

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 4TH MARCH 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH MARCH 2024

Application Ref: 23/0491/HHO

Proposal: Full: Erection of a two-storey side extension and a two-storey rear extension and a balcony to the front elevation.

At 29 Romney Street, Nelson.

On behalf of: Mr Muzaffar Ali

Date Registered: 20/09/2023

Expiry Date: 15/11/2023

Case Officer: Joanne Naylor

This application was deferred from the previous committee meeting and would still be recommended for refusal, it is anticipated that amended plans will be submitted and an update report provided.

Site Description and Proposal

The application site is a two-storey end terrace on a row of four dwellinghouses, it has a single storey rear extension to the side and rear for entrance hall and ground floor bedroom. The existing extension extends 4.10m from the rear elevation of the kitchen and is set away from the party boundary with No. 27 Romney Street. There is off street parking to the front and a garden to the rear. The application site is within a predominately residential area with houses of a similar design and scale, opposite the application site there is a terrace row of bungalows.

The proposals seeks to erect a two-storey side extension, a two storey rear extension with a single storey extension extending from the proposed two storey rear extension, the proposal would also erect a balcony to the front elevation at first floor level.

Relevant Planning History

22/0619/HHO: Full: Erection of single storey rear and side extension. Refused (28/03/2023).

22/0455/LHE: Permitted Development Notification (Proposed Larger Home Extension): Erection of a single storey extension to the rear. Invalid Application (11/08/2022).

Consultee Response

LCC Highways

LCC Highways raise no objection to the proposed development subject to the following notes and conditions. The proposal would remove some of the hardstanding lost through the proposed development. For a four bed dwelling three parking spaces are required, and these have been shown on the parking plan. However, the footway telecommunications box is within 1m of the vehicle crossing, but this would not prevent three vehicles parking on the hardstanding using the existing dropped crossing, the vehicles would not be able to enter or leave independently.

The development is located within a residential estate and near a childcare facility, the timing of deliveries should be restricted to ensure no conflict with traffic both vehicular and pedestrian, at peak time entering/leaving the estate and on the surrounding network. LCC Highways requested a condition for deliveries to be accepted between 9:30am and 2:30pm in the interest of highway safety.

Environmental Health

Environmental Health are concerned with the nuisance during construction phase and request a condition that limits the hours and days that machinery can be operated in order to protect the amenity of neighbouring properties.

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, residential amenity and highways.

Design and Materials

The proposal seeks to erect a two-storey side extension, a two-storey rear extension with a single storey extension element, and to the front elevation a balcony to be erected at the first-floor level.

The Design Principles advise that for two storey side extensions should avoid an overbearing effect or overshadowing impact on neighbours. In addition, that two storey side extensions should be set back from the front elevation by 1m minimum, or the first floor set back by 2m with a lowered roof line. The first floor of the proposed two storey side extension would be set back from the front elevation by 1.8m which is close to the 2m requirement, however the roofline would not be lowered it would be the same height as the existing main roofline, there is a staggered arrangement of dwellings in the street therefore the proposal would not create a terracing effect. The proposed two storey side extension would have a pitched roof matching the existing roof.

The proposal would seek to erect a balcony to the front elevation at first floor level, it would extend 3m from the front elevation of the proposed side extension and 1.2m from the existing front elevation and would have a glass balustrade.

The Design Principles SPD advise that for two storey rear extensions would only be acceptable where they do not breach the 45-degree guidance. In addition, where the adjoining property has no extension adjacent to the boundary then the first-floor element should be set in from the party boundary by 1m minimum. The proposed rear extension at single storey level would have an overall length of circa 5.9m from the original rear elevation, it would be located on the party boundary with No. 27 which has no rear extension, there are habitable room windows to the rear elevation serving the kitchen. The proposed rear extension would breach the 45-degree guidance to the habitable room windows on the rear elevation of 27 Romney Street.

The Design Principles SPD advise 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 proposed first floor element would not be set in from the party boundary by 1m. The two-storey rear extension at first floor would extend from the rear elevation by circa 4.1m and would be on the party boundary with No. 27 which has a habitable room window at first floor, the proposed two storey rear extension would breach the 45-degree guidance. The proposal would not conform to the limits identified in the Design Principles SPD in terms of rear extensions and therefore would represent poor design.

The proposed development would breach the 45-degree guidance to the adjoining neighbouring property at No. 27 Romney Street due to the design of the two-storey rear extension resulting in poor design, the proposal would not comply with Policy ENV2, the Design Principles SPD and paragraph 134 of the Framework.

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 to avoid side windows overlooking neighbouring property.

To the front elevation, the proposed development would introduce new window openings to the ground and first floor, there is already an existing relationship of habitable room windows facing each other to the dwelling houses opposite, the proposed windows would have a similar impact as that already being experienced.

To the side elevation, the windows would be for non-habitable rooms, the first-floor window would serve a bathroom, No. 31 has a side elevation window at first floor serving a bedroom, a condition would be placed for the bathroom window to be obscure glazed to provide privacy and to remove any overlooking to No. 31 bedroom window.

For balconies, the Design Principles SPD advises that the installation of balconies to the first floor or above can result in significant loss of privacy for neighbours and for balconies on terraced properties will not be acceptable. It is proposed that a balcony would be erected to the front elevation of the application site which would extend across most of the frontage. Opposite the application site is a terrace row of bungalow dwellinghouses, the proposed balcony would be able to view into the habitable rooms of the occupants, furthermore the Design Principles advise that a distance of 21m should be maintained between habitable rooms facing each other, here it would be a distance of 20m, although the bungalows opposite would not overlook the applicants windows, the balcony provides a wide viewing point towards a number of properties opposite, a balcony can provide a space for sitting and observing over longer periods of time, which would result in an unacceptable impact to the occupants on that terrace row of bungalows. The adjoining neighbour is set back from the front elevation of the application site, and the balcony would be set away from the party boundary, however, the applicant would be able to view towards the bedroom window of No.27. The proposed balcony would cause an overlooking and loss of privacy issue to the occupants of the dwellinghouses of the bungalow properties opposite which would result in an unacceptable impact on their residential amenity.

The proposed two storey rear extension would have an eaves height of circa 5m and extend circa 4m from the rear elevation, the single storey element would have an eaves height of 2.4m and extend a further circa 1.85m resulting in an overall length of 5.9m at single storey. The proposal would be located on the party boundary with No. 27. The proposed two storey rear extension would breach the 45-degree guidance of the kitchen windows of No. 27, furthermore, the first storey element would also breach the 45-degree guidance to the rear bedroom window of No. 27. The proposed two storey extension would result in an overbearing impact to the adjoining dwelling house due to the height and length of the proposal and being located on the party boundary. The combination of breaching the 45 degree guidance to habitable room windows would result in obstruction of outlook and overshadowing, and the overbearing impact of the proposal would result in an unacceptable impact on the residential amenity of the occupants at 27 Romney Street, Nelson.

The proposed development would appear as overbearing due to the height and length of the proposal and its proximity to the side boundary. The proposal would result in overshadowing and

obstructing the outlook of the adjoining dwelling house, the height and length of the proposed development would result in an overbearing impact to the occupants at 27 Romney Street, Nelson, this impact 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.

The proposed balcony would result in overlooking and loss of privacy to the occupants of the bungalows opposite the application site on Romney Street, Nelson, the proposed balcony 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

The proposal would increase the number of bedrooms from three to four bedrooms which would require three parking spaces for a four-bedroom property. The proposal seeks to extend the crossing however there is a footway telecommunications box within 1m of the crossing would prevent the extension of the crossing. However, three parking spaces can be accommodated to the front garden but the vehicle would not be able to enter or leave independently. LCC Highways have requested a condition for the restriction timings of delivery due to ensure no conflict with traffic/pedestrians at peak times of entering and leaving the estate due to the proximity of a childcare facility. A suitable condition to restrict the timings of deliveries to be outwith 9:30 am and 2:30 pm was requested, however as the proposal is a householder development it would be unreasonable to limit times of deliveries. LCC Highways raise no objection to the proposal on highways matters, the proposal would comply with Saved Policy 31 of the Replacement Pendle Local Plan.

Environmental Health

Environmental Health are concerned with the nuisance during construction phase and requested a condition to limit the hours and days that machinery can be operated. The proposal is for a householder extension, it would be unreasonable to limit the times of operating machinery in this instance.

RECOMMENDATION: Refuse

1. The proposed rear extension 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. 27 Romney Street, Nelson, 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.
2. The proposed balcony on the front elevation would view towards the habitable room windows of the bungalows opposite and to the front bedroom window of No. 27 Romney Street, this would result in overlooking and loss of privacy to the occupants of 27, 86, 88, 90 and 92 Romney Street, Nelson and would have a detrimental impact on the occupants residential amenity. The development would therefore be poor design and fail to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, the adopted Design Principles

Application Ref: 23/0491/HHO

Proposal: Full: Erection of a two storey side extension and a two storey rear extension and a balcony to the front elevation.

At 29 Romney Street, Nelson.

On behalf of: Mr Muzaffar Ali

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH MARCH 2024

Application Ref: 23/0809/FUL

Proposal: Full (Major): Erection of building and associated infrastructure, including parking, landscaping and a new vehicular access to create a wedding venue.

At: Rockwood, Halifax Road, Nelson

On behalf of: Amor Asset Management Ltd

Date Registered: 04/12/2023

Expiry Date: 04/03/2024

Case Officer: Alex Cameron

This application was deferred from February's Committee meeting.

Site Description and Proposal

The application site is land to the southeast of Rockwood. The land is within the open countryside approximately 170m from the settlement boundary and is designated as Open Space. To the west is Nelson Golf Club, to the south is an access to the golf club and open land with recent planning permission for a detached dwelling and to the east is Halifax Road. The land slopes steeply down from the main dwelling to Halifax Road, a fall of approximately 10m.

This application is to erect a wedding venue which would comprise a glazed building to the north west side of the site, with parking for 169 vehicles and new access to Halifax Road.

Relevant Planning History

None.

Consultee Response

LCC Highways – Object on the following grounds:

- The site is poorly located to support sustainable travel modes
- Visibility splays of 2.4m x 120m are necessary based on vehicle speed data recorded on Halifax Road for recent applications. The proposed visibility splay to the northwest side of the access of 65m is not adequate.
- A new pedestrian refuge is proposed on Halifax Road, however, its location would result in highway safety concerns in relation to the existing driveways.
- The proposed level of car parking is inadequate, a minimum of 183 car parking spaces are necessary.
- The development will have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site

Coal Authority - Withdraws its objection, the submitted Coal Mining Risk assessment is sufficient to demonstrate that the application is, or can be made safe and stable for the proposed

development subject to further consideration of ground conditions and foundation design at the building regulations stage.

PBC Environmental Health – Concerns raised in relation to impacts of noise from the development on residential properties.

Lead Local Flood Authority – No objection subject to conditions for surface water drainage, construction drainage and drainage management and maintenance.

United Utilities – Comments encouraging the use of a sustainable drainage system and that the applicant consider their drainage plans in accordance with the drainage hierarchy set out in the National Planning Policy Framework.

Brierfield Town Council – No response

Briercliffe Parish Council – Object on the following grounds:

- The site is unsuitable for a large commercial development due to its semi-rural nature and proximity to sites earmarked for residential development
- The scale of the building is too large for the site
- The building and materials will be out of character for this location
- Overdevelopment of the site
- Supports LCC objection on highway safety grounds
- Highway safety risk due to restricted visibility on Nelson Road
- Risk from former coal mining works
- Nuisance to local residents from noise and light pollution
- Environmental impacts

Burnley Borough Council – Responded with the following comments:

- The loss of open space should be considered
- Advises considerations of whether restricting the sequential test assessment to the area of the Borough of Pendle demonstrates sufficient flexibility given that the proposal would likely serve a subregional catchment.
- Concerns regarding the design of the proposal in this location, which would be visible from several locations within the Borough of Burnley, including from the surrounding network of public footpaths.
- Concerns about adverse impacts of the proposal with particular regard to light, noise and general disturbance, including the impact on livestock in adjacent fields.

Public Response

Press and site notices posted and nearest neighbours notified. A significant number of responses have been received both in objection and support.

Summary of responses in objection. The following are the headline objections and precise the main areas of concern:

- Impact on the landscape
- Overdevelopment of the site

- Loss of green space
- Impact of noise from the development and fireworks on residential amenity, farm animals, wildlife and pets.
- Anti-social behaviour
- Impact on wildlife habitats
- Light pollution
- Increase in traffic, inadequate capacity on surrounding roads to accommodate the increase
- parking and resulting highway safety impacts
- Lack of public transport links
- Access during adverse weather conditions
- No need for the development
- There are existing buildings within the Borough that could be used instead
- The building would not conform to building regulations
- The use is inappropriate in a residential area
- Impact on the adjacent golf club
- No economic benefit to the local community
- Inadequate drainage and increase in flood risk

Summary of responses in support:

- Financial benefits for the area
- It would promote tourism in the area
- Only a small proportion of the site would be developed
- The proposal is of high quality
- There is a huge need for a venue of this quality in Pendle
- The site would have beautiful views of the countryside and should not be moved

A number of other matters have been raised which are not relevant to the determination of this application and therefore are not included in the summaries above.

Officer Comments

Policy

Local Plan Part 1:Core Strategy

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

Policy SDP2 (Settlement Roles) sets out the roles each settlement category will play in future growth. Brierfield along with Nelson is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Proposals for new development should be located within a settlement boundary. Proposals outside of a settlement boundary will only be permitted for those exceptions identified in the Framework or policies of Pendle's Development Plan.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) of the Replacement Pendle Local Plan 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. Developments should, wherever possible, aim to safeguard or enhance the landscape character of the area. The policy is supported by the guidance of the Development in the Open Countryside SPG.

In circumstances where a development proposal would result in the loss of open space or sports and recreational buildings and land, the applicant must comply with the criteria and requirements of paragraph 74 (now 103) of the Framework.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability. Good design should be informed by, and reflect, the history and development of a place.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

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

Policy ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

Paragraph 91 requires that. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Paragraph 103 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports

and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Paragraph 114 states that it should be ensured that safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 116 states that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards and allow for the efficient delivery of goods, and access by service and emergency vehicles.

Officer Comments

The applicant has resulted in a significant amount of comments both in support and against the application. There have been comments that are related to the material planning merits of the case and to issues which are not relevant to it. This report focuses on the material planning merits of the development.

Comments have also been made about the nature of the publicity and whether that was lawful and adequate. The application was publicised by informing immediate neighbours, by publicity in the paper and by a notice on site. This fully fulfils the lawful requirements for publicity.

Principle of the Development

Policy SDP2 of the adopted Pendle Local Plan sets out the principle of development in Pendle. It sets out that there will be a presumption in favour of development but within settlement boundaries. It states that proposals for new development should be located within settlement boundaries. Unlike for housing, where under LIV 1 there is an allowance for sustainable housing sites to come forward outside of a settlement, there is no similar exemption for a development of this nature which lies outside of the settlement boundary. As such to allow the development there would need to be a specific reason to allow it contrary to policy SDP2.

The proposed development is a main town centre use for the purposes of the Framework and Policy WRK4.

Policy WRK4 requires that applications for main town centre uses should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local centres
2. Edge-of-centre locations
3. Out-of-centre sites, which are well served by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

The sequential assessment adequately demonstrates that the sites identified and considered with the assessment area of Nelson and Brierfield are not suitable.

However, Policy WRK4 requires that sites are well served by a choice of means of transport and have a higher likelihood of forming links with a nearby centre. In this case, whilst the No.69 bus

route does stop approximately 230m from the proposed site access, this is a daytime only service with the last bus running to Nelson at 18:21. Wedding receptions will predominantly run to the evening and as such guests will be reliant on private motor vehicles to at least leave the venue.

The proposed venue is not associated with any existing hotel use and there is no such accommodation within close proximity of the site. This would further increase the number and distance of private motor vehicle trips.

Taking into account the above, the proposed capacity of up to 500 guests and that accommodation is likely to be widely distributed, the suggestion of a private mini-bus shuttle buses and other measures set out in the submitted Travel Plan would not adequately address the issue of accessibility.

The applicant has referred to paragraph 89 of the framework in justification, which states "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport)"

This paragraph does not apply to this development because the development does not meet a rural business and community need, the site being outside of a settlement boundary does not in itself result in paragraph 89 being applicable.

The applicant also references decisions for housing development on adjacent sites which were determined to be sustainable locations. However, they were determined to be sustainable locations for minor housing developments, that is fundamentally different to the assessment of a wedding venue with a capacity of 500 guests.

Taking the above factors into account the site is an unsustainable location for the proposed wedding venue use.

Furthermore, the site is located beyond the settlement within the open countryside. Policy SDP2 states that proposals outside of a settlement boundary will only be permitted for those exceptions identified in the Framework or policies of Pendle's Development Plan. The proposed development does not meet any such exception.

A large wedding venue has recently been granted permission in a more sustainable location with the settlement of Nelson. There is no evidence of a need for a wedding venue such as this in Pendle or the wider area which may be weighed into the planning balance. The location is not a suitable, sustainable site for such a venue. The proposed development is contrary to policies SDP2, WRK4, and ENV4 of the Core Strategy.

Open Space and Recreation

The land is designated as open space, included within the same designation as the Nelson Golf Club. A recent appeal decision on adjacent land accepted that the open space was surplus to requirement in the area and as such considered that there were no grounds to dismiss the appeal. The loss of open space and the circumstances that can be allowed is set out in the policy section above. As there is a surplus of this type of open space in the area and as the land does not form part of the golf club it is not in active use. The loss of this open space would not result in material planning harm in terms of open space provision and there are not sufficient planning grounds to

refuse the application on this ground. However, the land does act as a buffer and there is the potential for golf balls to cross into the site resulting in the risk of harm to property and users of the site.

Risk Assessment on Impact of the Golf Course

A revised risk assessment has been submitted with the application which assesses the risk from golf balls to people and buildings within the site. The previous report only assessed the risk from shots from the 1st tee, the revised report includes additional assessment of balls hit from the fairways. The report concludes that the risk level to the site from errant struck golf balls is very low and there is no need for additional protection along the boundary.

Assessment and clarification in relation to the latest report is ongoing, an update will be made to Committee in relation to this.

Visual Amenity and Landscape Impact

The proposed building is a large, glazed structure and the remainder of the site would predominantly cover with car parking and access roads. The proposed development is significantly different in nature, scale and impact to the existing and approved adjacent residential development. The development would appear incongruous in this semi-rural setting and would have a fundamentally harmful impact upon any viewpoint from which it is visible. The visual impact assessment accompanying the application did not adequately address the impacts as it did not address the underlying landscape quality and degree of change as would be required in a landscape impact assessment.

The building would sit towards the top of the site, which is on a hill overlooking a wide valley. The amended plans show the building cut and filled into the hillside with retaining walls to create a levelled area for the building. The level of the building would be lower than indicated in previous plans, which did not accurately show the levels of the site. However, the building would remain in an elevated position on the hillside and, due to its scale and siting, the building would be prominent in views from the east.

Both the building and car parking areas are likely to be very highly prominent from the footway along Nelson Road to the south east of the site and the public rights that run from Nelson Road, and the public rights of way that run adjacent to the south and west boundaries of the site.

Furthermore, lighting from the development would make it prominent when the site is operated in the hours of darkness. Whilst it is proposed that blackout blinds are used to minimise the impact lighting of the glazed building, the details submitted suggest there would be some light bleed which would make the building visible in darkness, furthermore, lighting of the parking and terrace would be a highly prominent and incongruous in this semi-rural setting in the viewpoints in which it is visible.

The prominence of the development together with its design and nature would result in a significant adverse landscape and visual impacts.

Due to the difference in height between the south and east boundaries of the floor level of the building, between approximately 4 and 8m higher, the visual and landscape impact of the development could not be addressed by landscaping. The building is designed and sited to take advantage of the views across the landscape, however, by definition, this will make the building highly prominent.

Whilst it is understandable that the applicant would wish to take advantage of the vista offered by the site, that would have no weight against the impact the development would have on the landscape and visual amenity of the area.

The applicant has submitted a Landscape and Visual Impact Assessment with the application which concludes that the development would not unacceptably impact on the landscape in of the area. I do not agree with that assessment. It does not adequately assess the impact of views from Nelson Road and the adjacent public rights of way, stating that it is a localised impact, the site is clearly and prominently visible, including from elevated positions, along a 380m stretch of Nelson Road from Haggate Cemetery to where it becomes Halifax Road, and from the numerous public rights of way leading from that section. The building would also clearly be visible in longer distance views, such as Photo 6 from FP1306058, Photo 7 from FP130651, in which the site can currently be seen, and would be likely to partially breach the skyline in those viewpoints.

Residential Amenity

The proposed development would be a sufficient distance from the nearest non-associated dwelling (the recently approved dwelling to the southeast) and other non-associated dwellings to ensure that it would not result in any overbearing impact, unacceptable loss of light or unacceptable privacy impact.

There is potential for the operation of the wedding venue to result in unacceptable levels of noise. A revised noise assessment has been submitted with the application. The assessment recommends mitigation in the form of hours of operation, restricted level of amplified music, controls over use of external areas and a 2m acoustic fence to the northern and southern boundaries. The plans have also been amended to remove the previously proposed bifold doors and reduce the external terrace areas.

However, taking into account the proximity of the potential level of impact that could result I do not agree that there is an adequate prospect of the impacts being acceptably controlled.

The noise impacts of the use of external areas would potentially be significant, it is unlikely to be viable to restrict numbers using the external areas proposed in the report. Furthermore, the use of external areas of the site appears unlikely to be restricted solely to those areas identified.

The use of the external areas is likely to result in noise level beyond acceptable levels and it is unlikely to be feasible to control number of guests congregating outside of the building.

Furthermore, the noise impacts of up to 500 guests leaving the premises at the end of the night would be likely to be substantial. The strategies for dispersal of guests and vehicle comings and goings would not be likely to be sufficient to ensure the development does not unacceptable impact upon residential amenity.

Whilst an acoustic fence is proposed, the noise modelling for it only relates to vehicle noise, not the noise generated by guests congregating as they leave, which is likely to occur whatever guidance is put in places from the operators. It also appears that the noise level map does not take into account that the majority of the site is significantly elevated above that boundary and therefore an acoustic fence of 2m would be unlikely to be effective.

Concerns regarding use of fireworks have been raised, this could be controlled by condition.

The noise and disturbance from the development would result in unacceptable impacts upon the residential amenity the approved dwelling to the south of Rockwood contrary to policy ENV5.

Ecology

Concerns have been raised regarding impacts on the ecology. An ecology survey has been submitted with the application. The ecology survey included surveys of surrounding trees for potential bats roosts and of the site for evidence of use by badgers. The trees were found to have low potential for use by bats and no evidence of use by badgers was found. The report concludes that impacts on ecology can be acceptably mitigated with timing of vegetation clearance / pruning to avoid bird nesting season, provision of bird and bat boxes, suitable native species landscaping, reasonable avoidance method statements for hedgehogs and amphibians and pre-development checks. These measures could be ensured by condition, which such a condition in place the proposed development would acceptably preserve or enhance the ecology of the site.

Highways

As detailed above the site is poorly located to support sustainable travel modes, it is an unsustainable location for the proposed use which would be excessively reliant on private motor vehicles for access to the site and access to and from overnight accommodation for travelling guests.

Discussions have been ongoing with LCC Highways and amended details have been submitted proposing extension of the 30mph speed limit zone to restrict vehicle speeds and allow for an adequate visibility splay at the proposed access.

The proposed guest capacity has been reduced to 500 and number of proposed car parking spaces has been increased to 169 and levels plans provided detailing gradients throughout the site.

Comments from LLC Highways are awaited and will be reported to Committee.

Drainage

It has been acceptably demonstrated that the site is not at unacceptable risk from flooding can be adequately drained without resulting in an increase in off-site flood risk. Subject to appropriate conditions the proposed development is acceptable in terms of drainage.

Coal Mining Risk

The Coal Authority originally objected to the development as part of the site lies within an area at risk from former coal mining works. A risk assessment has been submitted and the Coal Authority have withdrawn their objection.

Other Issues

Concerns have also been raised regarding the impact on the adjacent dairy farm in relation to livestock and potential impacts on milk production and therefore the continued viability of the farm. This is not a material planning consideration, only impacts of noise on residential amenity and protected species can be considered.

The Planning Balance

A statement has been submitted setting out the economic and social benefits of the proposed development. The potential economic and social benefits of the development weigh in its favour. However, the unacceptable harms detailed in the sections above are significant, both individually and collectively, and substantially outweigh the potential benefits of the development.

RECOMMENDATION: Refuse

For the following reasons:

1. The development site is located beyond the settlement boundary and is poorly located to support sustainable travel modes, it is an unsustainable location for the proposed use which would result in excessive reliance on private motor vehicles contrary to policies SDP2, WRK4, and ENV4 of the Local Plan Part 1: Core Strategy.
2. The proposed development would result in unacceptable landscape and visual impacts to the detriment of the landscape character and visual amenity of the area, the development is therefore contrary to policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy and the guidance of the Development in the Open Countryside SPG.
3. The proposed development would be likely to result in unacceptable impacts from noise and disturbance upon the approved dwelling on Land to the South of Rockwood to the detriment of the residential amenity of future occupants. The development is therefore contrary to policy ENV5 of the Local Plan Part 1: Core Strategy.

Application Ref: 23/0809/FUL

Proposal: Full (Major): Erection of building and associated infrastructure, including parking, landscaping and a new vehicular access to create a wedding venue.

At: Rockwood, Halifax Road, Nelson

On behalf of: Amor Asset Management Ltd

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH MARCH 2024

Application Ref: 23/0834/FUL

Proposal: Full: Installation of 6 no. roller shutters and relocation of fascia boards/signage.

At: Block Containing 60 To 70, Railway Street, Nelson, Lancashire

On behalf of: Together Housing Association Limited

Date Registered: 15.12.2023

Expiry Date: 09.02.2024

Case Officer: Iain Crouch

Site Description and Proposal

A terrace of six properties fronting Railway street. Class E uses on the ground floor with flats above. The area is primarily residential in character, however is on the edge of the town centre.

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

The proposal is as per the description. To raise the height of the fascia boards to allow external galvanised roller shutter boxes to be installed beneath, between the boards and the tops of the windows. The boxes would be 500mm high and would protrude 350mm from the frontage.

Relevant Planning History

No recorded planning history.

Consultee Response

Highways LCC: No objection

Nelson Town Council: Not received to date (05.02.2024)

PCB Engineering: Not received to date (05.02.2024)

Environmental Health: 'I believe there are residential flats above some of these premises, and some of the business specifically the takeaways are open late, and closing the roller shutters could wake residents. Can we ask that all the roller shutters are motorised, so they close slowly and make minimal noise, rather than crashing to the floor?'

United Utilities: Not received to date (05.02.2024)

Architectural Liaison Officer: Not received to date (05.02.2024)

Public Response

None received to date (05.02.2024)

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Policy SPD 1 (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 SDP2 states that proposals for new development should be located within a settlement boundary unless it is an exception identified in the Framework or the Development Plan.

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.

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 operational development and sets out the aspects required for good design.

Officer Comments

Principle of the development:

The properties are within the Settlement Boundary as defined by the adopted Local Plan. The proposal is acceptable in principle therefore subject to adherence with other development plan policies.

Design:

The Design Principles SPD states in respect of the signage/display area:

Not too high, i.e. below the level of 1st floor windows. **Complies.**

Not too wide, i.e. leaving space for a pilaster either side. **Complies.**

Not too far forward, i.e. not project forward of the pillar or pilaster at the side. **No pilaster either existing or proposed so N/A in this instance.**

Should allow for a security shutter box to be accommodated without coming forward of the pilasters. **No pilaster either existing or proposed so N/A in this instance.**

Not too small. **Complies.**

The Design Principles SPD states in respect of security:

11.19 All security shutters require planning permission. When considering planning applications for security shutters the council will have regard to the following criteria:

The need for additional security. **Not demonstrated within the application however assumed necessary as indicated by submission of the application.**

Whether the need could be met in some more visually acceptable way. **Internal shutters could be installed.**

The design and colour of the proposed shutter. **Proposed to be galvanized steel. If approved I would suggest a Condition requiring a dark, neutral finish applied by the manufacturer for both shutter and box, to minimize the visual impact.**

The visual effect upon the surrounding area. **No external shutters and boxes exist on this terrace presently. Installation of six in a row where none exist presently would be detrimental to the character of the area and the appearance of the terrace.**

11.20 Any external shutters permitted will normally be required to have a factory applied paint finish in a colour appropriate to the remainder of the building and its surroundings. **As above.**

11.21 External roller shutters often detract from the design of the building and the character of the area. Solid shutters with a plain galvanized finish are particularly unattractive. Solid shutters prevent natural surveillance of the shop's interior and replace a shop's display area with dead space. A projecting shutter box may also spoil the frontage appearance. **As above, plus if approved I would suggest a Condition requiring the shutters to be of a perforated design rather than solid.**

The proposal conflicts with the Design Principles SPD and therefore with Local Plan Policies ENV1 and ENV2, plus Para.139 of the NPPF.

Highways:

The Highways consultee does not object.

Residential Amenity:

The EH consultee requests a Condition requiring motorized shutter mechanisms to reduce the potential for disturbance of residents in flats above the Units as a result of businesses opening late, particularly takeaways. The application details do not specify motorized shutters.

As at 05.02.2024 there are no takeaways in this terrace and no extant planning approvals for such. The terrace contains Class E uses and planning permission is required to change from Class E to a sui generis Hot Food Takeaway. As such if the application were approved it will not be reasonable to impose a Condition requiring motorized shutters in the interests of residential amenity.

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

Refuse for the following reason:

The proposed roller shutters and roller shutter boxes would be harmful to the appearance of the terrace and harmful to the character of the area by virtue of their prominence, design and choice of finish. As such they would be contrary to Pendle Local Plan Part 1: Core Strategy Policies ENV1 and ENV2, to the Council's adopted Design Principles Supplementary Planning Document and to Paragraph 139 of the National Planning Policy Framework.

Application Ref: 23/0834/FUL

Proposal: Full: Installation of 6 no. roller shutters and relocation of fascia boards/signage.

At: Block Containing 60 To 70, Railway Street, Nelson, Lancashire

On behalf of: Together Housing Association Limited

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH MARCH 2024

Application Ref: 24/0031/HHO

Proposal: Full: Erection of a two-storey side extension with associated internal alterations and site works.

At 35 Town House Road Nelson Lancashire

On behalf of: Mr. Wajid Hussain

Date Registered: 23.01.2024

Expiry Date: 19.03.2024

Case Officer: Athira Pushpagaran

Site Description and Proposal

The application site is a semi-detached dwelling on Town house road within the settlement boundary of Nelson. The application site is located at the junction between Town house road and Deer stone road. It is visually prominent on approach from both the highways. The main access is from Town house road. The existing dwelling has pebbledash rendered walls, tiled apex roof and a front porch. The residential neighbourhood is characterized by similar buildings following a distinctive building line along Town house road, following a sloping terrain towards Barkerhouse road. The existing side elevation of the dwelling is in line with the next two buildings along Deerstone road. At the time of the site visit there was an approximately 2m high boarded fence to the front and side of the property at the junction between Town house road and Deer stone road.

The proposed development is the erection of a two-storey pitched roof side extension with associated internal alterations and site works.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

Having reviewed the documents submitted, together with site observations, 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 informative note being applied to any formal planning approval granted.

Proposal

The proposal is for the erection of a two-storey side extension, internal alterations and provision of additional off-road car parking. The development would increase the number of bedrooms from three to four.

Car parking

One car parking space is currently provided to the rear of the dwelling and accessed from Deerstone Road. The existing single garage shown on the Proposed Site Plan is considered sub-standard and cannot count as a car parking space. Three car parking

spaces should be provided for a four-bed dwelling in line with recommendations in the borough council's Parking Standards.

The existing off-road parking/hard standing at the rear is proposed to be extended to provide two car parking spaces. As there is a bus stop outside the property on Town House Road public transport could reduce the reliance on the use of private vehicles and so the highway authority will accept the provision of two car parking spaces in this instance.

The parking/hard standing area should be surfaced in a bound porous material to prevent loose surface material from being carried onto the public highway.

In addition, due to the increase in the area of hard standing the surface water should be collected within the site and drained to a suitable internal outfall to prevent it from discharging onto the public highway.

Dropped vehicle crossing

The existing dropped vehicle crossing will need amending to allow access to the additional parking space at the rear of the house onto Deerstone Road. This will need to be carried out under an agreement (Section 171) with Lancashire County Council, as the highway authority.

A section of hedge will need to be removed to construct the dropped vehicle crossing and extended hard standing to allow vehicles to enter/leave independently.

The following conditions and informative note should be applied to any formal planning approval granted.

Conditions

1. No building hereby permitted shall be occupied until dropped kerbs have been installed at the carriageway edge and an amended vehicle cross-over constructed across the footway on Deerstone Road 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 highway/ pedestrian safety and accessibility.
2. Prior to first occupation of the approved development the parking area shown on the approved plans shall be 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.
3. Surface water from the approved hard standing/driveway shall be collected within the site and drained to a suitable internal outfall. Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

Informative note

This consent requires the construction, improvement or alteration of an access to the publicly maintained 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 for the list of approved contractors and to start the Section 171 process.

Parish/Town Council

No response

Environment health

Request a condition on hours of work for operation during construction.

Public Response

The nearest neighbours have been notified by letter with no response.

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.

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 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.

Para 139 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 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 proposed development is in a residential area situated within the settlement boundary of Nelson. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The application site is a pair of semi-detached dwellings situated in a residential area within the settlement boundary of Nelson at the junction between Town house road and Deerstone road. The main access is from Town house road. Along Town house road there is uniformity in design

among buildings on the same side of the road. Within the neighbourhood all the buildings visually connected to the application site are of a similar scale, with slight differences in design elements and materials.

The proposed development consists of a pitched roof two-storey extension to the side accommodating a dining room and guest lounge on the ground floor and two bedrooms and a bathroom on the first floor. The extension would have a hip roof design to match that of the original building and would be in accordance with the guidance laid out by the Design principles SPD.

It is acknowledged that every pair of semi-detached dwellings along Town house road has a porch toward each end of the front elevation creating a symmetric repetition along the street. The proposed side extension would result in the porch being in the middle of the building block rather than at the end, thus adversely impacting the symmetry and balance of the original building.

Along Deerstone road there are 4 dwellings including the application site. The application site and its next 2 neighbouring properties along Deerstone road follow a definite building line. The proposed extension would extend 4.5m to the side beyond the building line and would be set back by 1.47m from the eastern boundary. The existing dwelling has a frontage of 6.2m. The Design principles SPD advises that width of any side extension should not be more than half the width of the original frontage of the property. The extension would breach this guidance and would encroach over the building line and appear prominent in the street scene. The proposed extension would thus have an unduly impact on the character and setting of the dwelling and its surroundings.

The proposed development respects the building line along Town house road and would be flush with the existing front elevation, continuing the existing roofline. The SPD advises that two-storey side extensions must be set back from the front wall of the house by a minimum of 1m with a corresponding lowering of the roof line. The proposed development would not respect this guidance. While the application site being a corner plot prevents any potential or actual terracing effect due to the proposed extension, it would not appear subordinate to the original dwelling. In this case the proposed extension would have an unacceptable impact on the character of the original dwelling and its surroundings in terms of its design and massing.

The existing building has a painted brick plinth, cream pebble dash rendered walls, white UPVC windows and concrete roof tiles. The proposed development would have off-white K-render on walls, white UPVC windows and natural slate roof tiles. This would be in contrast to the materials used on existing building and would create a visual division on the front elevation between the application site and adjoining dwelling No. 33. However, it is acknowledged that there are buildings in the immediate neighbourhood with K-render exterior finishes and brown UPVC windows on their front elevations and blocks with two different exterior finishes. Considering this, the proposed materials would not be completely alien to the setting. This can be controlled through a condition on materials.

Overall, the proposed development would have an unacceptable impact on the character and setting of the dwelling and its surroundings and would be contrary to policies ENV1 and ENV2, para 139 of the NPPF and the guidance set by the Design principles SPD.

Residential Amenity

The proposed extension would have a first-floor bathroom window facing No.37 Townhouse Road across the street. No. 37 has a bathroom window and a landing window on the first floor and a bathroom window on the ground floor facing the proposed extension. The proposed window would be 16.5m away from the windows of No.37. Design principles SPD advises a minimum distance of 21m between habitable room windows in properties that are directly facing each other. However,

since none of these windows are habitable room windows there would be no unacceptable overlooking or privacy issues due to this proposed window.

The proposed extension would have a new bathroom window and a dining room window on the ground floor, and a bathroom window and a bedroom window on the first floor. The bathroom windows would be obscurely glazed and are non-habitable room windows. These proposed windows would overlook the blank gable of No. 1 Deerstone road. The blank gable is 12m away from the proposed extension in accordance with the Design principles SPD. In this case there would be no unacceptable impact on the privacy or living conditions of the neighbours due to the proposed side extension.

Overall, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 and the Design principles SPD.

Highways

The proposed development would result in an increase in number of bedrooms within the dwelling from three to four. There is currently one car parking space to the rear of the property accessed from Deerstone road. The proposal extends the hardstanding for this parking space to add an additional parking space to the rear. In addition to that there is an existing single garage within the application site however this is sub-standard and cannot be counted as a car parking space. Public transport could reduce the reliance on the use of private vehicles and there is a bus stop outside the dwelling on Town House Road, therefore the provision of two car parking spaces is accepted as sufficient for this case.

LCC highways raised no objection to the proposed development, subject to their comments being noted and conditions being applied to any formal planning approval granted.

LCC requests a condition that no building or use hereby permitted shall be occupied or use commenced until dropped kerbs have been installed at the carriageway edge and an amended vehicle cross-over constructed across the footway on Deerstone road. However, since this would be carried out under Section 171 agreement with Lancashire County Council it would not be reasonable to impose this condition.

LCC requests a condition that the surface water from the approved driveway shall be collected within the site and drained to a suitable internal outfall to prevent water from discharging onto the public highway. This can be controlled by a condition requiring details.

Environment Agency (Health)

Environmental Agency has requested a condition to control the hours and days of construction. However, it would be unreasonable to add such a condition for a small householder development.

RECOMMENDATION: Refuse

For the following reason:

The proposed development would be prominent in the street scene, and its massing, scale and design would be inappropriate to the original scale and character of the property and its surroundings, and hence would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan, paragraph 139 of the National Planning Policy Framework and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0031/HHO

Proposal: Full: Erection of a two-storey side extension with associated internal alterations and site works.

At 35 Town House Road Nelson Lancashire

On behalf of: Mr. Wajid Hussain

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH MARCH 2024

Application Ref: 24/0036/HHO

Proposal: Full: Erection of two storey side extension, single storey rear extension with balcony above, erection of rear dormer, raising roof of existing single storey extension and landscaping including excavation to form terrace.

At 281 Barkerhouse Road Nelson Lancashire

On behalf of: Ms. Shanaz Rabia

Date Registered: 22.01.2024

Expiry Date: 18.03.2024

Case Officer: Athira Pushpagaran

This application is brought before Committee as three or more objections have been received.

Site Description and Proposal

The application site is a semi-detached dwelling in a residential neighbourhood within the settlement boundary of Nelson. The main access is from Barkerhouse Road. The existing dwelling is prominently situated within the street scene higher from Barkerhouse Road. Across the road the application site overlooks the open countryside with a few trees and hedgerow between Barkerhouse road and the open countryside. The boundary of the Southfield conservation area lies across the street from the application site.

The neighbourhood has buildings of similar scale but different designs and materials. It is noted that adjacent buildings have exteriors finished in natural stone, K-render, and pebble dash with varying designs of pitched roof elevations. The five buildings to the southeast of the application site along Barkerhouse road follow an established building line. The existing dwelling extends significantly forward from this building line. It is also acknowledged that the gap between the building blocks to the southeast of the application site is significantly smaller than that between the existing dwelling and its immediate neighbour.

The immediate neighbouring block on the other side of the application site towards northwest is on a corner plot and is tilted at an angle. It has a completely different design and is not visually related to the application site owing to its orientation, the slope in terrain and a mature hedge.

The proposed development is the erection of a two-storey side extension, a single-storey rear extension with balcony above, erection of dormer to the rear and raising the roof height of the existing single-storey extension along with excavation to form terrace and subsequent landscaping.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

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

Proposal

The proposal is for various extensions and internal alterations to the existing dwelling which would increase the number of bedrooms from four to six/seven. A new, single integral garage would also be provided.

Car & cycle parking

Three car parking spaces should be provided in line with the borough council's maximum parking standards for a dwelling with four and above bedrooms. The 1:200 Proposed Site Plan (Drawing U188-P03) shows three vehicles parked in front of the dwelling. However, the re-located steps to the house are not shown on this plan and these would reduce the parking area. Furthermore, three vehicles parked as shown would obstruct pedestrian access to and from the dwelling. The layout shown would also require vehicles to be moved onto the highway and does not allow two vehicles to enter/leave independently.

Nevertheless, the highway authority considers that three off-road parking spaces can be provided on site. One space would be within the new garage, which can also provide secure cycle storage and an electric vehicle charging point. Two further spaces could be accommodated elsewhere on the driveway/hard standing whilst not obstructing pedestrian access to and from the dwelling.

In addition, all neighbouring properties have off-road parking provision and, as there are no on-road parking restrictions, the highway authority considers that there is capacity for limited on-road parking.

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

Conditions

1. Prior to first occupation of the approved development the parking and manoeuvring areas shown on the approved plans shall be provided and thereafter always remain available for the parking of vehicles associated with the dwelling and the manoeuvring areas shall be kept free from obstructions in perpetuity.

Reason: To ensure that satisfactory levels of parking and manoeuvring are provided within the site.

2. Prior to first occupation of the approved development an electric vehicle charging point shall be installed. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

Parish/Town Council

No response

Environment Agency (Health)

Request a condition on hours of work for operation during construction.

Public Response

Fourteen letters of objection have been received, raising the following issues:

- Large and disproportionate extension not subordinate to the original building.
- Unsympathetic and poor design.
- Extension appearing out of place.
- Risk of potential terracing effect
- Use of artificial stone on side and rear elevations contrasting existing natural stone exteriors
- Unsympathetic design and materials of dormer
- Concerns of upsetting the balance and symmetry of neighbouring houses.
- Impact on street scene
- Loss of light to neighbour
- Concerns of loss of privacy and overlooking due to the proposed balcony
- Loss of privacy due to windows to proposed side elevation.
- Concern of loss of view of countryside and Pendle Hill
- Removal of flower beds at the front which is a notable feature along the street.
- Disregard to environmental impact due to removal of shrubbery before application submission.
- Intention of applicant to remove the front stone wall though not mentioned on submitted plans impacting the street scene.
- Concerns of potential increase of on-street parking, consequently affecting the neighbours and pedestrian safety.
- Setting precedent for future developments
- Excavation and building of the back terrace impinging upon the watershed.
- Impact on adjacent conservation area
- Potential effect on property value
- Dust during construction affecting neighbours and their garden.
- Absence of design and access statement with application
-

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.

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 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 proposed development is in a residential area situated within the settlement boundary of Nelson. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The application site is a semi-detached dwelling in a residential neighbourhood within the settlement boundary of Nelson. The main access is from Barkerhouse Road. The existing dwelling is prominently situated within the street scene on higher ground from Barkerhouse Road. Across Barkerhouse road the application site overlooks the open countryside with a few trees and hedgerow between the road and the open countryside. The open countryside overlooking the application site is also part of the Southfield conservation area with the boundary lying across the road from the site. The neighbourhood has buildings of similar scale but different designs and materials. It is noted that adjacent buildings have exteriors finished in natural stone, K-render, and pebble dash with varying designs of pitched roofs.

The proposed development consists of demolishing the existing garage and erecting a pitched roof side extension that would accommodate the garage on the ground floor and two bedrooms and a toilet on the first floor. The side extension would not be wider than the existing frontage of the dwelling and would be setback from the party boundary by 1m in accordance with the Design principles SPD. The proposed side extension would be set back from the front elevation by 1.25m on the first floor with a corresponding lowering of the roof line. The proposed side extension in this case would appear subordinate to the original dwelling in its design and scale and therefore would not have an overbearing impact on the character of the building and the street scene.

The side extension would be flushed with the front wall of the existing dwelling on the ground floor and set back by 1.25m from the front on the first floor forming a balcony with the roofline lower than the existing roof. The SPD advises that if the ground floor of a side extension is not set back, the first floor should be set back by 2m with a corresponding lowering of the roof line to avoid an actual or potential terracing effect. However, the adjoining neighbour No. 283 and subsequent neighbours to the southeast follow a building line set back from the front elevation of the existing dwelling by 5m. Due to this staggered arrangement the proposed extension would not create an actual or potential terracing effect. Additionally, it is also acknowledged that the gap between other building blocks on the street is significantly smaller than that between the existing dwelling and No. 283. The proposed side elevation would result in a gap between the dwelling and No. 283 that would be comparable to the gap between other building blocks on the street. Therefore, the proposed side extension would not have any unacceptable impact on the character of the building and its surroundings.

The proposed side extension consists of a balcony to the front with a glazed handrail. The balcony would result in the first-floor elevation of the extension set back from the front elevation of the

original building by 1.25m. The clear glazed balcony would be inconspicuous and would not be prominent on the elevation of the dwelling. Therefore, the proposed balcony would have no unacceptable impact on the character of the dwelling and its surroundings.

The proposed development consists of a single-storey flat roof extension to the rear. It is noted that No. 283 has an existing conservatory to the rear. The proposed rear extension would be setback from the rear elevation of the conservatory of No. 283 by 1.5 m and from the party boundary by 1.2m. It is also noted that there is an existing garden shed of No.283 adjoining the party boundary. Due to it being positioned well into the backyard of the application site and the existing shed, the proposed flat roof extension to the rear would not be visible from any public vantage points. In this case the flat roof rear extension would not have any overbearing impact on the building and its surroundings in terms of its design and scale.

The existing dwelling has natural stone walls, UPVC windows and tiled pitched roof of natural slate. The Design principles SPD advises that when considering materials for extensions, it is important to match the type, size and coursing of the material on the host building. The proposed development would use matching natural stone walls to the front, artificial stone matching the original natural stone walls to the side and rear, slate tiles on the roof and dormers, glazed balcony handrails and UPVC windows. The rear flat roof extension would be roofed in rubber membrane however this would not be visible from any public vantage points. The proposed materials would not be completely alien to the original dwelling however this could be controlled by a condition on materials.

The proposed development consists of two flat-roof dormers to the rear. The original proposal had a single bigger dormer with cement cladding which was amended to the current design in accordance with SPD guidance. The proposed dormers would be set back from the southeastern side elevation by 0.6m and would be blocked from view from the other side due to the pitched roof of the L-shaped element of the existing dwelling. The dormer would be set 0.3 m below the ridge line of the roof and set back 0.5m from the rear elevation. They would also be significantly set back from the rear elevation of neighbouring properties. It is also acknowledged that the thickly wooded banks of Clough head beck before it forms a culvert adjoins the northeastern edge of the application site. The mature trees at the boundary prevent any visual relation between the proposed development and the houses on the other side of the beck on Town house road and Deerstone road. In this case, the proposed dormers would not be visible from any public vantage points. Thus, the proposed dormers would not have any overbearing impact on the visual appearance and character of the existing dwelling and its surroundings.

The proposed dormers would be faced with slate tiles matching the materials of the existing roof. The proposed materials would be sympathetic to the existing building and therefore would not have any unacceptable impact on the character of the dwelling and its surroundings.

As per the drawings submitted the proposed development also involves the installation of roof lights to the front roof and to the proposed and existing extensions to the back. Since the property is not a listed building these could be carried out under permitted development and would not carry any weight in the consideration of this application.

It is noted that neighbourhood objections have been made against the removal of flower beds and shrubbery from the front and rear garden without mention of it in the application. There have also been comments on concerns on assumed intentions of the applicant to remove the existing characteristic garden wall at the front of the property, even though this is not mentioned in the application. It is noted that these elements are characteristic to the neighbourhood, however since these works can be carried out under permitted development and are not part of the application no weight is given to it in the consideration of this application.

The proposed development consists of the formation of a hard surfaced patio to the rear of the dwelling along with excavation to create terraces in the garden. This would not have any unacceptable impact on the character of the dwelling and its surroundings.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 and the Design principles SPD.

Residential Amenity

The proposed development consists of a two-storey pitched roof extension to the side set back from the party boundary by 1m. The proposed side extension would have one bathroom window each on the ground floor and the first floor. The neighbouring No. 283 has an existing living room window on the ground floor set back by 4.3m from the proposed side extension. The design principles SPD advises a minimum separation of 21 metres between habitable room windows in properties that are directly facing each other. However, in this case the proposed windows would not be habitable room windows and there would not be any adverse impact on the neighbour's privacy due to the proposed extension.

The proposed side extension consists of a balcony to the front with a glazed handrail. The balcony would result in the first-floor elevation of the extension set back from the front elevation of the original building by 1.25m. The balcony would have a view to the living room window of No.283, however this would be at an acute angle looking backwards from the edge and would therefore not cause any loss of privacy. The balcony would overlook the front garden of No. 283 however this would not have any unacceptable impact on the neighbour's living conditions and privacy.

The SPD also advises a minimum distance of 12 metres between a principal window to a habitable room in one property and a two-storey blank wall of a neighbouring property. However, in this case the side window of No.283 is not the principal window to the living room and has other windows to the front and therefore the proposed extension would not overshadow to an unacceptable degree or have an overbearing impact on the neighbouring property.

The proposed development consists of raising the roof height of an existing sloping roof extension to the rear adjoining No. 279, by 0.35m. No. 279 already has a rear extension and a small shed adjoining this extension. The increase in height is not significant and is proposed without altering the slope of the roof. There would be no unacceptable impact on the neighbour's living conditions and enjoyment of their home due to this element of the proposed development.

The proposed development consists of a single-storey flat roof extension to the rear. There is an existing extension to the rear elevation of the original dwelling adjoining No.279. It is also noted that No.279 also has an extension adjoining the party boundary. The combination of these existing extensions and the existing hedge and fence at the boundary completely blocks the proposed single-storey flat roof rear extension from No.279.

It is noted that No. 283 has an existing conservatory to the rear. The proposed rear extension would be setback from the rear elevation of the conservatory of No. 283 by 1.5 m and from the party boundary by 1.2m. The proposed rear extension would have no windows to the side. It is also noted that there is an existing garden shed of No.283 adjoining the party boundary. This garden shed and the existing fence between the properties ensure that the proposed rear extension would be blocked from No.283. In this case the proposed flat roof rear extension would not have any undue impact on the living conditions and privacy of the neighbouring properties.

The proposed rear extension has windows and doors facing the rear garden on both ground and first floors and two dormer windows on the roof. It is noted that the application site as well as the neighbouring properties are characterised by long rear gardens. The thickly wooded banks of

Clough head beck adjoin the northeastern edge of the application site. The mature trees at the boundary prevent any visual relation between the proposed development and the houses on the other side of the beck on Town house road and Deerstone road. The first-floor pitched roof element of the existing extension to the northeast blocks all views from the proposed windows on all levels towards No. 279. The proposed rear windows on the ground floor would not have views into the rear garden of No. 283 due to the existing fence between the two properties. The proposed first-floor windows and dormer windows would overlook the rear garden of 283 considering it is a long garden, however the view would be at a tight angle where it is close enough to be intrusive. Therefore, the rear windows of the proposed extension on the ground, first and dormer levels would not raise any issues of overlooking or privacy to neighbouring dwellings.

Overall, the proposed development would not have any overbearing impact on the living conditions and privacy of neighbouring dwellings and would be acceptable in accordance with ENV1 and ENV2 and the Design principles SPD.

Highways

The proposed development would result in an increase in number of bedrooms within the dwelling from four to six/seven. The proposed development consists of a new single integral garage. Three car parking spaces should be provided in line with the borough council's maximum parking standards for a dwelling with four and above bedrooms. The proposal shows three onsite parking and a single garage. However, It is noted three parking spaces to the front would not be practical since this would impede pedestrian movement in and out of the dwelling. The LCC highway considers that three off-road parking spaces can be provided on site with one of them being the new garage and this to be acceptable. There is capacity for limited on-road parking since there are no on-road parking restrictions.

LCC raised no objection to the proposed development subject to their comments being noted and conditions being applied to any formal planning approval granted.

LCC requests a condition that prior to first occupation of the approved development an electric vehicle charging point shall be installed. This is not a material planning issue, and a condition would not pass the tests that must be applied to conditions.

Environment Agency (Health)

Environmental Agency has requested a condition to control the hours and days of construction. However, it would be unreasonable to add such a condition for a small householder development.

Other matters

It is standard practice to notify only adjoining neighbours of planning applications. Objections have been received from neighbours not directly consulted and this has been considered as public response in the determination of this application.

It is noted that the applicant sent in amended design drawings after the expiration of neighbourhood consultation which mitigated most of the concerns raised in objection letters from neighbours.

No weight is given to objections from neighbours on the grounds of loss of private view and effect on property values as these are not planning considerations.

No weight is given to objections from neighbours on the grounds of proposed excavation works' impact on watershed, or dust due to construction works as these are matters of Building Control.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: 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.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

U188 - P02A Existing drawings (received 14.02.24)
U188 - P03.1A Proposed drawings (received 14.02.24)
U188 - P04.1A Proposed elevations (received 14.02.24)
U188 - P01 Site Plans (received 22.01.24)

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

2. Precise details of the external materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works being carried out on the development. The development shall hereafter be undertaken in strict accordance with the details so approved.

Reason: In order to allow the Local Planning Authority to control the external appearance of the development in the interests of the visual amenity of the area.

3. The proposed development should not be brought into use unless and until the parking and manoeuvring areas 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 and the manoeuvring areas shall be kept free from obstructions in perpetuity.

Reason: To ensure that satisfactory levels of parking and manoeuvring are provided within the site.

Application Ref: 24/0036/HHO

Proposal: Full: Erection of two storey side extension, single storey rear extension with balcony above, erection of rear dormer, raising roof of existing single storey extension and landscaping including excavation to form terrace.

At 281 Barkerhouse Road Nelson Lancashire

On behalf of: Ms. Shanaz Rabia

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH MARCH 2024

Application Ref: 24/0049/HHO

Proposal: Full: Erection of a single storey rear extension with flat roof and associated access ramp.

At: 49 Rutland Street, Nelson, Lancashire

On behalf of: Mr. F Mahmood

Date Registered: 29.01.2024

Expiry Date: 25.03.2024

Case Officer: Athira Pushpagaran

Site Description and Proposal

The application site is a semidetached dwelling situated in a residential neighbourhood within the settlement boundary of Nelson. The dwelling is situated at the end of a cul-de-sac with terraced houses and semidetached dwellings within its immediate vicinity. The main access is from Rutland Street. The application site is part of a cluster of semidetached houses with no established building lines. The dwelling is placed at an angle to the street with the site boundary having a slightly folded shape. There is currently an extension to the front. The existing dwelling has rendered walls, aluminum framed glazed windows and an apex pitched roof of concrete roof tiles. There are two small trees in the backyard outside the application site close to the party boundary.

The proposed development is the erection of a single-storey rear extension with flat roof and associated access ramp.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

No objection

Parish/Town Council

No response

PBC Environmental health

Request a condition on hours of work for operation during construction.

Public Response

One letter of objection has been received, raising the following issues:

- Too close to the party boundary
- Overlooking rear yard

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.

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 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 proposed development is in a residential area situated within the settlement boundary of Nelson. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The application site is a semidetached dwelling situated in a residential neighbourhood within the settlement boundary of Nelson. The dwelling is situated at the end of a cul-de-sac with terraced houses and semidetached dwellings within its immediate vicinity. The application site is part of a cluster of semidetached houses with no established building lines. The dwelling is placed at an angle to the street with the site boundary having a slightly folded shape. The existing dwelling has rendered walls, aluminum framed glazed windows and an apex pitched roof of concrete roof tiles.

The proposed development consists of a single-storey flat roofed extension to the rear to accommodate an accessible bedroom and toilet. The extension would follow the shape of the site and would be slightly folded northwards towards the neighbouring 51 Rutland Street. The proposed extension would not be highly visible from any public vantage point and therefore would not be prominent in the street scene and would not adversely affect the character of the building and its setting.

The proposed development consists of erecting an access ramp to the side of the existing building to provide wheelchair access to the bedroom. This could be built under permitted development, but it is being considered as part of the application in this case since it has been added to the application. Due to the orientation of the dwelling within the street the ramp would not be visible from the street and not have any unacceptable impact on the character of the building and its setting.

The proposed extension would have cream colour k-rendered walls, single ply rubber roofing membrane on the roof and white UPVC framed windows and doors. The existing dwelling has cream coloured rendered walls, brown aluminium framed windows and doors and a concrete tiled pitched roof. The proposed extension would use materials not completely alien to the host dwelling. This could however be controlled through a condition on materials to ensure the proposed development uses materials similar to the existing.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 and the Design principles SPD.

Residential Amenity

The existing rear elevation of the dwelling is in line with the rear elevation of adjoining No. 51 Rutland Street. The proposed rear extension extends 6m beyond the rear elevation of the dwelling. The Design principles SPD advises that a single-storey extension of depth greater than 4m will normally only be permitted if it does not breach the 45-degree guidance. In this case the proposed extension would breach the 45-degree guidance for the ground floor window of No.51. The proposed extension would have an overbearing impact on the neighbouring property and therefore would be unacceptable.

The extension has a window to the side overlooking the rear garden and rear habitable windows of No 51. However, the view from the proposed window would be at an oblique angle towards the neighbour's window and would not have an unacceptable impact on the neighbour's privacy. Therefore, this element of the proposed development would not be unacceptable.

The proposed extension would have a window towards the South facing the rear elevations of No.s 52 and 54 Newport Street. No.s 52 and 54 have habitable windows facing the proposed extension approximately 9m away from it. However, it is acknowledged that the neighbours are situated higher than the application site and there is an existing fence and sheds of both neighbours along the southern boundary. This would mean that any views from the proposed window to the ground floor windows of these neighbours would be sufficiently blocked and any views to first floor windows would be at an oblique angle towards the ceiling. Therefore, there would be no unacceptable overlooking or privacy issues due to the proposed window to the Southwest elevation of the extension.

The proposed development consists of erecting an access ramp to the side of the existing building to provide wheelchair access to the bedroom. This could be built under permitted development, but it is being considered as part of the application in this case since it has been added to the application. However, the ramp would have no unacceptable impact on the residential amenity of neighbours.

The proposed extension would have a window towards the Northwest facing the rear elevation of 68 Regent Street. The proposed window would be 15m from the windows of No.68. The Design principles SPD advises a minimum separation of 21m between habitable room windows directly facing each other. This guidance would not be respected by the proposed extension for windows of No. 68. It is however noted that the impact on the ground floor windows of No. 68 could be

mitigated by a 2m high fence though a condition. However, the proposed window would overlook the first-floor window of No.68. It is also acknowledged that there is a slope in terrain from the application site to No.68. Therefore, in this case the proposed rear window of the extension would have an unacceptable impact on the privacy and amenity of neighbours.

Overall, the proposed development would be unacceptable in terms of residential amenity since it would have an overbearing impact on the amenity of neighbours causing obstruction of outlook, overlooking and loss of privacy. It would thus be contrary to policies ENV1 and ENV2, and the guidance set out in the Design principles SPD.

The personal circumstances of the applicant are noted in the need for facilities for a disabled member of the family. Whilst the need for the extension is understood and acknowledged the personal circumstances of an applicant are not material consideration that can be given any weight unless the planning merits of the case are finely balanced. They are not here with there being clear detrimental impacts on the living conditions and privacy of neighbouring properties.

Other matters

It is noted that the two trees in the rear yard close to the site boundary are low grade hedging trees and therefore the proposed development would not impact any protected trees.

RECOMMENDATION: Refuse

For the following reason:

The proposed development would have an overbearing impact on the residential amenity of neighbours resulting in an unacceptable impact on the living environment of the occupants of 51 Rutland Street and a loss of privacy to the occupants of 68 Regent Street and hence would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan, and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0049/HHO

Proposal: Full: Erection of a single storey rear extension with flat roof and associated access ramp.

At: 49 Rutland Street, Nelson, Lancashire

On behalf of: Mr. F Mahmood