

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

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATES: 22ND JULY 2024

Contact Details: 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 DEVELOPMENT MANAGEMENT COMMITTEE ON 22 JULY 2024

Application Ref: 24/0247/VAR

Proposal: Section 73. Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0197/FUL.

At: Land To The North East Of Saint Thomas Church, Wheatley Lane Road, Barrowford

On behalf of: McDermott Homes Ltd

Date Registered: 15/04/2024

Expiry Date: 15/07/2024

Case Officer: Alex Cameron

This application has been referred to Development Management Committee as Barrowford & Western Parishes committee resolved to refuse the application for reasons of privacy and heritage impacts which, taking into account the previous appeal decision, would result in a significant risk of costs at appeal.

Site Description and Proposal

The application site is 3.24 hectare area of agricultural land within the open countryside adjacent the settlement boundary of Barrowford. St Thomas' Church and school are to the west, Wheatley Lane Road / Church Street to the south and a private access drive to dwellings and dwellings on Lupton Drive to the north and east, with open land beyond to the north west. The southern part of the site adjacent to Wheatley Lane Road / Church Street falls within Barrowford Conservation Area and there is a band of protected trees around the boundary of the site.

Planning permission has been granted on appeal for a proposed development of 79 dwellings on the land. This is an application to vary condition 2 (plans) of that planning permission to amend the layout and design of the development. The amended layout would result in a reduction in the number of dwellings to 75. The layout would remain similar to the approved development, with the same access and general layout but alterations to house types and minor changes to the internal layout.

Relevant Planning History

22/0197/FUL - Full: Major: Erection of residential development of 79 dwellings and estate infrastructure, including construction of new access from Wheatley Lane Road plus ancillary open space and landscaped areas. Appeal allowed

24/0211/NMA - Non-Material Amendment: Amend the description of the development of Planning Permission 22/0197/FUL to "residential development and associated works". Approved

Consultee Response

LCC Highways – Revised comments in response to the amended plans:

The site access arrangement was agreed and discharged under application 23/0333/CND. Condition 5 drawing DART engineers Ltd S278 site access works 23147-DR-C-0801-P2 agreed the site access carriageway width of 6.5m for the first 20m and then reduced to 5.5m. This is reflected on the submitted drawing.

Raised tables are included to ensure a self-enforcing 20mph speed limit is provided. The pedestrian link has been removed to the north east of the site onto the lane which serves Oaklands Coach House. This is not a recorded public right of way therefore we would raise no issue with the removal of this link.

The hedges between the driveways and along the frontage of the dwellings will need to be kept below 1m high to ensure visibility is maintained for drivers negotiating the driveways. This will need to be conditioned.

Lead Local Flood Authority – No objection.

Conservation Consultants – Revised comments in response to the amended plans:

The amended design now provides a more organic design, and the former uniform spacing between houses which created a more suburban appearance, is broken up by provision of terraces at varying heights, and the omission of the lean-to porches is positive in providing simple elevations as would be expected traditionally, allowing the buildings to assimilate well into their surroundings. The removal of fencing and replacement with natural stone walling, and confirmation that the walling to this elevation will be natural stone with natural slate roofs is positive, and will not cause any additional harm to the character or appearance of the CA than the original application.

The proposal, currently outlined in the submission documents, represents no increased level of harm to the Barrowford CA, and the proposal conforms with policies ENV1 and ENV2 of the Core Strategy, and guidance contained in the National Design Guide and Conservation Area Design and Development Guidance SPD.

Barrowford Parsh Council – Object. This Section 73 application if approved will in effect be a new application with new documentation and Grant of Permission notice. Barrowford Parish Council considers that this new application should be kept within the Conditions set out by the Planning Inspector in the appeal decision.

There does not appear to be a supporting letter with the application to make clear which plans are seeking to be replaced. This should be clear for members of the public and statutory consultees.

Approved Scheme 79 Units – Proposed variation 75
Approved scheme 11 House types – Proposed 15

Whilst it is accepted that there is a reduction in the overall number of units on the site, of particular concern is the elevational detail including proposed materials along the Wheatley Lane frontage.

The Planning Inspector specifically referred to the materials and design detail of the properties along Wheatley Lane frontage. Barrowford PC wants to ensure that the design quality is not diluted and still complies with the assessment that the Inspector made in his decision.

The approved plans for the frontages to Church Street (Wheatley Lane Road) are abutting the conservation area which runs into the development site were considered by the Inspector to not have a detrimental affect on the setting and amenity of the Conservation Area. The house designs are of a more traditional design with stone lintels, jambs and sills with mullions to the larger windows to the front elevation and a stringing course at ground floor lintel level. The houses that show a side elevation have gables and show symmetry in the window layout which also have stone lintels, jambs and sills. The treatment of the door openings giving a column and portico effect gave a Regency aspect to the frontages the use of blue slates also completed the traditional design.

The three nearest buildings within the Conservation Area consist of Oaklands Farm a large late 18th century farmhouse built for a prosperous farmer with a more recently converted barn attached. The mid-19th century Oaklands Lodge which although modest in size has architectural features as befitting its association with Oaklands House the third is the former St Thomas School which dates from the early 19th century and has mullioned windows and period design.

The Proposed House types along Wheatley Lane resemble a generic modern house design readily available on the developers' other sites. The designs may be acceptable when not in close proximity to a Conservation Area and key ancient gateway into Barrowford. The look is a pastiche, but not quite achieving the design and material qualities of the approved housing scheme.

The removal of jambs, mullions and other architectural features, thicker framed plastic windows instead of jambs and mullions, the inclusion of lean-to style porches to some of the house design types and dormer windows clad in unspecified materials are detrimental to the setting and amenity of both the Conservation Area, the streetscape and the essential views contained in the Barrowford Neighbourhood Plan.

Barrowford Parish Council object strongly to the proposed revision to housing design types on the grounds that the proposed designs do not conform with Panning Inspectors decision, and would be detrimental to the setting and amenity of the Conservation Area.

The Parish Council would consider removing its objection if new plans which better reflected the setting and materials in both design and materials for these prominent houses highlighted in the Appeal decision.

Relevant parts of the Appeal decision

'Para 12': The design of the dwellings to the front of the site take into account features of nearby buildings, and include mullioned windows, stone roof coping and stone detailing. The frontage properties would follow a traditional form and proposed materials include natural stone and slate.'

The revised house types along Wheatley Lane frontage do not have stone copings and do not have stone mullions as stone on the approved scheme. As this was something which was specifically picked up by the Inspector, it should follow through in any subsequent permissions. The Wheatley Lane frontage forms part of the Conservation Area and should be respected and enhanced as such.

'Para 13 – The proposed materials (including artificial stone and grey roofing slates) and design of the dwellings (including those not located to the front of the site) would not be out of character with other dwellings in the locality which vary in design character and appearance.'

It is noted that there is general materials condition (10 of 2022/0197 FUL) which should follow through on any subsequent decision.

'No above ground works shall take place until samples of the materials and finished of the external walls, roofs, windows and doors to be used in the construction of the

Wall and access detail

It should be clear that there are no changes to the access and wall detail as detailed on plan reference 22-105-P64 A . There does not appear to be a plan which seeks to amend this in the latest variation plan. wall, plan number

Window detail

Condition 20 of approval 2022/0197 states;

20). The window openings of the dwellings hereby permitted shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Will the revised house types still achieve this level of design detail?

Public Response

Press and site notices posted and nearest neighbours notified. Responses received objecting to the development on the following grounds:

- Heritage impact of loss of part of the wall
- Inferior landscaping scheme
- Loss of trees
- Loss of privacy
- Highway and pedestrian safety impacts
- Inadequate parking
- Increased flood risk
- Impact on local services and facilities
- Impact on wildlife and protected species
- Disruption from construction

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 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 states that all new development should seek to deliver the highest possible standards of design and meet future demands whilst enhancing and conserving our heritage assets.

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

Barrowford Neighbourhood Development Plan (BNDP)

BNDP 01 – States that housing developments which are acceptable in principle in accordance with the LPP1 will be considered in relation to the following relevant criteria: design confirming to policies ENV2 and LIV5, protection and enhancement of the Parish's landscape settings in accordance with BNDP 08 and ENV1, protection and enhancement of designated and non-designated heritage assets in accordance with the Framework, do not have an unacceptable impact on residential amenity impacts, are sustainably located and appropriate to the surrounding context.

Design and Heritage Impact

In allowing the appeal for this development the inspector stated that: "The design of dwellings to the front of the site take into account features of nearby buildings, and include mullioned windows, stone roof coping and stone detailing. The frontage properties would follow a traditional form and proposed materials include natural stone and slate. Boundary planting, once established, would filter views of the development."

"The proposed materials (including artificial stone and grey roofing slates) and design of the dwellings (including those not located to the front of the site) would not be out of character with other dwellings in the locality which vary in design, character and appearance."

The materials approved in the existing permission were natural stone walls and detailing and natural slate roofs to plots 1, 32-45, artificial stone and concrete tile roofs to all other plots. The approved materials for all door and window frames were black UPVC.

The only difference in the materials of the proposed amended plans would be that rear elevations of the plots along the frontage, and side and rear elevations of plots 69 and 70 which there is a narrow gap between, would be finished in a cream render with stone quoins. Taking into account that the rendered rear elevations would not be visible from the conservation area, only the parking area to the rear of the properties, and the side elevations would be obscured between properties, the proposed change to the materials would not result in harm to the significance of the Conservation Area and be acceptable in terms of visual amenity.

The original plans submitted with this application proposed more generic house types to the frontage, and the Conservation Consultants comments were that this would lead to additional less than substantial harm to the Conservation Area. The plans have been amended to better reflect the character of the area, with stone roof copings, mullioned windows, varied roof heights and removing the lean-to porches in favour of more traditional appearing plain front elevations. This has resolved the Conservation Consultant's concerns, they have advised that the amended plans would result in no additional harm to the Conservation Area, I concur with their advice.

Residential Amenity

Concerns have been raised regarding the revised positions of plots and resulting impacts on the

privacy on adjacent dwellings. The amended design would result in Plot 1 being closer to Oaklands Lodge.

The nearest window of the previously approved Plot 1 was 21.9m from the nearest window of Oaklands Lodge, at a view angle of 27 degrees the first floor window in the rear gable elevation.

The nearest window of proposed amended design and position of Plot 1 would be 20m from that window at an angle of 29 degrees.

The 21m guideline in the Design Principles SPD relates to windows which face each other. If there is an offset view that would have a mitigating effect on potential privacy impacts and should be taken into account.

Taking into account that the view would be at an angle of 29 degrees, rather than directly facing, the minor deviation from the 20m separation distance would not result in an unacceptable loss of privacy and is acceptable.

All other plots would maintain well over 21m (35m or more) from habitable room windows in surrounding properties.

Highways

The issues raised by LCC Highways have been resolved. It has been raised that hedges adjacent to driveways should be kept to less than 1m in height. The landscaping of the development is controlled by condition 6 the submitted layout does not represent a landscaping scheme and condition 6 is not proposed to be varied. A separate discharge of conditions application has been made for condition 6 and this matter can be controlled in that determination.

Other conditions

The recommended conditions 3 (construction method statement), 4 (estate street phasing), 5 (access works), 7 & 8 (contamination) and 10 (materials) have been updated to reflect the details approved under discharge of conditions and condition 19 revised to include foul drainage as an updated drainage plan has not been included in the submitted plans.

It is recommended that the application be approved.

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 accords with Local Planning Policy and 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.

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RECOMMENDATION: Approve

1. The development hereby permitted shall begin not later than 3 years from 23rd February 2023.

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: 22-105-P01, SL-01B, EL01, AW-01, SS04, ASH 1.7, BEA 1.7, BRO 1.7, CHA 1.7, CHU 1.7, EAS 1.7, GRA 1.7, HEA 1.7, HEN 1.8, MIL 1.7, OAK 1.7, SHE 1.7, WAL 1.7, WAR 1.7, WIN 1.7, WIN 1.8, WINS 1.7, SS04.

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

3. The development shall be carried out in accordance with the submitted Construction Method Statement and CMS Plan 22-105-P81, notwithstanding any indication in the Construction Method Statement unless otherwise approved in writing by the Local Planning Authority the hours of operation for construction works shall be limited to Monday to Friday 08.00 – 18:00, Saturday 09:00 – 13:00 and no working on Sundays.

Reason: In the interest of highway safety and residential amenity.

4. The development shall then be carried out in accordance with the submitted Estate Street Phasing and Completion Plan.

Reason: To ensure the phasing and completion of estate streets serving the development are completed.

5. The site access shall be constructed to base course in accordance with the approved plan No. AW-01 prior to any delivery vehicle movements being commenced.

Reason: In the interest of highway safety.

6. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- a) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
- b) planting plans;
- c) written specifications (including cultivation and other operations associated with plant and grass establishment);
- d) schedules of plants noting species, plant supply sizes and proposed numbers/ densities;
- e) boundary treatment[s];
- f) vehicle parking layouts;

- g) hard surfacing materials;
- h) an implementation programme (including phasing of work where relevant);
- i) a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and in the interest of highway safety.

7. The development shall be carried out in accordance with the submitted Ground Investigation Report,

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters, the environment and archaeology.

8. The remediation scheme shall be carried out in accordance with the Ground Investigation Report, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before the development is occupied.

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters, the environment and archaeology.

9. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters, the environment and archaeology.

10. The materials and finishes of the external walls, roofs, windows and doors used in the construction of the external surfaces of the dwellings hereby permitted shall be in accordance with the submitted document 'Condition 10 - Materials Details'.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and the significance of the Conservation Area.

11. The following package of measures shall be implemented, through a S278 Agreement under the Highways Act 1980, in accordance with details to be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwelling:

- a) dropped kerb/tactile paving on Wheatley Lane Road/ Church Street to connect internal footway links to wider network;
- b) Two bus stops on Wheatley Lane Road at bus stops 2500LAA07261;
- c) Kerb realignment at Hill Top/ Church Street junction to assist pedestrians; and d) Introduction of associated traffic regulation orders.

Reason: To ensure that the final details of the highway scheme/works are acceptable before first occupation in the interest of highway safety.

12. Within 3 months of the development hereby permitted commencing, engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council specification) of the internal estate roads shall be submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

13. No dwelling hereby permitted shall be occupied until visibility splays 2.4 metres back from the centre line of the access and extending 40m to the east side and 44m to the west side on the nearside carriageway edge in both directions have been provided at all accesses/junctions, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

14. No dwelling hereby permitted shall be occupied until details of the arrangements for future management and maintenance of the estate road within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: To ensure provision for the management and maintenance of the estate road in the interest of highway safety.

15. The internal estate roads and pedestrian links to the eastern and western corners of the site joining Wheatley Lane Road/ Church Street shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling.

Reason: To ensure that the estate road and pedestrian links are constructed in the interest of highway safety.

16. No dwelling shall be occupied until the driveways and parking areas have been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by

the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.

Reason: To ensure an adequate level of car parking provision in the interest of highway safety.

17. Prior to first occupation, each dwelling shall have access to a secure bicycle store at a ratio of 1 cycle space per bedroom. That space shall thereafter be kept available for the parking of bicycles.

Reason: To support sustainable transport.

18. Prior to first occupation, each dwelling shall be fitted with 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 current electric vehicles.

Reason: To support sustainable transport.

19. No dwelling hereby permitted shall be occupied until foul and surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's nonstatutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: • provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; • include a timetable for its implementation; and, • provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

20. The window openings of the dwellings hereby permitted shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development and to protect the significance of the Conservation Area.

21. The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Preliminary Ecological Appraisal (dated October 2020). Prior to the occupation of the first dwelling, a scheme of ecological enhancement shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure the ecology of the site is enhanced and protected species are not harmed by the development.

22. The approved Travel Plan (dated March 2022) shall be implemented, monitored and reviewed in accordance with Travel Plan Targets which shall be submitted to and approved in writing by the local planning authority in accordance with the timing set out in the submitted Travel Plan.

Reason: To reduce the number of car journeys and deliver sustainable transport objectives.

23. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy (dated March 2022, reference LRD31208 Revision B, prepared by Sutcliffe). The measures shall be implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

24. A CCTV survey of any culvert which crosses below the proposed highway and existing highway along the site frontage (Wheatley Lane Road/ Church Street) shall be undertaken within 6 months of the completion of the development. Any identified defects resulting from the survey shall be rectified within 6 months of the survey.

Reason: In order to avoid unnecessary maintenance liability prior to adopting the highway network.

Application Ref: 24/0247/VAR

Proposal: Section 73. Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0197/FUL.

At: Land To The North East Of Saint Thomas Church, Wheatley Lane Road, Barrowford

On behalf of: McDermott Homes Ltd

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 22nd JULY 2024

Application Ref: 24/0267/HHO

Proposal: Full: Erection of a front and rear dormer to facilitate a loft conversion and a first-floor rear extension.

At 119 Clayton Street, Nelson, Lancashire

On behalf of: Ms Shabnam Kanval

Date Registered: 26.04.2024

Expiry Date: 21.06.2024

Case Officer: Athira Pushpagaran

This application was deferred from the DM committee on 18th June to give the applicant an opportunity to submit an amended scheme.

The new scheme sets back the dormers from the side elevations and the front elevation. The front dormer would have a pitched roof instead of a flat roof and the first-floor extension would be set back from the party boundary to mitigate the overbearing impact on adjoining neighbour. The dormers would also be clad in grey tiles instead of the earlier proposed composite cladding.

Site Description and Proposal

The application site is an end terrace dwelling situated within a predominantly residential neighbourhood within the settlement boundary of Nelson. The dwelling is situated at the corner where Clayton Street meets Albert Street. The main access is from Clayton Street, with the gable elevation facing the street. There is an ATC hut across the street from the application site to its northwest, a window supplier warehouse to the North and the Whitefield Infant School and Nursery to the southwest. The existing dwelling has stone walls to all sides except the elevations to the back street which are finished in render and pebbledash, UPVC doors and windows with stone surrounds and a pitched roof of tiles. The application site is situated within the Whitefield Conservation Area.

The proposed development is the erection of front and rear dormers to accommodate 2 new bedrooms and a bathroom by a loft conversion and a first-floor rear extension. The proposal would increase the total number of bedrooms from two to four.

Relevant Planning History

13/10/0364P Full: Erection of domestic single storey extension to rear. Approved with Conditions

Consultee Response

Highways

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Parish/Town Council

No response

Public Response

One neighbour objection has been received raising the following issues:

- impact on the natural light at the rear of the property
- plants growing out of the ledge formed by existing extension
- the application site's rainwater flows into neighbour's rain pipe

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.

Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁵, taking into account any local design guidance and supplementary planning documents such as design guides and codes

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

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 principal material considerations for the application are as follows:

Design and Materials

The Design Principles SPD advises that 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. A dormer should be set below the ridge line of the original roof by at least 0.2m. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The proposal seeks to erect a pitch roofed dormer to the front and a flat roofed dormer to the rear elevation. The dormers would both be set back from the western side elevation by 0.65m. The front dormer would be set back from the front elevation by 0.65m. The dormers would still dominate the roof slope of the dwelling and would have 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 would have grey dormer tiles on its front and side walls and membrane on its roof. The materials of the dormers would be similar in appearance to the original tiled roof of the dwelling. To the rear a dormer may be inserted under Permitted Development in some circumstances. However, the application site being an end terrace dwelling situated at a street corner, its rear elevation is also highly visible on the street scene. Therefore, the proposed dormers would cause harm to the character and appearance of the original dwelling and have a wider impact upon visual amenity and would be unacceptable in accordance with Policy ENV2 and the Design Principles SPD

The proposal also consists of a first-floor rear extension above an existing ground floor extension. Design principles SPD advises that two storey extensions should normally have a pitched roof and should not breach the 45-degree guidance for neighbouring properties. In addition, where the properties are attached and the neighbouring property has no extension adjacent to the boundary, any first-floor element of an extension should be set in from the party boundary by a minimum of 1m.

The proposal includes a first-floor extension adjoining the party boundary and would be flat roofed. The proposed extension would have stone finish to the elevation facing Clayton Street and render to the side and rear elevations. There is no context of other two-storey rear extensions in the neighbourhood visually connected to the application site. The proposed second-storey flat roof extension would be set back from the ground floor element by 1.5m and would not breach the 45-degree guidance. However,

it would be highly visible from public vantage points and would have an unacceptable impact on the character of the street scene.

Overall, the proposed development represents poor design and conflicts with paragraph 139 of the Framework, policies ENV1 and ENV2, the Conservation Area Design and Development Guidance SPD and the Design principles SPD.

Heritage

The application site takes a prominent position within the Conservation Area, given that it is the end terraced property on a row which has a gable onto Clayton Street. The front dormer would interrupt the otherwise continuous and simple roofline of the terrace along Albert Street, and the rear dormer would be highly visible from Clayton Street. The proposed dormers would result in harm to the character and appearance of the Whitefield Conservation Area, which is made up of terraced dwellings without dormers. The harm to the Conservation Area would be “less than substantial” but would not be outweighed by any benefit, in accordance with paragraph 208 of the Framework. As such, the proposed development does not accord with the Framework in relation to heritage assets.

Residential Amenity

The proposed development would have three new windows to the gable elevation facing Clayton Street. These windows would not face any residential properties and would look towards the ATC hut across the street. The proposal would introduce two new dormer windows to the front and rear of the terrace. The front dormer would look towards the Whitefield Infant School and Nursery while the rear dormer would look directly towards a Garage site. The rear dormers would also have views into the rear windows of 69 Stanley Street separated by a distance of circa 13m. However, there is an already existing relationship between rear windows of both the terraces facing each other and the proposed dormers would not have any greater impact.

The existing rear extension already breaches the 45-degree guidance for the ground floor rear window of adjoining No.62 Albert Street. The proposed first-floor extension would be set back from the ground floor by 1.5m and would not breach the 45-degree guidance for the first-floor windows. The proposed extension in this case would not have any greater impact on the living conditions of No 62 and would be acceptable on balance.

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

Highways

The development raises no issues of highway safety.

Other Matters

Neighbours have raised objection in relation to an existing issue with rainwater. This is not a material consideration in the determination of this particular application as it relates to an existing issue. Proposed development cannot be expected to resolve existing issues. Similarly, a complaint about plants growing on a ledge overhanging the neighbouring dwelling is a private matter which is not determinative in this case.

RECOMMENDATION: Refuse

For the following reason(s):

1. By virtue of its position upon a prominent roof slope 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 Whitefield Conservation Area. It represents poor design, contrary to paragraph 139 of the Framework and is in conflict with paragraph 208 of the Framework because the harm is not outweighed by any public benefit. The proposal is also contrary to Policies ENV1 & ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 24/0267/HHO

Proposal: Full: Erection of a front and rear dormer to facilitate a loft conversion and a first-floor rear extension.

At 119 Clayton Street, Nelson, Lancashire

On behalf of: Ms Shabnam Kanval