

**REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES**

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 8TH JANUARY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 8TH JANUARY 2024

Application Ref: 22/0423/FUL

Proposal: Full: Erection of 9 portal frame industrial units for light industrial use (Use Class E (g) (iii)).

At: Land To The South East Of 1 To 31, Pilgrim Street, Nelson

On behalf of: Mr M. Iqbal

Date Registered: 20/07/2022

Expiry Date: 05/12/2023

Case Officer: Alex Cameron

This application was deferred from the previous Committee meeting for a site visit.

Site Description and Proposal

The application site is a plot of derelict land to the rear of dwellings on Brunswick Street, Pilgrim Street and Railway Street, accessed from Lily Street. To the south east side are industrial / commercial units.

The proposed development was originally for the erection of a row of 11 light industrial units with a total floorspace of 990m². Amended plans have been submitted reducing the proposal to 9 units with a floorspace of 810m².

Relevant Planning History

None.

Consultee Response

LCC Highways – Insufficient information regarding servicing has been provided and the proposed car parking arrangements are unacceptable due to spaces being located in front of loading doors.

PBC Environmental Health – Please attach the following condition: No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 18:00 on weekdays and 09:00 and 13:00 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

Nelson Town Council -

Public Response

Site and press notices posted and nearest neighbours notified – Responses received objecting on the following grounds:

- Given it's close proximity to a full row of terraced housing, the land is not suitable for industrial use.

- There is noise from existing industrial use and the proposal would increase this nuisance.
- The land would be far better put to use as recreational purposes, green space or allotments which would be a very popular use for local people.
- The proposed development would be contrary to the Area Development Framework Neighbourhood Workshop Report.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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 ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

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

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) states that support will be given to new employment development that helps to reinforce Barnoldswick's position as the focus for employment provision in the north of the borough and enhance the functionality of the area's existing specialism in advanced manufacturing.

National Planning Policy Framework

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

Paragraph 110 states that applications should ensure that safe and suitable access to the site and be assured for all users.

Paragraph 111 states that developments should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development are severe.

Principle of the development

Concerns have been raised that the development would conflict with a consultation document from 2004, however, that consultation did not result in any restrictive designation on this land in the Replacement Pendle Local Plan of Core Strategy.

The site is in a sustainable location within the settlement of Nelson, this is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed design of the buildings are typical of such commercial buildings seen elsewhere. The site is adjacent to other industrial buildings and to the rear of rows of terraced dwellings, it would not cause harm to the visual amenity of the area in this context and is therefore acceptable in terms of design and visual amenity impacts.

Residential Amenity

The Design Principles SPD advises a minimum distance of 12m between a facing habitable room window and two storey elevation. For a three storey elevation it advises that the distance should be increased by 3m.

This guidance is intended to apply to domestic extensions, the proposed units are 7.1m to eaves and 10.4m to ridge height, this would be taller than a typical two storey domestic extension, closer to that of a three storey extension.

The amended north block would be sited a minimum of 15m from the rear elevations of adjacent dwellings, this is sufficient to ensure that there would be no unacceptable overbearing impact or loss of light to those dwellings.

The south block would be sited a minimum of 12m from the rear elevations of adjacent dwellings, it would sit on lower land and taking into account that those properties would face the eaves of the building, this is sufficient to ensure that there would be no unacceptable overbearing impact or loss of light to those dwellings.

The definition of the light industrial use applied for (Use Class E(g)(iii)) is any industrial process being which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Therefore the industrial processes that can be carried out within that use by definition would not result in unacceptable residential amenity impacts.

There is the possibility for noise and disturbance from external activities relating to deliveries, loading and unloading outside of normal working hours and therefore it is reasonable and necessary to control the hours of those activities.

Highway Issues

A total of 22 car parking spaces are proposed for the development. The maximum parking requirement for the floorspace proposed is 29 spaces. Furthermore, the proposed parking spaces

would restrict access to the loading bay doors which may affect their use. The inadequate car parking arrangements would lead to an increase in on-street car parking.

The proposed parking provision and layout is therefore unacceptable. It has also not been adequately demonstrated that the service and delivery vehicles would be able to adequately access the site and exit in forward gear.

The inadequate parking and servicing arrangement would result in an unacceptable highway safety impact.

Drainage

Adequate drainage could be ensured by condition.

Ecology

The site does not have any features that indicate it is of ecological value.

RECOMMENDATION: Refuse

For the following reason/s:

1. The proposed development has inadequate parking arrangements and it has not been adequately demonstrated that it could be adequately serviced, the development would therefore result in an unacceptable highway safety impact contrary to policy ENV4 of the Local Plan Part 1: Core Strategy and paragraphs 110 and 111 of the National Planning Policy Framework.

Application Ref: 22/0423/FUL

Proposal: Full: Erection of 9 portal frame industrial units for light industrial use (Use Class E (g) (iii)).

At: Land To The South East Of 1 To 31, Pilgrim Street, Nelson

On behalf of: Mr M. Iqbal

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 8TH JANUARY 2024

Application Ref: 23/0678/HHO

Proposal: Full: Erection of a dormer to rear, retrospective.

At 5 Chatburn Park Drive, Brierfield, Lancashire BB9 5QA

On behalf of: Mr Aamir Khan

Date Registered: 16.10.2023

Expiry Date: 11.12.2023

Case Officer: Iain Crouch

Site Description and Proposal

A semi-detached two bedroom bungalow in an established residential area. Originally faced in a combination of brick to sides and rear plus stone to front, with a concrete tile roof. The brick to the side has been faced in render and the rear elevation covered by an unauthorised rear flat-roofed extension, also in render. The property also has an incomplete porch to the front elevation.

This planning application is for a flat-roofed dormer on the rear roof-pitch. No upper floor plan is submitted, therefore it is assumed that the roofspace will accommodate two bedrooms, making a total of four at the property. The dormer has been constructed therefore the application is retrospective, however the cheeks and rear face were not clad at the time of the Officer's site visit. The submitted plans and application form do not state the proposed cladding materials.

Although shown on the submitted plans, the Agent confirms that the application is not for the rear extension nor the porch. If planning permission is granted, these elements must be conditioned out therefore.

Note that the dormer would be permitted development if it was lower than the ridge. The submitted plans show a dimension above the ridge of 150mm.

Within the Settlement Boundary as defined in the adopted Local Plan.

Relevant Planning History

22/0323/HHO - Proposed Porch to Front Elevation (part retrospective), refused 05.08.2022.

22/0549/HHO - Erection of a porch, approved 14.07.2023.

Consultee Response

Highways LCC:

No objection.

Coal Authority:

Not received to date (29.11.2023), however unlikely to be negative as the proposal is for a dormer.

Parish Council:

Not received to date (29.11.2023).

Public Response

3 representations received to date (29.11.2023), points being:

Not in keeping
Retrospective
Made opening of host dwelling garage doors impossible
Over-development
Eyesore
Loss of privacy and disturbance to neighbour
Overshadowing effect
Projects above ridge

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.

Pendle Local Plan Part 1: Core Strategy Policy SDP2 defines settlement roles and principles for development outside the settlement boundary.

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

Principle:

Within the Settlement Boundary as defined in the Local Plan, therefore acceptable in principle subject to adherence with other Policies in the Development Plan.

Design and Materials:

The Design Principles SPD states that 'dormers should not be so large as to dominate the roof slope resulting in a property that appears unbalanced.' Furthermore it states that 'a dormer should

be set below the ridge line of the original roof by at least 0.2m'. In this instance the dormer is constructed off the gable elevation rather than set in and extends above the ridge by a stated 150mm. The dormer is visible from the highway, the property does appear unbalanced and the dormer is unsightly.

The design and appearance is not acceptable in this location and the proposal does not comply with Local Plan Policy ENV2 and the Design Principles SPD.

Residential Amenity:

The windows in the rear elevation of the dormer face the rear garden and the rear garden/rear elevation of dwellings beyond. Approx. 23m between habitable room windows. The dormer is acceptable in this respect.

The dormer does not contain side windows so no overlooking of neighbours will occur.

Highways and Parking:

An increase in bedrooms from two to four, leading to a requirement for 3 off-street parking spaces under Saved Policy 31. The property has a driveway of sufficient length to accommodate 3 cars.

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 not accord with Local Planning Policy and would not be compliant with the guidance set out in the Framework. The development therefore does not comply with the Development Plan.

Furthermore the Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. In this instance, the nature of the planning issues were considered to be so fundamental that no further negotiation was sought with the applicant.

RECOMMENDATION: Refuse

For the following reason:

1. The dormer detracts from the character and appearance of the dwelling by virtue of its height and bulk, making the dwelling unduly conspicuous in the street scene and detrimental to the visual amenity of the area. As such it is contrary to the Council's adopted Design Principles SPD (Achieving Quality in Design and Conservation) and to the provisions of paragraph 134 of the National Planning Policy Framework.

Application Ref: 23/0678/HHO

Proposal: Full: Erection of a dormer to rear, retrospective.

At 5 Chatburn Park Drive, Brierfield, Lancashire BB9 5QA

On behalf of: Mr Aamir Khan

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 8TH JANUARY 2024

Application Ref: 23/0701/HHO

Proposal: Full: Erection of a two storey side extension, rear extension, part single storey rear extension and the formation of a front entrance. Erection of an outbuilding to the rear garden, extend front drive, erect new front boundary with rendering to all dwelling.

At 39 Reedley Drive, Reedley.

On behalf of: Mrs Zatoon Khanum.

Date Registered: 23/11/2023

Expiry Date: 18/12/2023

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is an attractive red brick two-storey semi-detached dwelling house, with bay windows to the ground and first floor and a single storey side extension with a garage and hallway, the dwellinghouse and side extension have pitched roof of natural slate tiles. There is a garden to the front with off-road parking to the drive and to the rear there is a generous garden.

The proposal seeks to erect a two storey side extension with balcony, the formation of a front entrance with a glazed front elevation, a two storey rear extension with balcony, a single storey rear extension, a detached outbuilding to the rear garden, extend the front drive and change the material of the boundary treatment. The proposal would have ashlar stone and off-white silicone render to the front elevation and anthracite render to the rear elevation, the proposed outbuilding would have porcelain white tiles and a glazed wall.

Relevant Planning History

Non relevant.

Consultee Response

Town/Parish Council

No comment.

LCC Highways

Reedley Drive is a privately maintained highway. The proposal would increase the number of bedrooms from 3 bedrooms plus study to 4 bedrooms plus study, and would remove the existing garage and part of the driveway due to the proposed development. The application site could provide three parking spaces within the curtilage, and covered storage for at least two cycles should be provided elsewhere within the site.

PBC Environmental Health

Environmental Health are concerned with the noise nuisance during construction phase and seek to control the hours and days of operation of machinery on site.

Public Response

The nearest neighbours have been notified by letter with four responses objecting relating to:

- Increase in the number of cars and result in parking on the road, there is already an issue of parked cars impacting on the collection of refuse.
- Concerned that any waste material including skips to be kept on site and not on the road.
- Concerned that construction and delivery vehicles will further deteriorate the road and request a donation to the Residents Association.
- Replacing the existing brick boundary wall with stone wall would spoil the general street scene as it will abut the neighbours wall.
- The proposal is gross over development and more sympathetic upgrade is called for here.
- Objection to the proposal due to the loss of the trees and hedgerow to the rear garden boundary resulting in loss of visual amenity.
- The proposal would impact on the visual amenity of neighbouring property.
- The proposal would have side windows and a rear boundary which would look directly into the garden and rooms on the front elevation with two bedrooms, living room and conservatory. The boundary treatment has been removed, and privacy has been removed.
- Concerned about the effect on privacy of the surrounding gardens due to the two elevated balconies.
- Concerned how the two storey extension would impact on light to surrounding gardens.

Relevant Planning Policy

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

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

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

National Planning Policy Framework

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

Paragraph 134 of the Framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes.

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

Officer Comments

The main considerations for this application are the design and materials, 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, the overall scale to not look out of place in the street scene, and that any extension should reflect the character of the existing structure.

The Design Principles SPD also advise that the window styles should match those on the original property and be positioned to reflect the window positions on the main dwelling, and that the proposal should consider architectural detailing such as decorative brickwork, any existing features such as gables, bay or feature windows, feature brickwork or window sills, and be repeated in the proposed extension.

The proposed development seeks to alter the front elevation of the existing dwelling house by replacing the bay windows to the ground and first floor with a glazed elevation which would extend from the ground floor to the pitched roof and the existing red brick walls to be rendered. The proposed side extension would have a similar design of windows with two large square ground floor windows and a glazed window extending to the pitched gable to the front elevation. The proposed windows on the front elevation do not reflect the design, scale or positioning of the existing windows, the proposed windows dominate the frontage and fundamentally change the design and appearance of the property. In addition, the proposal would render over the red brick walls, this would not match materials on this pair of semis and would have a negative impact on the visual amenity of the pair of semis and the street scene.

The proposed side extension would be set back from the existing front elevation and would have a pitched gable with glazed frontage, the roof line would be retained but would include a pitched gable to the front elevation which mimics the pitch gable on the existing dwellinghouse. Due to the set back the proposal would appear subordinate to the existing dwellinghouse.

The existing side extension extends to the rear of the property, the proposed rear extension would be a two storey rear extension with a balcony attached, and a proposed single storey rear extension located on the party boundary with No. 37 Reedley Drive. The proposed materials would be ashlar stone and off-white render. The proposed two storey rear extension would have an angled roof line which would not match the existing roof design of pitched roof and gables. The proposed windows to the rear elevation are full height windows with the majority of the walls being glazing.

The proposed single storey rear extension would extend circa 4.9m from the rear elevation and be located on the party boundary with No. 37, the Design Principles advise that up to 4m is acceptable, No. 37 has a ground floor habitable room window, the proposal would breach the 45 degree guidance to the neighbours ground floor window. The proposed single storey extension would have full height windows, it would have a flat roof with roof light, as the flat roof is to the rear and not visible from the highway this would be acceptable, the proposed materials would be anthracite render.

The proposed outbuilding would be located towards the end of the rear garden, it would have a flat roof with two sides having full height glazing and porcelain wall tiles to the two remaining walls. The proposal does not provide information on the colour of the proposed wall tiles, a condition could be placed for details to be submitted to the Local Planning Authority. The proposed outbuilding would be located to the rear of the garden and would face towards the rear elevation of No. 6 and No. 8 Eskdale Close. The proposed outbuilding would be 3m high, 10.85m wide and 5.5m long. The proposal would erect a 2m high wooden fence which can be achieved through permitted development, the proposed outbuilding at a height of 3m, therefore 1m would be visible to the neighbours at Eskdale Close, although the proposed outbuilding would be 1m higher, it is to the rear of the gardens of the application site and to the rear garden at Eskdale Close which already has a fence between the properties which limits the view from the ground floor windows, the orientation of the fencing and the proposed outbuilding would ensure no unacceptable overshadowing impact to the neighbours at Eskdale Close.

To the boundary treatments, the proposal seeks to remove the detailed red brick wall to the front and replace with natural stone walling 1m high with grey composite panelling above the wall resulting in a 2m high boundary treatment, and a front aluminium gate would be erected with stone pillars either side. To the rear garden, a 2m high timber fence would be erected.

The application site is an attractive red brick semi-detached property with attractive architectural details such as the bay windows and detailing to the boundary wall, the pair of semi-detached properties mirror each other and form an attractive pair in an area of predominately semi-detached and detached dwellings. The proposed development would drastically change the design of the semi-detached properties, with the large amount of glazing to the front and rear elevations, the introduction of balconies to the front and rear elevations, the disproportionate size and design of the windows which would not reflect the existing positioning of the windows, and the use of materials for the walls of render, ashlar stone and tiles which would not reflect the existing material or detailing of the red brick. The proposed development adjoins a red brick property and is adjacent to a stone built property which has an attractive simplistic vernacular form.

The proposal would have a modern design which would appear incongruous in this context, it would be out of character to the area and out of character to the pair of semi-detached dwellings, the design, scale and positioning of the windows would be an alien design and have an unacceptable visual impact on the street scene. The proposal would be poor design due to the design and materials proposed and would be inappropriate in this area, the proposal would not conform with paragraph 134 of the Framework, with Policy ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that extensions should be designed to avoid overshadowing, loss of outlook and loss of privacy to neighbours and to not be unduly dominant.

The proposed rear extension would erect a balcony to the first floor, the distance from the balcony to No. 43 Lower Reedley is circa 15m which has habitable room windows to the ground and first floor, a condition would be placed for obscure glazing to the side elevation of the balcony to ensure no overlooking or loss of privacy to No. 43. In addition, there are proposed windows to the side elevation at ground and first floor level facing towards No. 41 and No. 43 Lower Reedley, a proposed boundary treatment of 2m high fence would ensure no overlooking from the ground floor windows, the proposed first floor windows serve a bathroom and ensuite, a condition could be placed for obscure glazing to these windows.

The proposed single storey rear extension extends 4.9m from the rear elevation and is located on the party boundary with No. 37 Reedley Drive which has habitable room windows at the ground and first floor, the proposed single storey rear extension would breach the 45 degree guidance to

the neighbours ground floor window. The proposed two storey rear extension would extend 5m from the rear elevation, No. 37 has habitable room window to the first floor which would breach the 45 degree guidance, the proposed balcony would overlook the rear garden of No. 37, a condition for obscure glazing to the side of the balcony would ensure the proposal would not result in overlooking or loss of privacy to the occupants at No. 37.

The proposed rear extension would result in breaching the 45 degree guidance to the habitable room windows on the rear elevation of No. 37 Reedley Drive and would appear as overbearing due to the height and length of the proposal and its proximity to the party boundary and would result in overshadowing and obstructing the outlook of the adjoining dwelling house at No. 37 Reedley Drive, Reedley, the height and length of the proposed development would have a detrimental impact on the occupants residential amenity. The proposed development would not conform with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document

Highways

LCC Highways have raised no objection to the proposal and would not have a significant impact on the highway safety, capacity or amenity in the immediate vicinity of the site. The proposal would increase the number of bedrooms from three plus study to four plus study. The amended plan identifies that three car parking spaces can be accommodated within the curtilage and the hardstanding would be tarmac. LCC Highways have requested a condition that the development to not be brought into use until the parking spaces have been constructed with a bound porous material. The proposal would conform with the Policy 31 of the Replacement Pendle Local Plan.

Trees

Amended plans have been submitted showing the fencing to be erected around the tree (T1).

PBC Environmental Health

Environmental Health are concerned about the noise nuisance during the construction phase and has requested limits to the hours and days of operation. This application is a householder application, it would be unreasonable to condition the hours and days of operation on a smaller scheme.

RECOMMENDATION: Refuse

1. The proposal would have a modern design which would appear incongruous in this context, it would be out of character to the area and out of character to the pair of semi-detached dwellings, the design, scale and positioning of the windows would be an alien design and have an unacceptable visual impact on the street scene. The proposal would be poor design due to the design and materials proposed and would be inappropriate in this area, the proposal would not conform with paragraph 134 of the Framework, with Policy ENV2 and the Design Principles SPD.
2. The proposed rear extension would result in breaching the 45 degree guidance to the habitable room windows on the rear elevation of No. 37 Reedley Drive and would appear as overbearing due to the height and length of the proposal and its proximity to the party boundary and would result in overshadowing and obstructing the outlook of the adjoining dwelling house at No. 37 Reedley Drive, Reedley, the height and length of the proposed development would have a detrimental impact on the occupants residential amenity. The

proposed development would not conform with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document

Application Ref: 23/0701/HHO

Proposal: Full: Erection of a two storey side extension, rear extension, part single storey rear extension and the formation of a front entrance. Erection of an outbuilding to the rear garden, extend front drive, erect new front boundary with rendering to all dwelling.

At 39 Reedley Drive, Reedley.

On behalf of: Mrs Zatoon Khanum.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 8TH JANUARY 2024

Application Ref: 23/0715/HHO

Proposal: Full: Erection of a two storey rear extension with a single storey element and internal alterations with site works.

At 30 Rowland Avenue, Nelson.

On behalf of: Mr Kashif Saleem.

Date Registered: 27/10/2023

Expiry Date: 22/12/2023

Case Officer: Joanne Naylor

This application has been called in by a Councillor.

Site Description and Proposal

The application site is a two-storey mid-terraced property in a row of four. The site has natural stone plinth with pebble dash walls above to the front elevation and pebble dash coloured cream to the rear elevation with a pitched roof of natural slate tiles, to the front there is a drive for off-street parking and a garden to the rear. It is located within a predominately residential area of similar design and scale and within the settlement boundary of Nelson.

The proposal seeks to erect a two storey rear extension with a pitched roof which would be located close to the party boundary with No. 32 Rowland Avenue, the proposal would have a single storey rear extension with a pitched roof located close to the party boundary with No. 28 Rowland Avenue.

Relevant Planning History

Non relevant.

Consultee Response

LCC Highways

LCC Highways raise no objection to the proposed development subject to comments being noted relating to:

- The proposal would increase the number of bedrooms from three to four, it is proposed that the existing hard standing would be widened to provide three parking spaces which is an adequate level of parking for this proposal.
- The existing dropped kerb needs to be extended and carried out by contractors authorised by the Lancashire County Council.
- A means of collecting surface water across the site front shall be installed across the full width and drain to an internal outfall to prevent water from discharging onto the public highway network.
- material being carried onto the highway and pose a hazard to other users.

Parish/Town Council

No comment.

PBC Environmental Health

Environmental Health is concerned with noise nuisance during the construction phase, and would require the hours of operation to be controlled for hours of operating 8am to 6pm weekdays and 9am to 1pm Saturdays and no machinery operated on Sundays, Bank or Public Holidays.

Public Response

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

Officer Comments

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

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

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

Design and Materials

The proposal seeks to erect a two storey rear extension and a single storey rear extension which would have pitched roofs. The proposed materials for the walls would be off-white render and

stone plinth, with natural slate roof tiles and UPVC windows and doors which would match the existing materials.

The Design Principles SPD states that for two storey rear extensions where properties are attached and neighbouring properties have no extension adjacent to the boundary, any first floor element of an extension should be set in from the party boundary by a minimum of 1m.

The proposed two storey rear extension would be set in from the party boundary by circa 0.15m with No. 32 Rowland Avenue, it would extend 4.35m from the rear elevation, however, No. 30 is set back by circa 1m from No. 32 where the proposed two storey rear extension would appear as extending 3.35m. Although the design principles advise that up to 4m is acceptable for a single storey rear extension, here the proposal would be two storeys high and set very close to the party boundary, it would not be set in from the party boundary by 1m minimum as stated in the Design Principles SPD and therefore would appear overbearing to the adjoining property at No. 32.

The Design Principles SPD states that single storey rear extensions located on, or immediately adjacent to the party boundary with neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation. The proposed single storey rear extension would extend 4.35m from the rear elevation and would be set in by circa 0.15m from the party boundary with No. 28 Rowland Avenue. The Design Principles goes on to state that a single storey extension of greater depth will normally be permitted if it does not breach the 45 degree guidance. The proposed single storey extension extends 4.35m from the rear elevation, No. 28 has a rear habitable room window, the proposed single storey extension would breach the 45 degree guidance to the lounge window at the rear, however there is a secondary source of light to this room from the front elevation, and therefore the proposed rear extension would be acceptable.

The proposed two storey extension would not be set in from the party boundary by 1m resulting in an overbearing impact to the adjoining property at No. 32 Rowland Avenue and would be poor design.

The proposed development would result in an overbearing impact to No. 32 Rowland Avenue due to the height of the two storey rear extension not being set in from the party boundary by 1m minimum, the proposed development would have a detrimental impact to the residential amenity of the occupants at No. 32 Rowland Avenue, the proposal would be poor design and would not comply with Policy ENV2, the Design Principles SPD and paragraph 134 of the Framework.

Residential Amenity

The Design Principles SPD advises that rear extensions should avoid causing overshadowing, loss of outlook and privacy and to not appear unduly dominant and overbearing.

The proposed two storey rear extension would be located close to the party boundary with No. 32 Rowland Avenue and would extend 4.35m from the rear elevation. No. 30 is set in by circa 1m, which would result in the proposed two storey extension having a rear extension extending 3.35m in length to No. 32, however, the Design Principles states that for two storey rear extensions any first floor element of an extension should be set in from the party boundary by a minimum of 1m, the two storey extension would be set in by 0.15m and would result in an overbearing impact to No. 32, this would result in a detrimental impact to the residential amenity of the occupants at No. 32.

To No. 28 Rowland Avenue, the proposed two storey rear extension would extend 4.35m from the rear elevation, there is a bedroom to the rear elevation of No. 28, the proposed two storey extension would not breach the 45 degree guidance.

The proposed single storey rear extension would extend 4.35m from the rear elevation, No 28 has a habitable room window to the rear, there is a secondary source of light to this habitable room.

The proposed development would result in an overbearing impact to No. 32 Rowland Avenue due to the height and length of the two storey rear extension not being set in from the party boundary by 1m minimum, the proposed development would have a detrimental impact to the residential amenity of the occupants at No. 32 Rowland Avenue, the proposal would be poor design and would not comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document and paragraph 134 of the Framework.

Highways

The proposal would increase the number of bedrooms from three to four, three parking spaces can be accommodated within the curtilage to the front and is an adequate level of car parking space. The existing hardstanding and the existing dropped kerb would need to be extended under an agreement (Section 171) with Lancashire County Council and only contractors authorised by the County Council must carry this work out. The hardstanding shall be of a bound porous material and a means of collecting surface water across the site front shall be installed the full width and drain to an internal outfall to prevent water from discharging onto the public highway network.

RECOMMENDATION: Refusal

The proposed development would result in an overbearing impact to No. 32 Rowland Avenue due to the height and length of the two storey rear extension and it not being set in from the party boundary by 1m minimum, the proposed development would have a detrimental impact to the residential amenity of the occupants at No. 32 Rowland Avenue, the proposal would be poor design and would not comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document and paragraph 134 of the National Planning Policy Framework.