



REPORT OF: ASSISTANT DIRECTOR PLANNING, BUILDING
CONTROL AND REGULATORY SERVICES

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATES: 17TH OCTOBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 17TH OCTOBER 2023

Application Ref: 23/0485/HHO

Proposal: Full: Formation of access and erection of a porch

At 35 Clegg Street, Brierfield

On behalf of: Mr Khalid

Date Registered: 24/7/2023

Expiry Date: 19/9/2023

Case Officer: NW

Site Description and Proposal

The application has been referred to the Development Management Committee as Members were minded to approve the application which goes against the planning officers recommendation. The applicaitoin site is a corner plot situated in a residential area. It faces a row of terraced preorties to the east and south and there are hedge lined proerties to the west.

The proposal is to form an access on the southern side on Walter Street and a pedestrian access on Clegg Street. A porch is roposed on the Clegg Street elevatiob that comprises of a flat roofed canopy with columns.

Relevant Planning History

18/0989/HHO – Erection of extensions and new access approved.

Consultee Response

Highways: The front porch had been erected. This has no highway impact. Vehicular access gates Two gates had been installed across the vehicle access from Walter Street. No gates were proposed on the 2018 application (18/0898/HHO), which included the creation of two off-road parking spaces to the side of the dwelling. The style of gates now in place, which open into the site, would prevent the parking spaces being used or the gates could not be opened with vehicles parked off-road; this is contrary to Condition 6 applied to application 18/0898/HHO. The gates should be removed so that access to the parking spaces is unobstructed. The concrete block gate pillars should also be removed. This would allow the access to be widened to the width previously approved (5m). There was a vehicle parked on Walter Street in front of the gates but it appeared that a properly constructed dropped vehicle crossing had not been installed. Revised plans should be submitted addressing both the gates and the access. If the

issues raised cannot be resolved satisfactorily then the highway authority would object to the application on highway safety grounds due to the sub-standard access and loss of off-road parking.

Public Response

None.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

National Planning Policy Framework

Officer Comments

The application seeks a new access and a porch.

The porch has been erected. It is a flat roofed structure built with Doric style columns supporting them. The house has been extended and is modern in appearance. The site sits in an area that has a range of styles of design with the traditional well kept terraced houses typical of a Victorian era providing the main context facing the site.

The porch is an alien feature to the majority of the area. It is however set against the existing house which has been modernised. It is set back from the road and this lessens the impact. The design would not be so poor as to justify refusing the application.

The application seeks to form an access into the site with gates. The gates would not be allowed to open over the pavement and with the gates installed this would prevent parking in the driveway.

The application does not show how parking would be achieved within the site. Application 18/0898/HHO approved an extension with two parking spaces shown. The condition required that the parking be available before the extension was used.

The application as proposed would result in there being no parking available within the site as the gates and lack of space would prevent that from happening. The application would leave the development without any parking and this would lead to on street parking and would be inimical to highway safety.

RECOMMENDATION: Refuse

The application as proposed would result in a form of development that would not allow two cars to be parked within the site. This would lead to on street parking which would

be inimical to highway safety. The development would thus be contrary to paragraph 111 of the National Planning Policy Framework.

Application Ref: 23/0485/HHO

Proposal: Full: Formation of access and erection of a porch

At 35 Clegg Street, Brierfield

On behalf of: Mr Khalid

Date Registered: 24/7/2023

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 17TH OCTOBER 2023

Application Ref: 23/0521/FUL

Proposal: Full: Change of use of part of a stable building for residential accommodation (for a temporary period of 3 years), the siting of 5 no. dog kennels at the site and the retention of the site for dog rehabilitation and training use.

At: Pendle Bridge Lodge, Woodend Road, Brierfield

On behalf of: K9 Rehab

Date Registered: 02/08/2023

Expiry Date: 27/09/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application has been referred to the Development Management Committee as Members were minded to approve the application which goes against the planning officers recommendation. The application site relates to land within the Green Belt. The application is in part retrospective with the canine use being unlawfully carried out at the site.

At the time of the site visit, the applicants were in occupation of the converted stable building. They also seek to introduce 5 dog kennels and retain the land which is being used for a canine use. At the time of the site visit, there were no dog kennels present on the site.

Relevant Planning History

The building on site was granted planning permission for an equine use under 18/0098/FUL.

18/0099/FUL: Change of Use from Agricultural Land to Equine (Use Class Suis Generis) and formation of a 40m x 20m riding menage.
Approved

21/0978/FUL: Full: Retention of use of land for private equine use, dog rehabilitation use and associated rural workers dwelling.
Refused

22/0471/FUL: Full: Retention of use of land for private equine use, dog rehabilitation use and associated rural workers dwelling.
Refused

Consultee Response

Environmental Health

The Environmental Health Officer has expressed concerns about how the applicant would control 15 dogs to ensure there is no unacceptable impact upon neighbouring dwellings. There is also concern that the kennels which will be used overnight could result in dogs barking at unsociable hours of the night disturbing neighbours.

LCC Highways

Having reviewed the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location and are of the opinion that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site, subject to the following comments being noted and condition being applied to any formal planning approval granted.

No Public Rights of Way pass through the development site.

Proposal

The proposal is for a change of use of part of a stable building for residential accommodation (for a temporary period of 3 years), the siting of 5 No dog kennels at the site and the retention of the site for dog rehabilitation and training use. This is a retrospective application.

Site planning history

22/0471/FUL - Retention of use of land for private equine use, dog rehabilitation use and associated rural worker's dwelling. Refused.

21/0978/FUL - Retention of use of land for private equine use, dog rehabilitation use and associated rural worker's dwelling. Refused.

18/0099/FUL - Change of Use from Agricultural Land to Equine (Use Class Suis Generis) and formation of a 40m x 20m riding menage. Approved.

18/0098/FUL - Retention of a stable building for 5 Horses (22m x 7.25m) with hardstanding area (Retrospective). Approved.

Car parking

Part of the existing stable building has been converted to a two bedroom dwelling. Two car parking spaces should be provided for this number of bedrooms. Four parking spaces

are shown on the submitted Site Plan (Drawing 100_01) with an informal parking area to the South, which could accommodate approximately four vehicles. This is considered an appropriate level of parking for residential use together with the dog rehabilitation and training business.

The site's approved equine use would generate daily traffic movements. These would be removed from the highway network with the applicant living on site. The site's residential use would also generate traffic movements eg post and deliveries, although these vehicles would already be on the network servicing other properties along Woodend Road.

Therefore there would be no net increase in traffic.

As the proposed dog rehabilitation/training use is by appointment only, and the site is not open to the general public, traffic levels generated would be limited and not likely to significantly impact on highway safety.

Conclusion

The highway authority considers that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site.

The following condition should be applied to any formal planning approval granted.

Condition

1. The car parking and manoeuvring areas shown on the approved plan shall be maintained free from obstruction and kept available for car parking and manoeuvring purposes at all times.

Reason: To ensure adequate car parking provision is provided on site in the interest of highway safety.

Reedley Hallows Parish Council

Object: This is the 3rd attempt to get residential accommodation on this site - previous applications were refused (mobile home removed by the planning enforcement, and previous refusal to build again for residential use.

This attempt is inappropriate development within the Green Belt.

Cadent Gas

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 to submit details of the planned works for review, ensuring requirements are adhered to.

Public Response

The nearest neighbours were notified by letter. Multiple responses have been received in support of the application, raising the point that the business which is operating from this location is providing a valuable public service.

Some objections have also been received, as follows:

- Inappropriate development in the Green Belt
- This will lead to other businesses opening in the Green Belt because a precedent will be set that you don't need planning permission
- The homes is clearly not for a rural worker but is a luxury home
- This is not an agricultural business
- Concerns about people walking in the area being affected by the dogs
- Impact upon wildlife

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy ENV4 (Promoting Sustainable Travel) states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services. Consideration should be given to locating new housing, employment and service developments near to each other to give people the opportunity to live and work within a sustainable distance.

Policy ENV5 (Pollution and Unstable Land) sets out that the Council will work with its partners to minimise air, water, noise and odour pollution.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.

Policy SDP2 (Spatial Development Principles) states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Replacement Pendle Local Plan

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

National Planning Policy Framework 2018 (The Framework)

Paragraph 80 states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;

Paragraph 148 states:

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

Paragraph 149 of the Framework is set out below:

"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- (a) buildings for agriculture and forestry;*
- (b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*
- (c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- (e) limited infilling in villages;*

(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

not have a greater impact on the openness of the Green Belt than the existing development; or

not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

Paragraph 150 of the Framework is set out below:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) Mineral extraction;*
- b) Engineering operations;*
- c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) The re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) Development, including buildings, brought forward under a community right to Build Order or Neighbourhood Development Order”*

The Town & Country Planning Act 1990, section 336 sets out a definition for agriculture as follows: *“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;*”

Officer Comments

The use which has been applied for here is a mixed one, of a dog rehabilitation facility and residential use.

The application has with it a supporting statement which makes the following points:

- About 60 dogs per week are trained in a variety of ways including one-to-one sessions, evening classes, clinics and boot camp

- The business currently operates with the applicant working Full Time and up to 4 part time assistants who shadow the applicant
- The residential accommodation within the stable has been in use since April 2023
- The applicant has submitted financial information to justify their position
- The future expansion of the business includes being able to accommodate dogs on site overnight for a period of five days, so that they can take part in boot camp sessions
- There is an essential need for a rural worker to be on site here 24 hours a day, in order to care for the animals and to provide security of the site
- The idea of the accommodation being on a temporary basis would be to have a trial period, as set out in the PPG

The applicant has applied for a dwelling on the land which does not accord with the Framework in this regard. Paragraph 138 describes the purposes of the Green Belt, building a house would not preserve any of these five purposes:

Paragraph 138, Framework

Green Belt serves 5 purposes:

(a) to check the unrestricted sprawl of large built-up areas;

(b) to prevent neighbouring towns merging into one another;

(c) to assist in safeguarding the countryside from encroachment;

(d) to preserve the setting and special character of historic towns; and

(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Principle of Development

The Framework sets out circumstances in which dwellings will be allowed outside of settlements in the countryside. This is the first consideration as to whether the development meets any of those criteria. The second issue relates to the green belt and whether what is proposed is in principle acceptable. The development consists of a proposed use of the site for dog rehabilitation and training, an extension of the stables and a change of use of the stables to residential.

The proposal also seeks to have dog kennels on the site to house 5 dogs. The training of the dogs is not a recreational activity but would be more akin to a medical one or a training use. The principle of whether this is or is not appropriate development needs to

be considered as without the additional dog kennels the case for having a rural worker on site abates.

Firstly, turning to whether the development is appropriate in this location. The dwelling is within a converted stable block and is located up a track which is not lit and is unmade. There are no footpaths back into the settlement, which is approximately 800m away. At paragraph 80 of the Framework, circumstances in which development in the countryside are considered. There are five circumstances including where there is an essential need for a rural worker to live permanently at or near their place of work. There is also a circumstance where the development would involve reusing a redundant building and enhance its immediate setting. In this case, the conversion would not justify an essential need for a rural worker. Similarly, the building which has been converted was not redundant but rather in active use as a stable. The very reason it is having to be extended with a tack room is because the living accommodation has forced an extension to the building in order to accommodate the mixed use.

The second issue hinges on whether the proposal is acceptable in Green Belt terms. In this case the stable block already exists and has been constructed lawfully. The proposal does not require the construction of a new building within the Green Belt, but rather a small extension to accommodate a tack room. The application seeks to convert part of the floor space of the stable building into habitable accommodation for residential purposes. In order to be an exception in relation to Green Belt the conversion (or change of use) must be in connection with outdoor sport or recreation. This is not the case here. What is applied for is a commercial dog training business, for which the applicant states a need to live on site.

The applicant has put forward a statement which includes a business plan and financial details of how the business has progressed over the first three years of trading and how they anticipate it to unfold over the next few years. There are plans in place to increase the number of staff at the site and to offer more sessions for the training of dogs. The applicant has put this case forward in an attempt to demonstrate that there is a case for a rural worker to be present on the site. However, there is no need for this to be present within the Green Belt. Moreover, the scale of the business does not justify the need for a dwelling to be on site.

The applicant has put forward a case that there is a need for an essential rural worker to live on the site. They state that this is due to accommodating dogs overnight. The Council accepts that the type of worker in this case could be a rural worker. However, if by virtue of the site being in the Green Belt the kennels are inappropriate development and there is no need for them, it cannot be argued that there is an essential need for a rural worker here. Similarly, the vast majority of the business does not require a worker to be present 24 hours a day. What is provided is a facility at which customers can bring their dogs along by appointment to participate in lessons. Once the lesson is finished they then leave the site.

Isolated Dwelling

The applicant has put forward the case that the dwelling should be allowed in accordance with paragraph 80 of the Framework. They state that this is because there

is a need for the applicant to be on site as a rural worker. The proposed development is within the Open Countryside, Policy SDP2 of the Local Plan Part 1 Core Strategy sets out that development should be located within Town Centre boundaries, although Policy LIV1 makes provision for some residential development to come forward prior to the Part 2 Local Plan being adopted, this requires sites to be located close to the settlement boundary. The proposed dwelling is 800m from the settlement boundary on Greenhead Lane. The occupants would be required to walk down an unlit route without a pavement, to access any form of public transport. Whilst there are other dwellings in terms of a cluster of cottages to the north of the application site, this does not make the proposed dwelling a sustainable one, in terms of paragraph 80 of the Framework with an isolated dwelling.

The application is based on the canine activities, with 5 dog kennels proposed. The equine use of the building, as with most other stables, does not require a 24 hour a day presence on site. The scale of the equine building is modest. There would be no requirement to be on site to tend to the horses and the use proposed is for the horses to be on site for parts of the year. The kennels would allow residential courses to be provided for up to 5 dogs at once.

The requirement in the Framework is that there must be essential need for a rural worker to be on site in order to justify a dwelling. The majority of the dog training takes place during the day when dogs are brought to sessions by their owners. The majority of the canine use therefore does not require a presence overnight. Taking care of 5 dogs overnight is not adequate justification to justify the conversion of the stable to a dwelling.

The applicant has prepared a financial justification statement setting out their accounts for the three years they have been operating from the site and a business plan for the next few years. This states that they intend to expand the business to accommodate more classes and in turn this would allow for the employment of two additional staff.

Green Belt

The proposed development comprising of the erection of the kennels does not meet one of the exceptions set out in either paragraph 149 (for new structures) or in paragraph 150 (which refers to engineering and other operations). What is proposed is the erection of five structures to accommodate kennels for dogs. Whilst these structures are modest in size, none the less an assessment of their appropriateness within the Green Belt must still be made. In this case, the structures are to be constructed of timber and could not reasonably be described as permanent. They are not buildings for agriculture, nor are they in connection with outdoor sport or recreation, the kennels are not physically attached to any other structure where they could be assessed as an extension. The kennels have their own impact upon openness and should be treated as the erection of new buildings for the purposes of paragraph 149 of the Framework. They cannot be considered a replacement building, neither are they infill in villages or the redevelopment of previously developed land. As such, they are inappropriate

development within the Green Belt and there is no justification as to why they meet the exceptions to Green Belt policy.

In terms of the conversion of the stables building, the applicant has not advanced a case for very special circumstances, in accordance with paragraph 148 of the Framework. Even so, this would require there to be clear benefit which outweighs the harm to the openness of the Green Belt. In this case there would be no such benefit. There is no reason why this business could not operate from another location within the Open Countryside. There is no requirement for it to be in this position within the Green Belt.

Design

There is an alteration to the existing stable to accommodate a tack room. Amended plans indicate that the tack room measures 2m x 1.2m in footprint with an eaves height of 2.3m and a lean to roof which joins with the main roof of the stable. It is clear that the tack room is a modest extension to the stables. Had this just been an extension to the stable building for equine purposes and there was no residential conversion, the tack room extension is likely to have been supported because it is not disproportionate to the original stable building which was approved.

There would also be alterations to the stable to incorporate windows, to make it into habitable accommodation. The west elevation has had a domestic style door inserted as well as 4 domestic windows. The south elevation has had two windows inserted, serving the lounge and bathroom. Clearly these would not have been required if the building were to remain in equine use. The alterations would not have an unacceptable impact upon the openness of the Green Belt. The tack room would be an extension but would not be disproportionate to the size of the existing buildings. There has been no change to the materials used in the external construction of the building.

The design of the five kennels is utilitarian, being constructed of timber, with a wire mesh grill to the front elevation and an access door. The structures are to have a mono-pitched roof and are to measure a maximum of 1.55m in height. They are each to have a footprint of 3.6m x 1.2m. There are to be three kennels adjacent to the stable on the hardstanding area to the front of the building. There are to be two further kennels to the other side of the car parking area.

Overall, in design terms the proposal is acceptable and accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

The proposed dwelling is positioned so that habitable room windows are in excess of 21m from the nearest neighbouring properties. The windows have all been positioned to the opposite side of the stable than the cottages. There would be no unacceptable impact upon the neighbours in this regard. The proposed site is set at a greater height

than the cottages with a slope down, where the dog training ground area is, as such when viewed from the rear gardens at the cottages, the stables take an elevated position. However, this does not lead to an unacceptable overbearing effect.

The proposed dwelling would raise no unacceptable residential amenity issues in relation to Policy ENV2 of the Local Plan Part 1 Core Strategy.

Comments have been received from the Council's Environmental Health Officer expressing concern over the ability of the applicant to control noise. There are nearby residential dwellings which share a boundary with the application site. The intention to accommodate dogs overnight gives rise to the potential for disturbance at anti-social hours. There is no way to control this and the applicant has not put forward any suggested solution. As such, the proposed development would be contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Highways

Although the proposed development is accessed up a private track, given the nature of the business by appointment only, there would be no highway safety danger with an intensification of the route. Conditions are put forward, should the application be approved.

Other Matters

The Council have received multiple letters of support stating that this business provides an invaluable service to dog owners locally. This does not form part of the planning case as the business could be set up elsewhere in a field, not within the Green Belt. This would be a suitable alternative to this particular location. As such, the principle is not with the operation of a dog rehabilitation facility, but rather the need for a dwelling here, which the report has set out is not necessary.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed development would result in the erection of five kennels which are structures within the Green Belt. They do not meet the exceptions set out in paragraph 149 of the Framework and amount to inappropriate development which would be harmful to the openness of the Green Belt. As such, the proposed development is contrary to paragraph 149 of the Framework.
2. The application is not accompanied by a noise assessment setting out the impact of the proposed development upon nearby residential dwellings. There is insufficient information in relation to addressing the issues surrounding potential noise pollution, which is contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy.

3. The proposed development is not in a location which is suitable for residential accommodation being an isolated location in the open countryside and does not meet any of the exceptions for residential development as set out in the National Planning Policy Framework paragraph 80. There is insufficient justification to warrant the granting of a dwelling for a rural worker based on the modest number of animals on site and thus the development would represent an isolated unjustified residential development contrary to Policy LIV1 of the adopted Pendle Local Plan and paragraph 80 of the National Planning Policy Framework.

Application Ref: 23/0521/FUL

Proposal: Full: Change of use of part of a stable building for residential accommodation (for a temporary period of 3 years), the siting of 5 no. dog kennels at the site and the retention of the site for dog rehabilitation and training use.

At: Pendle Bridge Lodge, Woodend Road, Brierfield

On behalf of: K9 Rehab

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 17TH OCTOBER 2023

Application Ref: 23/0564/HHO

Proposal: Full: Erection of a side dormer.

At: 229 Every Street, Nelson

On Behalf of: Miss F Sharples

Date Registered: 15/08/2023

Expiry Date: 10/10/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application has been referred to the Development Management Committee as Members were minded to approve the application which goes against the planning officers recommendation. The application site relates to an end terraced dwelling within the Whitefield conservation Area. The end gable fronts onto Every Street, Nelson where the main pedestrian access door is located. At the time of the site visit the building was covered in scaffolding due to fire damage.

The proposal seeks to insert a flat roof dormer to the roof slope which runs along the backstreet of Hargreaves Street. This is the side elevation of the building due to the end of the gable being the front. The dormer is to be clad in natural slate to match the existing roof.

Planning History

None relevant

Consultee Response

LCC Highways

No objection

Public Response

The nearest neighbours have been notified by letter, a Site and Press Notice have been posted. One letter of objection has been submitted raising the following issues:

- There has been a fire at the property which has resulted in damage to neighbouring dwellings due to the lack of a roof & repair works
- The adjacent dwelling has been rendered uninhabitable because of the damage caused by the fire and subsequent damp / water ingress
- Inappropriate extension within the Conservation Area

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 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.

Replacement Pendle Local Plan

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

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles. It provides specific guidance on development relating to agricultural buildings and their sensitive adaptation to other uses.

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.

Paragraph 202 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Design & Heritage

The Design Principles SPD advises care should be exercised to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. Dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced.

The application site takes a prominent position within the Conservation Area, given that it is the end terraced property on a row which has a gable onto Every Street. Even though the proposed dormer is to the rear slope of the terrace, this is perpendicular to Every Street, which is a main thoroughfare through Whitefield. The proposal is for a flat roof dormer to the elevation which forms the rear slope of the terrace. The proposal is for the erection of a flat roof dormer, to be clad in slate to match the existing roof with a single ply membrane to the roof and white UPVC windows. The design is unacceptable in that it dominates the entire roof slope of the dwelling and has a harmful effect upon the character and appearance of the original dwelling. This also has a wider effect on the street scene in a terrace which has a simple and uninterrupted ridge line.

The dormer would result in harm to the character and appearance of the Whitefield Conservation Area, which is made up of terraced dwellings which do not have dormers. The harm to the Conservation Area would be "less than substantial" but would not be outweighed by any benefit, in accordance with paragraph 202 of the Framework. As such, the proposed development represents poor design and does not accord with the Framework in relation to heritage assets.

Residential Amenity

The proposed rear dormer is to have one window. There are no windows to the side elevations. The proposed dormer is to be perpendicular to a terraced block on Every Street. However, the windows in the proposed dormer would be no closer to neighbouring dwellings than the existing windows. As such, it would not result in any unacceptable neighbouring amenity issues.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms to the dwelling which would increase the number of parking spaces required. However, the Highways Authority have not raised any objection in relation to highway safety concerns. It is unlikely that a reason for refusal on highway grounds would be sustained. As such, no objection is raised in relation to Policy 31 of the Replacement Pendle Local Plan.

Other Matters

Some comments have been received from a member of the public setting out that they are concerned about damage to the neighbouring dwelling due to a fire at the property and subsequent water ingress because of damage to the roof. This is a private matter between the parties and is not for this planning application to resolve. This is not a material planning consideration and is not determinative in this application.

RECOMMENDATION: Refuse

For the following reason(s):

1. By virtue of its position upon a prominent roof slope of the dwelling, the proposed dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the Whitefield Conservation Area. It represents poor design, contrary to paragraph 134 of the Framework and is in conflict with paragraph 202 of the Framework because the harm is not outweighed by any public benefit. The proposal is also contrary to Policies ENV1 & ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 23/0564/HHO

Proposal: Full: Erection of a side dormer.

At: 229 Every Street, Nelson

On Behalf of: Miss F Sharples