

<b>REPORT OF:</b>	<b>THE PLANNING, BUILDING CONTROL AND REGULATORY SERVICES ASSISTANT DIRECTOR</b>
<b>TO:</b>	<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>
<b>DATES:</b>	<b>20TH MARCH 2024</b>

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT FOR DEVELOPMENT MANAGEMENT COMMITTEE ON THE 20<sup>TH</sup> 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 has been referred to Development Management Committee from the Nelson, Reedley and Brierfield Committee. The proposal would result in a significant departure from policy.

## **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 Supplementary Planning Document and Paragraph 134 of the National Planning Policy Framework.

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