

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

**TO:** DEVELOPMENT MANAGEMENT COMMITTEE

**DATES:** 17TH SEPTEMBER 2024

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

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# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 17<sup>TH</sup> SEPTEMBER 2024

**Application Ref:** 24/0320/HHO

**Proposal:** Full: Erection of a rear extension to ground and basement floor.

**At** 262 Manchester Road, Nelson, Lancashire

**On behalf of:** Mr Wajid Nadeem

**Date Registered:** 21.05.2024

**Expiry Date:** 16.07.2024

**Case Officer:** Athira Pushpagaran

The proposed two storey rear extension would be contrary to the guidance of the Design Principles SPD relating to residential amenity impacts and result in unacceptable overbearing impact upon the neighbouring property. The Committee resolved to approve the application, this would result in a significant departure from Policy ENV2 of the Core Strategy and was referred to Development Management Committee.

## **Site Description and Proposal**

The application site is a mid-terrace dwelling situated in a row of terrace along the busy A682. It is situated in the Whitefield Conservation Area within the settlement boundary of Nelson. The main access is from Manchester Road (A682). The terrain slopes downwards from the front to the rear resulting in the basement floor being on ground level at the rear. All the dwellings within the terrace have two storey outriggers to the rear (basement and ground floor) with each breaching the 45-degree guide for rear and side windows of their neighbour. The existing dwelling has stone walls, a slate tiled pitched roof and UPVC doors and windows.

The proposed development is the erection of a two-storey rear extension to the ground and basement floors.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highways**

No objection

### **Parish/Town Council**

No response

### **PBC Environmental health**

No objection

## **Public Response**

The nearest neighbours have been notified by letter with no response.

## **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 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 Heritage**

The proposed extension would have a pitched roof and would extend 4.27m from its existing rear outrigger. It would adjoin the rear boundary of the application site and the party boundary with No. 264. The proposed extension would project outwards from the existing rhythmic repetition of two storey rear outriggers of the terrace; however, it would not be highly visible from public vantage points. On balance,

therefore the proposed extension would not have any unacceptable impact on the character of the dwelling and the Whitefield Conservation Area.

The proposed extension would use sandstone finish blocks, concrete tiles on pitched roof and UPVC windows. The proposed materials would not be an exact match to materials of the existing dwelling however located to the rear not highly visible from public vantage points, it would not have an unacceptable impact on the character of the dwelling and the conservation area.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of Pendle Local Plan Part 1: Core Strategy, the Design principles SPD and the Conservation Area Design and Development Guidance SPD. The development would have a neutral impact on the significance of the conservation area and thus would not require an assessment as per paragraph 208 of the NPPF.

## **Residential Amenity**

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.

## **Highways**

The development raises no issues of highway safety.

## **PBC Environmental health**

The development raises no environment health issues.

### **RECOMMENDATION: Refuse**

For the following reason(s):

1. The proposed development would have an overbearing impact on the residential amenity of neighbours resulting in an unacceptable impact on the living environment of the occupants of No. 264 Manchester Road and hence would be contrary to policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

**Application Ref:** 24/0320/HHO

**Proposal:** Full: Erection of a rear extension to ground and basement floor.

**At** 262 Manchester Road, Nelson, Lancashire

**On behalf of:** Mr Wajid Nadeem

# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 17<sup>TH</sup> SEPTEMBER 2024

**Application Ref:** 24/0321/HHO

**Proposal:** Full: Erection of a rear extension to the ground and basement floor.

**At** 264 Manchester Road, Nelson, Lancashire

**On behalf of:** Mr Mohammad Nawaz

**Date Registered:** 21.05.2024

**Expiry Date:** 16.07.2024

**Case Officer:** Athira Pushpagaran

The proposed two storey rear extension would be contrary to the guidance of the Design Principles SPD relating to residential amenity impacts and result in unacceptable overbearing impact upon the neighbouring property. The Committee resolved to approve the application, this would result in a significant departure from Policy ENV2 of the Core Strategy and was referred to Development Management Committee.

## **Site Description and Proposal**

The application site is a mid-terrace dwelling situated in a row of terrace along the busy A682. It is situated in the Whitefield Conservation Area within the settlement boundary of Nelson. The main access is from Manchester Road (A682). The terrain slopes downwards from the front to the rear resulting in the basement floor being on ground level at the rear. All the dwellings within the terrace have two storey outriggers to the rear (basement and ground floor) with each breaching the 45-degree guide for rear and side windows of their neighbour. The existing dwelling has stone walls, a slate tiled pitched roof and UPVC doors and windows.

The proposed development is the erection of a two-storey rear extension to the ground and basement floors.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highways**

No objection

### **Parish/Town Council**

No response

### **PBC Environmental health**

No objection

## **Public Response**

The nearest neighbours have been notified by letter with no response.

## **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 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 Heritage**

The proposed extension would have a pitched roof and would extend 4.27m from its existing rear outrigger. It would adjoin the rear boundary of the application site and the party boundary with No. 266a. The proposed extension would project outwards from the existing rhythmic repetition of two storey rear outriggers of the terrace. The proposed extension would be visible from public vantage points on

Kensington Street however would not be prominent on the street scene due to its position to the rear. On balance, therefore the proposed extension would not have any unacceptable impact on the character of the dwelling and the Whitefield Conservation Area.

The proposed extension would use sandstone finish blocks, concrete tiles on pitched roof and UPVC windows. The proposed materials would not be an exact match to materials of the existing dwelling however being to the rear not highly visible from public vantage points it would not have an unacceptable impact on the character of the dwelling and the conservation area.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of Pendle Local Plan Part 1: Core Strategy, the Design principles SPD and the Conservation Area Design and Development Guidance SPD. The development would have a neutral impact on the significance of the conservation area and thus would not require an assessment as per paragraph 208 of the NPPF.

## **Residential Amenity**

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.

## **Highways**

The development raises no issues of highway safety.



## **PBC Environmental health**

The development raises no environment health issues.

### **RECOMMENDATION: Refuse**

For the following reason(s):

1. The proposed development would have an overbearing impact on the residential amenity of neighbours resulting in an unacceptable impact on the living environment of the occupants of No. 4 Kensington Street and No.266a Manchester Road hence would be contrary to policy ENV2 of the Adopted Pendle Local Plan, and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

**Application Ref:** 24/0321/HHO

**Proposal:** Full: Erection of a rear extension to the ground and basement floor.

**At** 264 Manchester Road, Nelson, Lancashire

**On behalf of:** Mr Mohammad Nawaz

# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 17<sup>TH</sup> SEPTEMBER 2024

**Application Ref:** 24/0495/HHO

**Proposal:** Full: Erection of a 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:** 24.07.2024

**Expiry Date:** 18.09.2024

**Case Officer:** Athira Pushpagaran

This application for a rear dormer and first floor rear extension follows an application refused by DM Committee earlier this year (24/0267/HHO) for front and rear dormers and an identical rear extension. The reason for refusal did not refer to the extension or rear dormer:

*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.*

Therefore, the Council has in effect made a determination that the extension and rear dormer are acceptable. The Committee resolved to refuse the application, which would be contrary to that previous decision of the Council and would result in a significant risk of costs at appeal. Due to this reason the application has been referred to Development Management Committee.

## **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 a rear dormer to accommodate 2 new bedrooms and a bathroom by a loft conversion and a first-floor rear extension.

## **Relevant Planning History**

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

24/0267/HHO Full: Erection of a front and rear dormer to facilitate a loft conversion and a first-floor rear extension. Refused

## **Consultee Response**

### **Highways**

The current application is a revised scheme to that previously refused under planning application 24/0267/HHO. Having reviewed the documents submitted, Lancashire County Council acting as the local 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**

Four neighbourhood objections have been received raising the following concerns:

- threatens to erode the unique character and rich heritage that define the area
- does not prioritise the preservation of the environment and the well-being of its residents
- plans have been amended three times prior to this application and still remain incongruous. The second storey element does not show a pitched roof.
- no certainty or reliability that the applicant will adhere to the proposed plans
- set a precedent for future similar applications to be approved
- appears unbalanced and represents more of a commercial building rather than a home
- The property is equipped with CCTV cameras at the front covering both directions and both sides of the house. Allowing further upwards building will allow the intrusive feature to continue to intimidate neighbouring residents and act like the “surveillance house”.
- If this application is approved, it will suggest the decision-making process is not impartial and will show bias towards this application
- The communication pole at the side of the property serves houses on Albert Street, Stanley Street, and beyond. There is concern that the extension could disrupt the stable broadband connection recently established in the area, as it appears the pole may need to be relocated
- why the rear side elevations are no longer deemed significant to the character of the Whitefield Conservation area when it still will remain highly visible from three different public vantage points.

## **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 design<sup>55</sup>, taking into account any local design guidance and supplementary planning documents such as design guides and codes

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**

A previous application 24/0267/HHO was submitted for the same scheme with the only difference being an additional dormer to the front and the rear dormer being flat roofed for the previous one. Permission for this earlier application was refused by the Development Management Committee based solely on the front dormer's unacceptable impact upon the design of the original dwelling and harm to the wider character and appearance of the Whitefield Conservation Area. This decision established the Council's position that the proposed two storey rear extension and rear dormer is acceptable. The current application proposes the same two storey rear extension as 24/0267/HHO and a pitched roof rear dormer with the front dormer removed. Taking into account the established position of the Council on the two storey rear extension and rear dormer, the amended pitched roof design of the rear dormer and the location of the application site next to an ATC hut, and industrial buildings and car parking area of a window manufacturing unit, on balance the proposal would be acceptable in terms of its design and its impact on the character of the dwelling and the Conservation Area.

#### **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 a dormer window to the rear of the terrace. The rear dormer would look directly towards a Garage site. The rear dormer 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.

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**

Domestic CCTV does not generally require a planning application and is not part of this application and impact on broadband connections is not a material consideration for a planning application of this type.

## **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 on 23.07.24)
- Site Plan (received on 23.07.24)
- Proposed Side Elevations (received on 26.07.24)
- Roof Plans (received on 26.07.24)

- Proposed First Floor and Loft Floor Plan (received on 23.07.24)
- Proposed Front Elevation (received on 23.07.24)
- Proposed Rear Elevation (received on 23.07.24)

**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.

**Application Ref:** 24/0495/HHO

**Proposal:** Full: Erection of a 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