

Nelson, Brierfield and Reedley Committee – Planning Update Report – 5th
August 2024

24/0320/HHO - 262 Manchester Road, Nelson

Update to replace the residential amenity section removing the third paragraph which was retained from a previous draft report in error:

The Design principles SPD advises that two storey extensions will be acceptable only if they do not breach the 45-degree rule.

All the dwellings within the terrace already have 4m long two-storey outriggers to the rear. These existing outriggers have windows to the eastern side elevation and a blank wall to the west, with the western wall of the outrigger only separated from the eastern windows of its neighbour by circa 1.7m.

The proposed extension would extend more than 4m from the rear lounge windows on both the basement and ground floor of No.264 and would breach the 45-degree rule for those windows. Effectively, this would leave the rear windows at No. 264 in a tunnel / corridor with an overbearing extension either side of them. These are habitable room windows and therefore the proposed extension would have an unacceptable overbearing impact on the living conditions on the occupiers of No.264.

The proposed extension would also breach the 45-degree guide for the rear kitchen window on the existing outrigger of No.260 marginally. However, this is a kitchen and not a dining kitchen and therefore less protection is afforded to it than living spaces such as lounges and bedrooms. Considering it is a marginal breach to a kitchen window, on balance, there would be no unacceptable impact on the living conditions of the residents of No.260 due to the proposed extension. The proposed bathroom windows on both floors would overlook the rear garden of No. 260. There is only an existing circa 1.5m high stone wall at the party boundary. Any possible overlooking of the neighbour's rear yard due to these proposed windows can be controlled through a condition to obscure glaze them.

The proposed extension faces the rear yard and windows of No. 4 Kensington Street which are circa 5m and 7m away respectively across the street from the proposed rear extension. The SPD advises a separation of 12m between a habitable room window and a blank wall of properties facing each other. However, in this case it is noted that the existing outrigger was already short of this separation distance at circa 8.5m. Albeit shortening the separation the extension would not be directly facing the window of No. 4 and therefore would not have any greater unacceptable overbearing impact on its occupants.

In conclusion, the proposed development would have an unacceptable impact on the living conditions of the occupiers of adjoining No. 264 and therefore would not be acceptable in terms of residential amenity and would be contrary to policy ENV2 and the Design principles SPD.

This does not change the recommendation which is for refusal due to overbearing impact on the residential amenity of neighbours.

24/0321/HHO - 264 Manchester Road, Nelson

Update to replace the residential amenity section removing the third paragraph which was retained from a previous draft report in error:

The Design principles SPD advises that two storey extensions will be acceptable only if they do not breach the 45-degree rule.

All the dwellings within the terrace already have 4m long two-storey outriggers to the rear. These existing outriggers have windows to the eastern side elevation and a blank wall to the west, with the western wall of the outrigger only separated from the eastern windows of its neighbour by circa 1.7m.

The proposed extension would extend more than 4m from the rear lounge window on the ground floor of No.264 and would breach the 45-degree rule for this window. Effectively, this would leave the rear window at No. 266a in a tunnel / corridor with an overbearing extension either side of them. This is a habitable room window and therefore the proposed extension would have an unacceptable overbearing impact on the living conditions on the occupiers of No.266a.

The proposed rear extension would not have any windows to the rear and would face the gable of No. 4 Kensington Street with a window circa 5m away from the proposed rear extension across the street. The gable window of No. 4 is the only window to a bedroom which is a habitable room. The Design principles SPD states that extensions should maintain a minimum distance of 12 metres between a principal window to a habitable room in one property and a two-storey blank wall of a neighbouring property. In this case the proposed extension would have an overbearing impact on the living conditions of the occupiers of No. 4 and therefore would be unacceptable.

The proposed rear extension would have a bathroom window each on basement level and ground floor level to the side facing towards the rear yard of No.262. It is noted that No. 262 currently has an application under consideration for a similar two storey rear extension which if built would completely block any views from the proposed windows to their rear yard. In the event if it is not built, any possible overlooking of the neighbour's rear yard due to these proposed windows can be controlled through a condition to obscure glaze them.

In conclusion, the proposed development would have an overbearing impact on the occupants of No. 4 and No.266a and therefore would not be acceptable in terms of residential amenity and would be contrary to policy ENV2 and the Design principles SPD.

This does not change the recommendation which is for refusal due to overbearing impact on the residential amenity of neighbours.

24/0367/HHO - 6 Hillside Avenue, Reedley

Design and Materials

An amended scheme has been submitted removing the proposed new dormer to the northern roof slope from the proposal. The proposal would still consist of an extension to the existing southern dormer. The proposal would bring the existing dormer closer to the front elevation however considering that there are at least three other dwellings visually related to the application site with dormers to one of their side elevations and that the dwelling already had a dormer to the southern side, the visual impact due to the proposed extension would be marginal. The dormer would be clad in matching roof tiles as the main roof. In this case the proposed dormer extension would have no unacceptable impact on the character of the dwelling and the overall streetscape. Therefore, the proposed dormer would be acceptable and would be in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Residential Amenity

The removal of the northern dormer would remove the unacceptable overbearing impact on the living conditions of the occupants of No.8 due to the proposed development.

Therefore, the proposed development would be acceptable in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

This would alter the recommendation of the application to approval as per below.

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:

- 2259/01 REV B Existing & Proposed Drawings

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent 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.

24/0455/HHO - 10 Cooper Street, Nelson

Design and Materials

Updated plans have been submitted following the publication of the committee report, changing the flat roof dormer to a pitched roof design and the materials used on the dormer wall to be grey tiles instead of cladding. The size of the dormer remains the same. This dormer would dominate the entire roof slope of the dwelling and have a harmful effect upon the character and appearance of the original dwelling. This would also result in a wider effect on the street scene in a terrace which has a simple and uninterrupted roof line. The proposed dormers would have grey tiles on its walls and a membrane on the roof. The materials for the proposed dormer would not be completely alien to the original slate roof of the dwelling. However, due to it being dominating on front roof slope the proposed dormer would cause harm to the character and appearance of the original dwelling and have a wider unacceptable impact upon visual amenity. In this case the proposed development would be unacceptable in this location and as such conflict with Policies ENV1 and ENV2, and the Design Principles SPD.

However, this does not alter the recommendation of the report which is for refusal of the application.

RECOMMENDATION: Refuse

Due to the following reasons:

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.