at front of property and installing gates and infill panels.

**At:** 161 Reedyford Road, Nelson, BB9 8ST

**On Behalf of:** Mr Manzoor Ahmed

# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 20<sup>TH</sup> APRIL 2023

**Application Ref:** 22/0776/FUL

**Proposal:** Full: Refurbishment of farmhouse and conversion of outbuildings to form 6 apartments for supported living, plus ancillary staff office and communal kitchen, dining and lounge areas.

**At:** 40 Reedley Road, Reedley

**On behalf of:** Safe As Houses Property Investment

**Date Registered:** 24/11/2022

**Expiry Date:** 19/01/2023

**Case Officer:** Laura Barnes

This application has been referred to Development Management Committee as Members were minded to refuse the application, against officer recommendation. The Committee resolved to refuse the application on the ground of “residential amenity”. The development does not raise any potentially unacceptable residential amenity impacts and there were no specific residential amenity impacts identified by the Committee. This would result in a vague, generalised reason for refusal which could not feasibly be defended at appeal and would result in a significant risk of costs being awarded against the Council.

## **Site Description and Proposal**

The application site is a two storey detached former farmhouse located in a residential part of Reedley. It is within the settlement boundary and does not fall within any other statutory designation.

The proposal is for the change of use of the building to six apartments for supported living, as well as a staff room, communal kitchen, dining and lounge.

## **Relevant Planning History**

13/12/0041P: Full: Conversion and extension of buildings to create two dwellings (including partial demolition) and erection of detached garage  
Approved with conditions

13/12/0501P: Full: Conversion and extension of buildings to create two dwellings (Including partial demolition) and erection of a detached garage and garden room.  
Approved with conditions

## Consultee Response

### LCC Highways

Lancashire County Council, acting as the Local Highway Authority, does not raise an objection regarding the proposed development and are of the opinion that it will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

### Proposal

The proposal is for the refurbishment of the existing four bedroom farmhouse and conversion of outbuildings to provide six supported living apartments and communal facilities, together with an ancillary staff office.

### Site planning history

13/12/0501P - Conversion and extension of buildings to create two dwellings (Including partial demolition) and erection of a detached garage and garden room.

Approved

13/12/0041P - Conversion and extension of buildings to create two dwellings (including partial demolition) and erection of detached garage

Approved

### Car parking

There is existing off-road parking provided in the internal courtyard for at least four vehicles, which is above the maximum level of three spaces required for a four bed dwelling.

The proposed development would provide parking for five vehicles and the submitted Transport Statement (Appendix C) has demonstrated that vehicles can enter and leave the site in forward gear.

Whilst the maximum number of employees on site has not been provided, a parking accumulation assessment has indicated that there would be a maximum of three cars across the day. Given that residents would not have vehicles the highway authority considers that five off-road parking spaces is an adequate provision for staff and visitors.

It should be noted that previous planning permissions to convert the outbuildings into two dwellings would have resulted in a higher number of parking spaces being required and would have also generated higher vehicle movements.

### Pendle Borough Council Environment Officer (Trees)

The submitted Arb Impact Assessment provides the correct information with regards to the quality and quantity of the trees on site, along with an adequate explanation of



which trees are to be retained and which are to be removed. The accompanying Tree Protection Plan and Arb Method Statement is also detailed enough for approval. The only trees on this site to be removed are trees suffering from Ash Dieback.

If you are minded to approve this application, I would suggest a condition for landscaping that would look to mitigate any loss to vegetation on the site.

### **Public Response**

Nearest neighbours have been notified by letter, multiple letters of objection has been received raising the following issues:

- The medical status of the future occupants is unknown
- Will occupants be accompanied by members of staff if they leave their apartments?
- Residents do not want Reedley Farm Close to be used by construction vehicles for turning or parking
- Parking issues in the area
- Busy road, especially when pupils are being dropped off and collected from Reedley Primary School
- This type of development puts families at risk
- Children in the area will not be safe
- House prices in the area will be affected
- What will the boundary treatment be?
- The proposed development would cause harm to the design and character of the original building
- The Council have a duty of care to existing residents here
- Noise from people entering and leaving the property
- There would be a lot of trouble associated with a mental health unit

### **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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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 (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.

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

### Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

### National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

### **Principle of Development**

The application seeks to change the use of an existing dwelling to six residential apartment providing supported living accommodation, as well as some communal facilities such as a lounge and kitchen.

The principle of development is acceptable as this is located within the settlement boundary.

### **Design**

The proposed development involves the erection of a single storey L-shaped extension to the rear of the existing two storey building which would create a courtyard and connect to the existing building to the rear of the site. The proposed extension is largely to the rear of the existing two storey building and would not be prominent within the street scene.

The application also seeks a roof lift to one of the outbuildings, closest to No. 2 Grafton Avenue, to facilitate the incorporation of an office to the first floor level. Although this would increase the height of the building it would not be greater in height than the main residential dwelling which is two storey. As such it would remain subordinate to the main building. In terms of its height, it is only the central section of the building which is to be lifted, the attached single storey extension would remain single storey in height. This assist in ensuring the building remains subordinate and is read in the context of the cluster of buildings appropriately.

The proposed building materials include reconstructed stone, Bradstone Conservation roofing slates and white UPVC doors & windows. These materials are acceptable and they would be read as an extension to the building, rather than trying to mimic the original. Samples of the proposed material can be secured by condition.

### **Residential Amenity**

The site is located within a residential area, with Reedley Farm Close to the west and Grafton Avenue to the east.

Taking each elevation in turn, there are dwellings directly opposite on Reedley Road however there are no additional windows which would be closer to the properties opposite than the existing windows. There are additional windows to the court yard which fronts towards Reedley Road but this is set back much further than the existing windows to the front elevation of the dwelling. As such, there would be no unacceptable neighbouring amenity issue to this elevation. To the side elevation closest to No. 2 Grafton Avenue there is one first floor window proposed. This window is to serve an office and there is another window also serving this office to the courtyard elevation. Given the distance to No. 2 Grafton Avenue (13m) and that there are patio doors to the side elevation of the conservatory / porch at No. 2 the office window should be obscurely glazed. This can be secured by planning condition. Although the central section of the building closest to No. 2 Grafton Avenue is to be increased in height, this would not result in an overbearing effect upon the neighbouring dwelling because it is to be lifted less than the height of the neighbouring property and sits on a lower ground level than it.

To the elevation closest to No. 5 Reedley Farm Close there are to be three openings, one set of patio doors and two windows. These would all serve a communal dining area. The distance between the rear of the proposed elevation and the side elevation of No. 5 is 16.5m but the application site is sat upon a raised area of ground. There are no side elevation windows at No. 5 which face towards the application site. The boundary

treatment between No. 5 and the application site consists of a row of trees and shrubs which provide screening. As such, there would be no unacceptable impact upon residential amenity to this elevation. To the elevation closest to No. 38 Reedley Road, there is to be an infill extension at single storey in height. This would sit behind the building line of the existing dwelling meaning that it would not come any closer to the neighbouring dwellings than the existing windows to this elevation of the property. There are no side elevation windows to No. 38 Reedley Road. Although the application site takes an elevated position compared with No. 38 Reedley Road the boundary treatment of hedge and trees would assist in screening this elevation. There is one tree which is to be removed from this elevation but with the trees which are to be retained and the existing hedge this would not result in an unacceptable neighbouring amenity issue for the properties to this elevation. Although there are steps to get into and out of the building to the side closest to No. 38 Reedley Road, these would not be suitable to sit out on a chair and overlook the neighbouring property like a balcony. The plant room is also to this side of the site but it is a basement level, again the steps to this would not result in any unacceptable overlooking or loss of privacy.

## **Ecology**

A bat and bird survey has been provided with the application. The demolition of the garage/store property will have no impact on bats. The conversion of Barn 1 may have a negative impact on bats due to the loss of the ridge board roosting. The method of working set out in the report below must be followed to ensure that the potential for disturbing or harming bats, however small, is minimized and avoided. This can be secured by planning condition. There is no loss of habitat from the proposed development and there will be no impact on habitat, forage or commuting routes from the proposed development. The recommendation is for three bat boxes to be fixed to trees to the boundaries of the site. This is something which can be secured by condition.

There was no evidence of birds nesting in the building but there are nesting opportunities. If planning permission is granted for the development of the Barns there must be a check for nesting birds. If birds are nesting between the beginning of March and the end of August then work cannot proceed until the young have fledged. This can also be secured by planning condition.

Overall in relation to ecology, subject to appropriate conditions, the proposed development is acceptable.

## **Trees**

The applicant has submitted an arboricultural impact assessment which sets out the classification of the trees which surround the site. They have also included a tree protection plan which details the measures which would be put in place to protect the trees to be retained, during the construction phase. This information has been reviewed by the Council's Environment Officer and they have recommended that a landscaping

plan is the subject of a condition to compensate any loss of trees. Subject to a condition requiring landscaping, the proposed development is acceptable in this regard.

## **Highways**

The applicant has prepared a Transport Statement as part of the application. The proposed site plan indicates five parking spaces which would be within the court yard area to the centre of the application site. The proposed development is for 6 residential dwellings, therefore the proposal is deficient by one space if the maximum parking standards were applied. Given the location of the proposed development within the settlement boundary and in a sustainable location, the deficiency by one parking space would not result in an unacceptable highway safety issue. As such, the proposed development is acceptable in this regard.

## **Other Matters**

Several members of the public have raised concern about the nature of the mental health conditions which occupants who would live here may have. This is not a material planning consideration and is not determinative in this application.

## **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 1407/08, Proposed site Plan 1407/03 Rev A, Proposed Ground Flood Plan 1407/01 Rev J, Proposed first Floor 1407/02 Rev C,

Proposed Elevations (Sheet 1) 1407/04, Proposed Elevations (Sheet 2) 1407/05 Rev B, Proposed Internal Courtyard Elevations (Sheet 1) 1407/06 Rev A, Proposed Internal Courtyard Elevations (Sheet 2) 1407/07 Rev A, Preliminary Bat Roost Assessment and Bird Survey prepared by Christopher Smith dated 10/11/2022, Existing Trees AIA EXI, Arboricultural Method Statement AMS EXI, Tree Protection Plan AIA TPP, Arboricultural Method Statement Tree Protection Plan AMS TPP, Arboricultural Impact Assessment dated 11/01/2023, Arboricultural Method Statement dated 11/01/2023.

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

3. Samples of all external materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of above groundworks. 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. The first floor side elevation window closest to No. 2 Grafton Avenue (serving the office) of the development hereby permitted 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.

5. Prior to first occupation of the development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
  - a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed boundary treatments with supporting elevations and construction details;
  - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
  - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a

specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the tree loss is appropriately mitigated.

6. The development hereby approved shall be carried out in strict accordance with the following arborocultural reports: Existing Trees AIA EXI, Arboricultural Method Statement AMS EXI, Tree Protection Plan AIA TPP, Arboricultural Method Statement Tree Protection Plan AMS TPP, Arboricultural Impact Assessment dated 11/01/2023, Arboricultural Method Statement dated 11/01/2023.

Reason: In order to protect the trees which are to be retained.

7. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, is erected in accordance with BS 5837:2012 and the approved Tree Protection Plan. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees from being damaged during building works.

8. The development hereby approved shall be carried out in strict accordance with the Preliminary Bat & Bird Survey prepared by Christopher Smith dated 10/11/2022. Prior to occupation of the development hereby approved details of the bat boxes shall be submitted to and approved in writing by the Local Planning Authority, these shall remain in place unless otherwise agreed in writing. Details shall be submitted on a 1:200 plan indicating the location, height of mounting and specification of the boxes.

Reason: In order to adequately protect this species.

**Application Ref:** 22/0776/FUL

**Proposal:** Full: Refurbishment of farmhouse and conversion of outbuildings to form 6 apartments for supported living, plus ancillary staff office and communal kitchen, dining and lounge areas.

**At:** 40 Reedley Road, Reedley

**On behalf of:** Safe As Houses Property Investment

## **REPORT TO THE DEVELOPMENT MANAGEMENT COMMITTEE ON THE 20TH APRIL 2023.**

**Application Ref:** 23/0024/HHO

**Proposal:** Full: Erection of single storey rear extension.

**At** 144 Reedyford Road, Nelson

**On behalf of:** Mrs Daar.

**Date Registered:** 13/01/2023

**Expiry Date:** 10/03/2023

**Case Officer:** Joanne Naylor

The size and scale of the proposed extension is a significant departure from council policy ENV2 and as such the application must be determined by the Development Management Committee.

### **Site Description and Proposal**

The application site is a two storey semi-detached dwellinghouse within a predominately residential area with dwellinghouses of a similar scale and design and within the settlement boundary of Nelson. The application site has rendered and pebble dash walls and a pitched slate roof, there is on-street parking and gardens to the front and rear. The application site has a rear extension which was allowed under a larger homes extension 20/0341/LHE. To the rear of the application site there is a primary school accessed from Reedyford Road onto Charles Street.

The proposed development is to erect an extension to the existing rear extension to form a disabled bathroom.

### **Relevant Planning History**

18/0171/HHO: Full: Erection of a single storey rear extension. Application Withdrawn.

18/0384/LHE: Permitted Development Notification (Proposed Larger Home Extension): erection of a single storey rear extension (6m length and 2.8m overall flat roofed height). Prior Approval Not Required Accept.

20/0341/LHE: Permitted Development Notification (Larger Home Extension): Erection of a single storey extension to the rear. Prior Approval Not Required Accept (23 July 2020).

### **Consultee Response**



## LCC Highways

There is no objection to this proposal however, due to the sites location, which is within a residential location, and close to Holy Saviours Roman Catholic Primary School, we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

### **Condition**

- No deliveries shall be made before 9.00 am and after 3.00pm to avoid conflict with traffic (vehicular or pedestrian) attending the local primary school. Reason: In the interest of highway safety

## Parish/Town Council

No comment.

## **Public Response**

Letters were sent to nearby properties, 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 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

## National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

### **Officer Comments**

The main considerations are design and materials and residential amenity.

#### **Design and Materials**

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling, a pitched roof element is preferred, and the scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room around the dwelling. The dwellinghouse has rendered walls and pebble dashing, the rear wall of the dwellinghouse is white painted render. There is a rear extension which was permitted under a Larger Home Extension in July 2023 which is 4.75m long, 5.46m wide and 2.75m high with a flat roof. The proposed extension would be 2.7m in length, circa 2.7m in width, and 2.75m in height. The Design Principles advice that a 4m extension adjacent or adjoining the party wall of a neighbour would be acceptable. Here the existing extension and the proposed extension would have a combined length of 7.45m, the amenity section will consider the impact on neighbouring properties.

The proposal would have rendered walls, a flat roof and windows and doors to match the existing. The Design Principles advise that flat roofs are normally poor design, however here the LHE extension has a flat roof and the proposal would have a flat roof. The proposed development is to the rear of the dwellinghouse and is not visible from the highway, although a flat roof is viewed as poor design in this instance the flat roof would be acceptable.

The proposed extension would have one window to the side elevation facing No. 146 Reedyford Road, to the rear elevation there would be no windows or doors.

The proposed extension would be acceptable in design and materials and would comply with Policies ENV2 and the Design Principles SPD.

#### **Residential Amenity**

The Design Principles SPD advises that extensions should protect neighbours enjoyment of home, to not overshadow or have an overbearing effect on neighbouring properties, that windows should not overlook adjacent property and side windows overlooking neighbouring property should be avoided.

The Design Principles advise that a single storey rear extension located on or immediately adjacent to party boundary of a neighbouring property will normally be acceptable where it does not project more than 4m from the original rear elevation. The proposal would be set in from the party boundary with No. 142 Reedyford Road by

0.8m. The proposed extension would have a length of 2.7m, this proposed extension would be an addition to the rear extension which was allowed under a Larger Home Extension (20/0341/LHE) which is 4.75m in length, 5.46m in width and 2.7m in height. The overall length of both extensions combined would be 7.45m in length, this is much greater than the Design Principles would advise. The adjoining property at No. 142 has two habitable room windows to the ground floor one habitable room window to the first floor, the existing extension already breaches the 45 degree guideline, the addition of the proposed extension would exacerbate further the impact to the neighbouring property and would impact on the neighbours amenity resulting in an unacceptable overbearing impact. It is noted that a larger home extension has been built and has had an impact on the neighbour but the increase of 2.7m would have a significantly greater impact than what has been built.

The Design Principles SPD advises that windows in extensions should not directly or inappropriately overlook adjacent property and that side elevation windows should be avoided. To the side elevation of the proposed extension, there would be one window which would face onto No. 146 Reedyford Road. The rear extension has one window already facing onto the adjacent property, the proposed window to the extension would have a clear view into the rear windows of No. 146 and a wider view into their back garden. The proposed window would serve a bathroom, here a condition could be placed for obscure glazing to mitigate any overlooking and privacy issues.

The proposed development's proximity to the party boundary and the scale and massing of the overall combined length of the extension would result in an overbearing effect and have a detrimental impact on the living environment of the occupants at No. 142 Reedyford Road and their amenity in terms of their ability to enjoy their home and outside gardens.

The development would thus be contrary to policy ENV2 of the adopted Pendle Local Plan – Core Strategy and contrary to the Design Principles SPD.

### **Reason for Decision: Refuse**

For the following reasons:

1. 142 Reedyford Road has habitable windows and an outside garden area that would be unacceptably impacted by the overbearing nature of the extension. Due to its scale and massing, the proposed extension would result in an unacceptable overbearing effect upon 142 Reedyford Road, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the National Planning Policy Framework and the adopted Pendle Design Principles Supplementary Planning Document.

**Application Ref:** 23/0024/HHO

**Proposal:** Full: Erection of single storey rear extension.

**At** 144 Reedyford Road, Nelson

**On behalf of:** Mrs Daar.

## **REPORT TO THE DEVELOPMENT MANAGEMENT COMMITTEE ON THE 20<sup>TH</sup> APRIL 2023**

**Application Ref:** 23/0090/HHO

**Proposal:** Full: Erection of single storey rear extension with associated internal alterations and site works.

**Address:** 33 Reedfield, Reedley.

**On behalf of:** Mr Nafis Tanveer

**Date Registered:** 09/02/2023

**Expiry Date:** 06/04/2023

**Case Officer:** Joanne Naylor

The size and scale of the extension is a significant departure from policy ENV2 and the application therefore falls to be considered at Development Management Committee.

### **Site Description and Proposal**

The application site is a two storey detached property within a residential area of dwellinghouses with similar design and scale. The application site has an integrated garage with off-street parking to the drive, with front and rear gardens and a conservatory to the rear.

The proposal is for a single storey rear extension and a side extension to the proposed rear extension with the existing conservatory being demolished. The garage would be converted into a bedroom replacing the garage door with an additional window to the front elevation.

### **Relevant Planning History**

None relevant.

### **Consultee Response**

#### **LCC Highways**

Having reviewed the information submitted, the Highway Development Control Section does not raise an objection regarding the proposed development at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning approval granted.

## **Proposal**

The proposal is for the erection of a single storey rear extension, conversion of the existing garage to a habitable room and extension of the existing driveway at the front of the dwelling.

The existing dropped vehicle crossing will need extending to allow access to the additional parking space at the front of the house. This will need to be carried out under an agreement (Section 171) with Lancashire County Council, as the highway authority. No part of the extended drive should be over the adopted service strip and the extent of adoption should be clearly delineated on site. The extended driveway should also be surfaced in a bound porous material to prevent loose surface material from being carried onto the adopted highway.

## **Conditions**

1. The proposed development should not be brought into use unless and until dropped kerbs have been installed at the carriageway edge and an extended vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of pedestrian safety and accessibility.

2. 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-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

## **Informative note**

This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 171 of the Highways Act 1980 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) for the list of approved contractors and to start

## Parish/Town Council

No comment.

## Cadent Gas Network

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588 quoting your reference at the top of this letter

### **Public Response**

Letters were sent to nearby properties, three objections were received relating to:

- The property is in poor repair
- Parking: There is a parking issue in this area, with not enough parking spaces for vehicles.

- Visual Appearance: The proposal is of poor design with the side extension sticking out from the side of the house and the length of the extension which is large and will negatively impact on the areas aesthetics.
- Disruption: Concerned that the construction process will affect daily lives and obstruct access, create noise, dust and vibrations.

### **Relevant Planning Policy**

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

### **National Planning Policy Framework**

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

### **Officer Comments**

The main considerations are design and materials, residential amenity, and highways.

#### **Design and Materials**

The Design Principles SPD advises that extensions should be constructed in materials and style to match the existing dwelling, a pitched roof element is preferred, and the scale of the development should be subordinate to the original dwelling and that the extension should leave adequate room around the dwelling.



The existing dwelling has buff bricks and pitched roof of concrete tiles, the walls to the proposal would match the existing. The proposed roof to the extension would be mono-pitched with a dark grey membrane finish, this would not match the existing roof finish of concrete tiles, however this would be acceptable as it would be to the rear and not visible from the highway and the pitch of the roof limits the roofing materials that could be accommodated here. The proposed rear extension would extend beyond the side wall and would be visible from the highway and from public vantage points. For the proposed side extension of the rear extension it needs to be considered what could be achieved under permitted development rights, an extension to the side elevation can be erected which can be up to half the width of the original dwellinghouse. The proposed element of the side extension development would be circa 2.5m wide and would be acceptable.

The Design Principles SPD advise that a 4m single storey rear extension is acceptable subject to its relationship with other properties. The proposed rear extension would be 5m long, which is 1m greater than advised by the Design Principles, the rear garden could comfortably accommodate the proposal and still retain adequate outdoor space.

The design and materials of the proposed development would be acceptable and would comply with Policy ENV2 and the Design Principles. SPD.

### **Residential Amenity**

The Design Principles SPD advises that extensions should protect neighbours enjoyment of home, to not overshadow or have an overbearing effect on neighbouring properties, and that windows should not overlook adjacent property and side windows overlooking neighbouring property should be avoided.

The proposed rear extension would be 5m long which is 1m greater than the Design Principles advise for a rear extension. The neighbouring property at No. 35 Reedfield is staggered forward of the application site by circa 1.3m and set at a lower level, the proposed rear extension would have a maximum height of 3.4m reducing to 2.3m in height to the rear of the extension. The proposal would be set in from the party boundary by 1.5m, overall there is a gap between No. 33 and No. 35 of circa 2m. The neighbouring property is set at a lower level than the application site. To No. 35 the proposed rear extension would appear as a 6.3 long wall being 3.4m high reducing to 2.3m.

No. 35 Reedfield has habitable room windows to the rear elevation, the proposed extension would result in breaching the 45 degree guidance. An inspection of the neighbours property was undertaken to establish the rooms most effected by the proposed development, the dining room window to the rear elevation is an open plan room with another source of light to the room, this ensures that there would be no unacceptable residential amenity impacts to the habitable room window at the rear of No. 35. The window of the kitchen has a secondary light from the conservatory,

resulting in there being no unacceptable residential amenity impact. However the scale and mass of the proposed extension would result in an overbearing impact which would have a detrimental impact on the neighbours living environment and outside space, and therefore have an unacceptable impact on their residential amenity.

The proposed extension would have windows facing to the neighbours to the rear of the site which has a blank gable wall, there would be no overlooking or privacy issues to the neighbouring property.

The proposal seeks to convert the garage to a bedroom, the garage opening would be walled with buff bricks and a window added to the front elevation, there would be an obscured glazed window to the front elevation. There is already an existing relationship of front elevation windows facing each other, the proposed front windows would have no greater impact than currently existing and this would be acceptable.

The neighbouring property at No. 31 Reedfield shares a joint boundary, the neighbour is on a higher elevation than the application site and there is a large garage close to the boundary, the garage would mitigate any privacy issues to the neighbour, there would be no unacceptable residential amenity issues to No. 31 Reedfield.

The scale and massing of the proposed development would have an overbearing impact to the occupants at No. 35 Reedfield and have a detrimental impact to their living environment and garden. The proposed development would result in an unacceptable impact on their residential amenity and would therefore be contrary to Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposal would convert the garage into a bedroom/play room and increase the bedrooms from four to five. The Saved Policy 31 for parking standards requires that for 4+ bedrooms 3 parking spaces are required. The submitted plans indicate that 3 parking spaces can be accommodated to the front of the house and within the curtilage. LCC have no objection to this proposal in terms of highways safety. It is noted that the existing dropped vehicle crossing would need to be extended under a Section 171 agreement, the proposed drive is not to extend over the adopted service strip, and the surface to be a bound porous material.

## **RECOMMENDATION: Refuse**

1. By virtue of the proposed development's proximity to the party boundary of No. 35 Reedfield and its scale and massing, the proposed extension would result in an

unacceptable overbearing effect upon No. 35 Reedfield and would have a detrimental impact to their amenity and on the living environment of the occupants of No. 35 Reedfield. The proposed development would be contrary to Policy ENV2 of the Pendle Local Plan: Part 1 Core Strategy, and the Design Principles Supplementary Planning Document.

**Application Ref:**           **23/0090/HHO**

**Proposal:**                   Full: Erection of single storey rear extension with associated internal alterations and site works.

**Address:**                   33 Reedfield, Reedley.

**On behalf of:**             Mr Nafis Tanveer