

UPDATE REPORT FOR DEVELOPMENT MANAGEMENT COMMITTEE ON THE 11TH APRIL 2024

23/0491/HHO: 29 Romney Street, Nelson

Following the publication of the committee report, the applicant has submitted additional amended plans.

Residential Amenity

Amended plans have been submitted for the proposed two storey rear extension which has been reduced from 6m in length to 4m in length. The proposed rear extension would extend 4m from the rear elevation of the dwelling house and would be located on the party boundary with No. 29 Romney Street. The Design Principles SPD states that for single storey rear extensions located on or immediately adjacent to the party boundary with neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation. The proposed ground floor element of the rear extension would be acceptable. The proposed rear extension would have a pitched roof above the single storey element which would be acceptable.

The proposed first floor of the rear extension would be set away from the party boundary with No 27 Romney Street by circa 2.55m, which would mitigate any overbearing impact to No. 27 Romney Street.

The proposed first floor of the rear extension would be set away from the party boundary by circa 2.55m and extend 4m from the rear elevation of the dwelling. No. 27 Romney Street has a habitable room window to the rear elevation at first floor. The proposed first floor of the rear extension would not breach the 45 degree guidance to No. 27 first floor window. The proposal would conform to the limits identified in the Design Principles SPD in terms of rear extensions and therefore would be acceptable.

The proposed balcony would be erected at first floor level to the front elevation, No. 27 Romney Street has a bedroom window close to the party boundary at first floor, it would be possible for the applicant to look back towards No. 27 bedroom window, here a privacy screen at 1.8m high could be conditioned to ensure no overlooking or loss of privacy to No. 27 first floor window. Similarly, No. 31 Romney Street has a side elevation window at first floor, the proposed two storey side extension would be set back from the front elevation by 1.8m and would have a balcony erected at first floor with a maximum depth of 3m at the side elevation. It would be possible for the applicant to view towards No. 31 bedroom window on the side elevation when standing, a condition could be placed for a privacy screen to the side elevations of the balcony to mitigate any potential overlooking or loss of privacy to No. 27 front bedroom window and No. 31 side elevation window.

The proposed side extension would have two ground floor windows to the side elevation facing No. 31, these windows serve a shower room and hallway, a condition could be placed for obscure glazing the ground floor shower room, to the first floor there is a bathroom window facing towards the side elevation of No. 31

which has a first floor bedroom window, a condition could be placed for the bathroom and shower room windows to be obscurely glazed to preserve the privacy of the neighbours.

To the rear elevation, the proposal would have bi-folding doors and window to the rear elevation and an additional window to the first floor. There are dwelling houses to the rear of the application site, the proposed rear windows would face towards the rear elevation of dwellings on Avondale Road, the application site is at a lower land level than the dwellings to the rear and there is a distance of more than 30m between, therefore the proposed rear windows would not result in an unacceptable impact to the residential amenity of dwellings on Avondale Road.

Subject to conditions for obscure glazing and privacy screens to the balcony, the proposed development would not result in an unacceptable impact to the residential amenity of neighbouring properties, therefore the proposal would be acceptable and conform with Policy ENV2 and the Design Principles SPD.

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: Location Plan (received 10 April 2024), Elevations 1 Drawing No 3 (received 29th March 2024), Elevations 2 Drawing No 4 (received 29th March 2024), 1, Proposed Plans Drawing No 2 (received 29th March 2024), Proposed Parking Layout (received 27th September 2023).

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

3. The external materials used in 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. Prior to the first use of the development hereby permitted, the ground floor shower room window and the first floor bathroom window shall at all times be obscure glazed to a minimum of obscurity of Pilkington Level 5 (or equivalent). Any replacement glazing shall be of an equal degree of obscurity. The glazed window shall be hung in such a way so as to prevent the effect of the obscure glazing being negated by way of opening. No other openings shall at any time be installed in the elevations containing these windows.

Reason: In order to prevent any loss of privacy to the occupants at Number 31 Romney Street, Nelson.

5. Prior to the first use of the balcony hereby approved, a privacy screen shall be installed to the side elevations of the balcony in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation. The screen shall thereafter be permanently retained in full accordance with the approved details.

Reason: To ensure the development does not adversely affect the privacy and amenity of the occupants of Number 27 Romney Street, Nelson and Number 31 Romney Street, Nelson.