

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 25TH MARCH 2024

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 25TH 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. The application was deferred from an earlier committee (04.03.24) to consult Growth Lancashire.

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.

Growth Lancashire (Conservation Officer)

Having reviewed the proposal and the Southfield conservation area appraisal, I do not think there will be any impact on the significance of the Southfield conservation area, the significance of which lies in its attractive pastoral landscape, containing a number of buildings of architectural and historic interest, and stone boundary walls.

The application site lies outside the boundary and does not contribute to its significance. While the proposed development may be visible from within the conservation area, although there is a tall hedge limiting visibility, the proposed development will not erode its special character, as the host building itself does not form part of its significance, but forms part of a later settlement that is unrelated to the conservation area. Although the proposed development may appear modern, it will be viewed in the context of existing development along this road. For the same reason, the proposal will not impact on the Grade II listed building Lower Townhouse Farm, which lies some 100m to the southeast.

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.

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

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 application seeks to erect a two-storey side extension with a single storey rear extension. Two rear dormers are also proposed. The principal material considerations for the application are as follows:

Design

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 situated within the street scene on higher ground from Barkerhouse Road. Across Barkerhouse road the application site faces the open countryside with a few trees and hedgerow between the road and the open countryside. The Southfield conservation area with the boundary being contiguous with the site.

The site is the first of a set of semi-detached properties that extend up this section of Barkerhouse Road. To the northwest the site is approached via a former Council house estate which has a mixture of designs and styles. To the south east the style of property changes. Immediately adjoining to the southeast is a pair of semidetached stone houses with end gable features facing the road. Beyond those there are two sets of rendered semidetached properties followed by a hipped stone house which in turn is followed by a large detached house with a high steep angled

gable feature. The context of the application site is of a mixture of designs of properties, different scales being built of a range of materials.

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 front of the house would be the most prominent publicly. The house sits circa 4.5m forward of the dwelling to the south east. Although there is not a full set back of the whole design the purpose of the set back is principally to prevent a terracing effect occurring. The gap between 283 and this site and the forward position of the site means that there would be no terracing impact that would result from the side extension.

The design of the side extension at the front would see the ground floor part level with the front wall with the first floor set back a metre. There is an existing canopy over the front of the house which adds some depth into the design. The first-floor setback and the presence of the existing canopy would result in the development being an obvious extension to the dwelling and subservient in nature leaving existing house being the key feature.

There would be a patio door feature at the first floor to allow access onto a narrow balcony. This would depart from the design of the existing house but would be a clear modern feature and would not be poor in design in itself. Were there to be a uniformity in styles and designs of properties in the locality there would be a greater weight given to having a feature that fits in with surrounding designs. However, each set of properties has different designs with different fenestration details and use of materials. In the overall context of the area the design would not be unacceptable.

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 could be used and there are concerns about potential overlooking. The fronts of the houses are open to public view from the road. The angle to look into windows of the houses from the balcony would require someone to look round the balcony which is itself only 1m wide so is not likely to be used often due to the size. On balance it is not likely that the balcony would lead to a loss of privacy but if there were concerns about that an extended screen could be required by condition to prevent any direct overlooking.

The proposed development consists of a single-storey flat roof extension to the rear. 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. There is an existing garden shed of No.283 adjoining the party boundary. The single-story extension has no windows in it and would not result in any loss of light or privacy for the occupants of the adjoining house.

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 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.

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.

The application seeks to erect two dormer windows. As indicated above the smaller dormer on the existing part of the roof would be permitted development and is granted automatic planning permission through the Town & Country Planning (General Permitted Development) Order 2015. The other proposed dormer is not characteristic of other dormers in the area. It however would sit next to a flat roof dormer build under permitted development rights. It sits to the rear of the property and would not be visible from any public vantage point as the rear is masked by existing houses and the vegetation in gardens. The design impact would be minimal and there would be no public planning harm as the dormer would not be visible from public vantage points. On balance therefore it would be acceptable.

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

Heritage

The proposal is located outside the boundary of the Southfield Conservation Area. The application site is a semi-detached dwelling and is not itself a heritage asset. The comments of our heritage consultants have been sought post the last Committee meeting. The advice that has been received is that the site itself does not contribute to the significance of the conservation area notwithstanding that it can be seen from it and is within its setting. Further that the development would not erode its special character, as the host building itself does not form part of its significance, but forms part of a later settlement that is unrelated to the conservation area. Although the proposed development may appear modern, it will be viewed in the context of existing development along this road. For the same reason, the proposal will not impact on the Grade II listed building Lower Townhouse Farm, which lies some 100m to the southeast.

I agree with the comments of the conservation adviser. The site does not have an impact on the significance of the conservation area and as such the proposed development does not need to be weighed against any public benefit, in accordance with paragraph 202 of the Framework.

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. These would need to be obscure windows and as such would have no impact on privacy.

Two rear dormer windows are proposed. The smaller one is on the existing roof and could be erected using permitted development rights. It does not need planning permission. The larger dormer would have windows that face the rear gardens of the site and adjoining neighbour at 283. The application site currently has windows in the side gable facing number 283 and first floor window facing the rear garden. The dormer windows would have the shared roof (with 279) that would obscure some of the views into 279 leaving longer distance views of the rear garden. Rear windows at upper floors are however found in all properties surrounding including 283 which has windows that allow views into 285 and the application site. Upper floor windows that do not look into other windows are features in all two storey and above houses. It would be unreasonable to refuse an application that allows windows at upper floors that are found in every two-storey property.

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.

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. These are not for consideration in this application and should not form the basis of any discussion about the merits of what is being proposed.

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.

2. 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.

3. 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.

4. 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.

5. The windows in the side elevation facing 283 Barkerhouse Road shall at all times be obscurely glazed to level 5. The windows shall be hung in such a way as to prevent the privacy afforded by the obscure glazing being negated through opening. No other windows whatsoever shall be installed at any time in the southeast elevation of any part of the development.

Reason: In order to protect the privacy of the occupants of the adjoining property.

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 25TH MARCH 2024

Application Ref: 24/0078/FUL

Proposal: Full: Erection of two dwellings.

At: Garage site to North of 203-205 Barkerhouse Road, Nelson

On behalf of: Mr Wajed Iqbal

Date Registered: 22/02/2024

Expiry Date: 18/04/2024

Case Officer: Laura Barnes

This application is before Committee because the applicant is an employee of the Council..

Site Description and Proposal

The application site relates to a plot of land which is to the rear of dwellings on Barkerhouse Road. It runs perpendicular to Barkerhouse Road and parallel to dwellings on Marsden Hall Road and Rowland Avenue. The site is a former garage site where three garages remain and the rest have been demolished prior to the submission of this application.

The proposed development seeks to erect two detached dwellings within the site, with the existing three garages remaining.

Relevant Planning History

22/0660/FUL: Full: Erection of perimeter fencing (2.4m height) and entrance gates.
Approved with conditions

Consultee Response

LCC Highways

The submitted documents and plans have been reviewed and the following comments are made.

Proposal

The application seeks to erect 2 x 4 bedroom detached dwellings with 4 car parking spaces externally for plot 1 and 3 spaces for plot 2.

The site is a garage colony, 3 garages will remain on site.

Access

The unnamed side road between 203 – 205 Barkerhouse Road and the back street to the rear of Barkerhouse Road is adopted highway. The carriageway is 6-7m wide and with footways to both sides.

There is an existing paved access to the site to the existing garage colony.

This is considered acceptable to serve the proposed 2 dwellings.

The site plan should show the existing paved access arrangement and boundary details. Also provide surface details of the other existing and proposed soft and hard paved areas within the site. The hard paved areas will require a surface water drainage scheme.

Pedestrian connectivity

There are pedestrian ginnels linking Marsden Hall Road and Rowland Avenue via the garage colony site. The development would sever this link and would be detrimental to pedestrian movements. We would recommend that the proposal is amended to ensure that this link is maintained.

Refuse

The refuse wagon will not enter the site and a refuse collection point should be provided within the site adjacent to the back street of Barkerhouse Road.

Parking

The Pendle Borough Council parking standards require 3 spaces per 4 bedroom dwelling and a secure, covered cycle store. The proposed car parking provision is acceptable and each dwelling will require a cycle store.

Conclusion

Lancashire County Council acting as the Highway Authority would request amendments and further details as shown above.

Should the application be approved the following conditions are requested.

1. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Details of working hours
 - ix) Routing of delivery vehicles to/from site

Reason: To mitigate the impact of the construction traffic on the highway network

2. Details of boundary treatment along back Barkerhouse Road, details of external surface treatments and surface water drainage shall be submitted and approved and with the scheme implemented prior to the first occupation of any dwelling. Reason: To ensure adequate visibility at the site access and to protect highway safety.

3. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in accordance with the approved materials and made available for use and maintained for that purpose for as long as the development is occupied. Reason: To ensure adequate parking provision is provided.

4. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom. Reason: To support sustainable travel.

5. A pedestrian link shall be maintained between Marsden Hall Road and Rowland Avenue to the northwestern edge of the site. Reason: For pedestrian connectivity.

United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

DRAINAGE

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.

Environmental Health

Request for a construction method statement to be covered by condition.

Environment Officer (Trees)

There are mature trees directly adjacent to the site on the northern and southeastern boundaries, therefore, I will need to see some form of tree information. A minimum of a Tree Protective Fencing Plan that will be in accordance with BS 5837 is required prior to the determination of the application.

Public Response

Nearest neighbours have been notified by letter, without response.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

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

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

The following saved Replacement Pendle Local Plan policies also apply:

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.

Principle of the Development

The application site is on a disused site within the settlement boundary. It is located within a residential area. As such, the principle of development is acceptable, subject to design and amenity issues.

Design

The proposed layout of the site works with the existing form of the site in that it is a long narrow strip of land. Vehicular access would be taken off the end of the site which adjoins the back street at Barkerhouse Road. This is an existing vehicular access. The layout plan indicates that one dwelling would sit to the north eastern end of the site and face towards Barkerhouse Road whilst the other detached dwelling would be positioned to the opposite end of the site facing towards the other plot, with the rear facing Barkerhouse Road. Both dwellings are to be identical in terms of the floor plan and elevational detail. They are to comprise a large open plan kitchen / dining area to the ground floor with two lounges and a ground floor WC. To the first floor each plot is to have four bedrooms, there is to be a family bathroom and a store at the top of the stairs. Two of the four bedrooms are to be ensuite.

The proposed dwellings are to be constructed from artificial stone, with a slate roof. The surrounding area is made up of dwellings which are either natural stone terraced properties or pebble-dashed post-war semi-detached / terraced dwellings. The proposed materials are acceptable, samples of the material can be secured by condition in order that they are a suitable match to the surrounding dwellings.

In terms of the boundary treatments, the applicant has proposed 2m high close boarded fencing to each boundary with the exception of the entrance / access. This would be an acceptable boundary treatment within a residential area. Final details of the specification for the fencing could be secured by condition.

The proposed development is in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Impact on Amenity

The proposed development has been laid out so that there is a distance of 21m between the proposed plot 1 and plot 2. The principal elevations would face each other with a parking and turning area in the centre.

Turning to Plot 1, there is a distance of 12m between the gable end of plot 1 and the rear boundary of the existing single storey extension at No. 14 Marsden Hall Road. The other properties on Marsden Hall Road would be greater than 12m from the proposed dwelling. This accords with the separation distances set out in the Design Principles SPD. To the rear of Plot 1 there are no properties which directly face the rear elevation within a 21m distance. To the side closest to Rowland Avenue, there is a separation distance of 12m. Given that the side elevation of plot 1 is to

be a blank elevation, there would be no unacceptable impact upon neighbouring amenity here. As set out above, there is a separation distance of 21m between the proposed dwellings. This would not result in an unacceptable impact upon neighbouring amenity for future occupiers and accords with the SPD in this regard.

Turning next to plot 2, there is a distance of 12m between the side elevation of the proposed dwelling and the rear elevation of the dwelling at 7 Rowland Avenue. This is an acceptable distance and would not result in an unacceptable neighbouring amenity issue. To the rear of plot 1 there is to be a garden and the existing garages, with a separation distance of 23m to the rear of the dwellings on Barkerhouse Road. This is acceptable. To the side elevation of plot 2, there is to be a distance of 20m to the closest property on Marsden Hall Road. This is acceptable given that the side elevation of plot 2 is to have a blank elevation and there are no windows serving habitable rooms.

Environmental Health have requested that a construction method statement is submitted in order that the construction phase nuisance can be controlled in relation to the neighbouring properties. This is something which can be secured by planning condition.

Overall, the proposed development would not result in an unacceptable impact on neighbouring dwellings and accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Highways and Access

The highways authority have recommended amended plans indicating a refuse storage area so that bins can be moved to this area on collection days. They have also requested clarification on the ginnel which provides pedestrian connectivity to Marsden Hall Road and some further detail on the footpaths into the site. This request has been relayed to the agent and amended plans are anticipated. Subject to the submitted information being acceptable to the highways authority and from a highway safety perspective, delegated powers are sought to grant consent.

In terms of the number of parking spaces, the proposal is acceptable in this regard.

Drainage

United Utilities have responded to the application stating that the drainage hierarchy must be followed in relation to the final drainage strategy. This is something which can be secured by planning condition.

Trees

The application site does not have any trees within it. There are some mature trees within the rear gardens of neighbouring properties. The Council's Environment Officer has requested further detail on how these trees would be protected during the construction phase of any development. This information has been requested of the agent and information is anticipated.

It is recommended that the approval of the application, and any revised conditions necessary, is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the receipt of amended plans for access arrangements / footpath and satisfactory tree protection information.

RECOMMENDATION: Delegated Grant Consent

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan T Ref:QRQM22272205322207, Proposed Site Plan AB153-01 received 11/03/2024, Proposed Site Plan with plots 1&2 AB153-02, Proposed Elevation Plan AB153-06 received 11/03/2024, Proposed Roof Plan AB153-05, Proposed Ground Floor Plan AB153-03, Proposed First Floor Plans AB153-04.

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

3. Samples of materials including descriptions shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 2 l/s;
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning

Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

6. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

7. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting including the replacement trees for those which have been removed, and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C & D of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard residential amenity.

9. Before any dwelling unit is occupied waste containers shall be provided and shall be stored within the boundaries of each property.

Reason: To ensure adequate provision for the storage and disposal of waste.

10. No development shall take place, including any works of clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities/ mechanical road sweeping
- vi) Measures to control the emission of dust and dirt during construction
- vii) Details of working hours
- viii) Timing of deliveries
- ix) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

11. Prior to first occupation each dwelling shall have an electric vehicle charging point. 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 adequate provision for sustainable transport.

12. Notwithstanding any permitted development right granted under the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), there shall be at no time any openings inserted into the side elevations of plots 1 or 2 without the prior written consent of the Local Planning Authority.

Reason: In the interests of neighbouring amenity.

13. Full details including samples of boundary treatment along back Barkerhouse Road, details of external surface treatments and surface water drainage shall be submitted and approved and with the scheme implemented prior to the first occupation of any dwelling.

Reason: To ensure adequate visibility at the site access and to protect highway safety.

14. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in accordance with the approved materials and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

15. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom.

Reason: To support sustainable travel.

16. A pedestrian link shall be maintained between Marsden Hall Road and Rowland Avenue to the northwestern edge of the site.

Reason: For pedestrian connectivity.

17. The development shall be carried out in strict accordance with the details in the arboricultural impact assessment.

Reason: In the interest of protecting the trees on the boundary of the site, to be retained.

Informative Note

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the Local Planning Authority.

Application Ref: 24/0078/FUL

Proposal: Full: Erection of two dwellings.

At: Garage site to North of 203-205 Barkerhouse Road, Nelson

On behalf of: Mr Wajed Iqbal

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 25TH MARCH 2024

Application Ref: 24/0079/FUL

Proposal: Full: Change of use from a takeaway (Sui Generis) to a beauty salon (Sui Generis).

At: 78 Leeds Road, Nelson.

On behalf of: Wajed Iqbal.

Date Registered: 20/02/2024

Expiry Date: 16/04/2024

Case Officer: Joanne Naylor

This application is brought before the Committee as the applicant is an employee of the Council.

Site Description and Proposal

The application site is a hot food takeaway “The New Rice bowl” located on a corner plot formed by Leeds Road and Stansfield Street. The application site is a two storey end terrace of three and has a garage to the rear. The site has shop fronts on the front and side elevation. The site is located in the Badley Area Action Plan Boundary and within the settlement boundary of Nelson. St. Phillips Church of England Primary School is to the rear of the site and located within an area of commercial / business use and residential, and outside the town centre boundary.

The proposal seeks to change the use of the ground floor from hot food takeaway (Use Class Sui generis) to a beauty salon (Use Class Sui Generis). The proposal would alter the interior of the ground floor by erecting partitions to form rooms for hair salon, two facial rooms, manicure section, with two toilets and a private room. External alterations are also proposed to remove the existing garage door and insert a window and door to the side elevation and insert one window to the rear elevation.

Relevant Planning History

13/10/0123P: Advertisement Consent: Display new illuminated fascia signs. Approved with Conditions (31st March 2010).

13/10/0009P: Full: Replacement shop front. Approved with Conditions (8th February 2010).

Consultee Response

LCC Highways

LCC Highways raise no objection to the proposed change of use from takeaway (Sui Generis) to beauty salon (Sui Generis) and are of the opinion that the proposal would not have a significant impact on highway safety and capacity in the immediate vicinity subject to notes and conditions.

The existing vehicular access on Stansfield Street would be removed and pedestrian access replace it. For the existing crossing frontage to the garage door on Stansfield Street, would require a Short Form Section 278 with a new footway and a formed kerb arrangement.

The site is considered an edge of town centre location with access to local amenities and facilities including public transport, and is considered a sustainable location, with a public car park on Chapel Street.

There are No Waiting At Any Time restrictions on Leeds Road, and restrictions to the main entrance of the school of no stopping 8am-6pm Monday to Friday outside school. LCC Highways recommend a condition is placed to restrict the times of deliveries to ensure no conflict with traffic, both vehicular and pedestrian at peak times.

Parish/Town Council

No comment.

Public Response

Nearest neighbours have been notified, no responses received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Policy WRK 4 Retailing and Town Centres seeks development to make a positive contribution to the Town Centre or Local Shopping Centre.

Replacement Pendle Local Plan

Saved Policy 25 (Location of Service and Retail Development) relates to the location of service and retail development.

Saved Policy 26 relates to non-shopping uses in town centres.

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute

the Government's view of what sustainable development in England means in practice for the planning system.

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

Design and Materials

The application site is currently run as a hot food takeaway (Sui Generis) to the ground floor, the applicant seeks a change of use to a beauty salon (Sui Generis).

The application site is within the Town Centre Boundary and a Secondary Shopping Frontage, it is accessible from the town centre and close to main bus routes and access to a public car park close by. The proposal is a commercial business located in an end terrace, there are residential properties within the vicinity and a primary school to the rear of the site on Stansfield Street.

Policy 25 of the Replacement Pendle Local Plan that new retail and service development which includes Sui Generis, should be located within a defined town centre, local shopping centre or local frontage, the proposal is located on the edge of the defined town centre of Nelson. Policy 25 also states that in edge of town centre locations will be restricted to non-food retail or Sui Generis, that it has safe access and parking and cycling provision provided in line with standards. The proposal seeks a change of use to beauty salon, the site is accessible by sustainable transport, and there is a zebra crossing on Leeds Road close to the site, parking is available at Chapel Street Car Park which is in walking distance to the application site.

Policy 26 of the Replacement Pendle Local Plan that proposals for non-shopping uses to a defined shopping frontage in a town centre or defined shopping frontage will be approved unless the proposal would result in the total proportion of non-shopping uses exceeding a defined secondary or local frontage by 50% in terms of frontage length. The proposal is located on a terrace row of three properties with the proposal located on the ground floor of the end terrace. The proposal would not exceed 50% of the frontage.

Policy 26 also requires that the hours of operation and car parking and servicing provision are satisfactory. The existing hot food takeaway operates Tuesday to Saturday 5:15pm to 10.30 pm and Sunday 6pm to 11pm. The proposed beauty salon would operate Monday to Friday 9am to 6pm, Saturday 9am to 6pm, and Sunday and Bank/Public holidays 10am to 4pm, the proposal would operate within 9am to 6pm which would have less impact on nearby residents in terms of activity later in the evening than the existing use of hot food takeaway. As noted above, Leeds Road has public transport routes, and parking is available at Chapel Street Car Park which is in walking distance of the application site.

Policy WRK 4 seeks to avoid hot food takeaways in close proximity to establishments that are primarily attended by children and young people. The application site is currently a hot food takeaway and this application seeks a change of use to beauty salon which would make the takeaway redundant.

The proposal would have some internal changes in terms of partitioning the floor space to provide rooms for beauty treatments and provide two toilet facilities.

The external changes would relate to replacing the existing garage door with a upvc door and window, and a window to the side elevation of the existing garage. Plan AB0150 indicates that new signage would be located above the proposed door and window of the garage, in this case advertisement cannot be granted through this process and would require the submission of a planning application for advertisement.

The proposal would replace the existing signage above the shop front on the front elevation and the side elevation to advertise the business.

Subject to conditions, the design and materials of the proposed development are acceptable in this location and as such comply with Policy WRK 4 and Policy ENV 2 of Pendle Local Plan Part 1: Core Strategy, Saved Policy 25 and Saved Policy 26 of the Replacement Pendle Local Plan and the Design Principles SPD.

Amenity

The application site is in a location where there are a mix of uses with commercial, residential, education and health care use. The primary school is to the rear of the site, and the hospital across Leeds Road.

The proposal seeks a change of use from hot food takeaway (Sui Generis) to beauty salon (Sui Generis). The existing hot food takeaway operates Tuesday to Saturday 5:15pm to 10.30 pm and Sunday 6pm to 11pm. The proposed beauty salon would operate Monday to Friday 9am to 6pm, Saturday 9am to 6pm, and Sunday and Bank/Public holidays 10am to 4pm, the proposal would operate within 9am to 6pm which would have less impact on nearby residents in terms of activity later in the evening than the existing use of hot food takeaway.

The proposal would seek some external changes to the ground floor, with the proposal removing the existing garage door and inserting a window and door to the side elevation and to insert one window to the rear elevation.

The proposed door and window would face towards the commercial business opposite the application site on Stansfield Street, here the view would be that of the ground floor window with advertisement and the shop window on the side elevation, here these windows would not be for residential use as the ground floor commercial business.

There are residential properties on Stansfield Street, the proposal would view towards the windows to the outrigger and to the window on the rear elevation of the dwelling house, No. 14 Stansfield Street is at a higher level of land than the application site and is circa 25 m from the ground floor windows of No. 14, the Design Principles SPD states that for habitable room windows facing each other a distance of 21m should be maintained, here the distance is 25m which would have no unacceptable impact on residential amenity.

The proposal seeks to insert a new window to the side elevation of the existing garage at ground floor level. The proposed window would face towards to the blank boundary wall of the Primary School which is circa 3.5m high, the proposed window would not result in overlooking to the school playground due to the height of the boundary wall of the school playground and the application site being set at a lower land level.

The proposal would have no unacceptable residential amenity impact to neighbouring properties and the primary school, therefore the proposal conforms with Policy ENV 2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principle supplementary Planning Document.

Highways

LCC highways raise no objection to the proposal subject to the following comments and conditions applied.

The existing vehicular access to the garage on Stansfield Street will be removed and reinstate pedestrian access under a Short Form 278 with a new footway and a formed kerb arrangement.

LCC Highways also requested to restrict the timings of deliveries between 9am and 2:30pm to avoid peak traffic on the surrounding highway network. The proposal is for a beauty salon (Sui Generis), it would be unreasonable to restrict the timings of deliveries where the alterations to the site would be limited to replacing the garage door with a door and window, the insertion of a window and internal alterations.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, Existing and Proposed Elevations & Roof Plan AB0150, Elevation Plan – Existing & Proposed AB0150 (received 20 February 2024), Proposed Ground Floor Plan.

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The use hereby approved shall not operate outside the hours of 9am and 6pm Monday to Saturday and between the hours of 10am and 4pm Sunday and Bank/Public Holidays.

Reason: In the interest of amenity.

5. The formation of the pedestrian entrance replacing the garage door shall not commence until a scheme for the reconstruction of the footway has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented prior to first use of the approved development. Works shall include, but not be exclusive to:

- the re-construction of the footway along the frontage on Stansfield Street to an appropriate

standard.

Reason: To ensure that a vehicular access is acceptably closed in the interest of highway safety.

Informative Notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (short form Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the reconstruction of the footway to an appropriate standard. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
2. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

Application Ref: 24/0079/FUL

Proposal: Full: Change of use from a takeaway (Sui Generis) to a beauty salon (Sui Generis).

At: 78 Leeds Road, Nelson.

On behalf of: Wajed Iqbal.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 25TH MARCH 2024

Application Ref: 24/0152/HHO

Proposal: Insertion of dormer windows to front and rear roof slopes and the erection of a single storey rear extension.

At 100 Chapel House Road, Nelson, Lancashire

On behalf of: Mr Ahmed Shabbir

Date Registered: 05.03.2024

Expiry Date: 30.04.2024

Case Officer: Athira Pushpagaran

Site Description and Proposal

The application site relates to a mid-terrace dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Nelson, in a residential area.

The proposal is for a pitched roof dormer to the front and rear roof slope, to create two additional bedrooms in the roof space. It also seeks planning permission for the erection of a single storey, flat roof extension to the rear to accommodate a kitchen and shower room.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

No response

Parish/Town Council

No response

Public Response

The nearest neighbours have been notified by letter with no response at the time of drafting this report. The neighbour consultation expires on 26th March 2024.

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

The proposal is for a pitched roof dormer to the front and rear, which dominates the entire roof slope of the dwelling which has a harmful effect upon the character and appearance of the original dwelling. To the front elevation, this also has a wider effect on the street scene in a terrace which has a simple and uninterrupted roof line. The proposed dormers are to be clad with grey hanging tiles on its walls and or slate with an EPDM rubber roof membrane. Whilst to the rear a dormer may be inserted under Permitted Development in some circumstances, one of the conditions within the Permitted Development order is that the materials are similar in appearance to the existing roof materials. The materials for both the dormers differ from the original slate roof of the dwelling. However, to the rear elevation there would not be an unacceptable impact upon the visual amenity of the area. As such, the front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact upon visual amenity, whilst the rear dormer is acceptable in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

The proposal also consists of a rear extension to accommodate a kitchen and a shower room adjoining the party boundary with 102 Chapel house Road. The design principles SPD states that Single storey extensions to terraced properties should not normally extend beyond the line of existing additions in order to maintain the character and appearance of such areas. There are

other rear extensions and outbuildings adjoining the rear boundary of site within the terrace that has a variety of flat and pitched roof designs. Considering this context of the existing dwelling the proposed rear extension would not be out of keeping with the character of the dwelling and its terraced setting. The SPD also states that such extensions to the rear of terraced properties to extend the kitchen or other ground floor accommodation should still retain sufficient yard area for the storage of bins, seating and to hang out washing. The rear extension would also leave sufficient space in the back yard for bins and washing.

Overall, due to the dominance of the dormer to the front roof slope the design and materials of this development are unacceptable in this location and as such conflict with Policies ENV2 and the Design Principles SPD.

Residential Amenity

The proposed dormer is to have a window to the front elevation. There are no windows to the side elevation. The proposed dormer would be no closer to the dwellings on the opposite side of Chapel house Road than the existing front elevation windows, as such they would not cause any greater neighbouring amenity issue. Similarly, the dormer to the rear is to have windows facing towards the backstreet however these are no closer than the existing windows to the rear of the dwelling.

The rear extension would only have windows opening to the rear yard of the application site. The existing 2m tall stone boundary wall would block any views from the proposed extension to the neighbours ground floor windows. The view from the proposed windows to the neighbour's first floor windows would be at an oblique angle towards the ceiling and would not create any privacy issues.

Although the Design Principles SPD sets out that extensions along a party boundary of 4m in projection would usually be acceptable, in this case the proposed extension is to project out by 6m from the existing rear wall of the dwelling. However, given that there is already an existing outbuilding within the rear yard at No. 102 which breaches the 45-degree angle of the centre point of the rear window at No. 102, the proposed projection would not result in an unacceptable effect upon neighbouring amenity.

Moreover, the proposed extension is to have a flat roof which extends to the stone lintel above the existing ground floor window. As such this would not result in an overbearing impact on the dwelling at No. 102. The total height of the proposed extension is 3.9m but the application site sits at an elevated position compared with the rear yard and back street. It is the same for the neighbouring dwellings which are to either side of the application site. Due to the change in levels between the dwelling and the rear yard, it would not result in the same impact as if there were a 3.9m high extension along the party boundary were this a flat site. The measurement from the ground floor level to the highest part of the flat roof would be 2.7m. At 2.7m in height this is 0.2m above what could be positioned on the party boundary under Permitted Development rights for an outbuilding under Part 1, Schedule 2, Class E of the GPDO. The difference in height of 0.2m between Permitted Development rights and the current proposal would not result in such a detrimental effect that it would unacceptably affect the neighbouring amenity.

It needs to be considered that there is an existing outbuilding at 102 Chapel house Road with a stone boundary wall between the two. The proposal would project greater than the 4m out from the rear elevation and would be located on the party boundary with No. 102. The impact of the proposal would result in minor detrimental impact on the neighbour due to the proposed extension being taller than the existing boundary treatment and outbuilding, on balance it would be unreasonable to not approve the proposed development when the neighbours adjoining the application site have an outbuilding extending to the rear boundary.

Due to the proposed offset from the shared boundary with No.98, there would be no unacceptable impact in terms of loss of privacy or overbearing effect upon the occupants of No. 98.

In conclusion, the proposal would not result in any unacceptable neighbouring amenity issues and accords with Policy ENV2 and the Design Principles SPD.

Highways

No comments have been received from the highways at the time of drafting this report. The proposed development would increase the number of bedrooms to the dwelling which would increase the number of parking spaces required. However, as with other examples of dormers to terraced properties, the proposed development would not result in an increase or decrease in the number of car parking spaces provided. As such, the proposed development would not worsen the existing car parking situation.

RECOMMENDATION: Refuse

By virtue of its position to the front elevation of the dwelling, the proposed dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 24/0152/HHO

Proposal: Insertion of dormer windows to front and rear roof slopes and the erection of a single storey rear extension.

At 100 Chapel House Road, Nelson, Lancashire

On behalf of: Mr Ahmed Shabbir