

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

**TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE**

**DATE: 7<sup>TH</sup> OCTOBER 2024**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0439/HHO

**Proposal:** Full: Erection of a single storey rear extension.

**At** 96 Chapel Street Nelson Lancashire

**On behalf of:** Mr Shahbaz M. Mughal.

**Date Registered:** 7/1/2024

**Expiry Date:** 8/26/2024

**Case Officer:** Joanne Naylor

## **Site Description and Proposal**

The application site is to the rear of a traditional terrace in the settlement of Nelson. There are residential properties to either side with garden walls that separate them from the application site.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

Highways: No comments

Parish/Town Council; No comments

United Utilities

Environment Agency

## **Public Response**

No comments received.

## **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.

Saved Policy 31 of the Replacement Pendle Local Plan 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 development would be located to the rear of a row of residential properties. The rear yards lie at a lower level than the floor level of the dwelling. The enclosing walls lie at a lower level than would normally be built due to the lower rear yards and these provide little visual separation from the development that would be built up to first floor level.

The Council Design Supplementary Planning Document gives advice as to the scale of a development that would normally be acceptable to the rear of a property. This indicates that a single storey rear extension up to 4m would normally be acceptable in terms of loss of general amenity. The development here is 4m in length and there are no specific circumstances that would lead to a conclusion that this, as it complies with the SPD, is not acceptable.

The design of the extension is in itself one that is not inappropriate in the locality.

The development does however have its main window that is on the side elevation. That would face the neighbouring house and lead to a direct loss of privacy to that neighbour. That relationship is unacceptable. Requiring the room to have obscure glazing would provide for an unacceptable living environment for the occupants of the new extension and it is not therefore appropriate to add a condition requiring it to be obscurely glazed. Nor would a condition requiring a fence between the two dwellings be appropriate as this would have an impact on the living conditions of the occupants of the adjoining house.

### **RECOMMENDATION: Refuse**

The proposal would lead to an unacceptable relationship with the adjoining house and would lead to a loss of privacy. This would result in an unacceptable living environment and loss of privacy to the occupants of the adjoining house which could not be overcome with reasonable appropriate conditions. As such the development is of poor design contrary to paragraph 139 of the National Planning Policy Framework.

**Application Ref: 24/0439/HHO**

**Proposal:** Full: Erection of a single storey rear extension.

**At** 96 Chapel Street Nelson Lancashire

**On behalf of:** Mr Shahbaz M. Mughal.

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0494/HHO

**Proposal:** Full: Erection of a two-storey side extension and a single storey rear extension.

**At:** 2 Wharfedale Avenue, Reedley

**On behalf of:** Mr Manzoor Ahmed

**Date Registered:** 25/07/2024

**Expiry Date:** 19/09/2024

**Case Officer:** Laura Barnes

This application has been called in by a Councillor.

## **Site Description and Proposal**

The application site is a two storey semi-detached dwelling, sited within the settlement boundary of Brierfield in a residential area.

The application seeks planning permission for the erection of a two storey side extension. It is to measure the full depth of the existing property (8m), with a 3.45m single storey rear extension in addition. The proposed development is to be constructed of matching materials. The proposed extension would provide additional living accommodation to the ground and first floors.

## **Relevant Planning History**

21/0893/HHO: Full: Erection of two storey side extension and single storey rear extension.  
Approved with conditions

## **Consultee Response**

### **LCC Highways**

#### **Proposal**

The proposal is an amended scheme to that approved under planning permission 21/0893/HHO. The two storey element of the scheme remains unchanged. However the depth of the proposed single storey rear extension has increased significantly.

#### ***Car parking***

There are currently two off-road car parking spaces to the rear of the property which are accessed from Swaledale Avenue. The current car parking provision is in accordance with Pendle Borough Council's Parking Standards for a three bedroom dwelling. The proposal will result in the loss of car parking at the dwelling which the highway authority does not support.

At the time of the site visit at least nine vehicles were parked on Wharfedale Avenue, all of which were partially parked on the footways, with the vehicle outside 2 Wharfedale Avenue also obstructing the dropped pedestrian crossing. This parking behaviour is a hazard to pedestrians who may be forced to walk in the carriageway.

Most properties on Wharfedale and Swaledale Avenues have some off-road parking provision yet there was a higher than expected level of day time on-road parking at the time of the visit, mostly on Wharfedale Avenue and the upper section of Swaledale Avenue; this was reasonably expected to be associated with residential properties and not generated by the court building on the corner of Colne Road and Swaledale Avenue.

There are existing day time parking restrictions (No Waiting Mon-Fri 9am-5pm) along both sides of Swaledale Avenue from its junction with Colne Road for an approximate distance of 27m. The highway authority accepts that some day time parking on the section of Swaledale Avenue immediately after the end of the parking restrictions may be associated with the adjacent Magistrates Court.

Two off-road car parking spaces needs to be retained on site, measuring a minimum of 4.8m by 2.4m. If the bays are located between fences/walls then an increased width of 3m is required.

### *Conclusion*

The highway authority requests that the scheme is amended by reducing the size of the single storey rear extension to retain the current off-street car parking at the dwelling.

Further comments, 17<sup>th</sup> September 2024

Following the highway authority's objection response dated 15 August to this application due to the loss of off-road parking provision an amended site plan was submitted showing one car parking space at the front of the dwelling with a new vehicle crossing (Drawing U109 - P02C dated 29.8.24).

The highway authority's Code of Practice for vehicle crossings states that 'the parking space must be at an alignment in relation to the highway to allow a vehicle to enter and exit the property in one movement. There must be no adjusting movements of a vehicle made on the highway when entering or exiting the property.'

The layout of the proposed parking space is limited by the front of the dwelling and boundary walls. The highway authority considers that this would not allow a vehicle to enter or leave in one manoeuvre. The manoeuvring space within the highway would be further restricted by vehicles parked opposite on Wharfedale Avenue, as was noted during the site visit.

In addition, the code states that there must be at least 4.8m between the back of the footway and the front of the building. The measurement taken from the front of the bay window to the back of the footway is less than 4.8m which would lead to a vehicle projecting over the footway and causing a potential obstruction and hazard to pedestrians.

A vehicle parked between the two bay windows would also block pedestrian access to and from the front of the house.

Given the above reasons the highway authority maintains its objection to this application as submitted on highway safety grounds due to the loss of off-road parking provision.

### **Public Response**

Nearest neighbours notified - no response 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 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.

#### **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 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**

Particular attention needs to be paid to the design of extensions on corner plots. This is because they can encroach over the building line on either highway frontage, and therefore be particularly prominent in the street scene and sometimes create undesirable pinch points at the entrance to side roads. They can also interfere with highway visibility in some situations. The Design Principles states that two storey extensions should not be more than half the width of the original frontage. In this case, the proposed extension is to project out 4.3m from the side of the original dwelling, this is more than half the width of the existing dwelling. However, it must be acknowledged that there has been a previous application granted for a two storey side extension directly opposite the application site, at No. 1 Wharfdale (21/0706/HHO). There has also been an application at the application site which allowed an extension the same width that is currently being proposed. As such, in these particular circumstances, the proposed extension is acceptable.

The Design Principles SPD advises that two storey side extension should be set down from the ridge of the main dwelling and set back from the front elevation. This is to avoid a terracing effect. The proposed extension is in line with the existing ridge and front elevation. However, due to the property being a corner plot at the junction of two avenues, a terracing effect would not be created. Therefore, the proposed extension is acceptable.

The proposed single storey extension to the rear, to replace the existing utility room is to have a flat roof but given that it projects just 3.4m from the rear wall of the dwelling and would not be highly prominent in public vantage points of the building, would be acceptable. This is supported by the Design Principles SPD.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2 and the Design Principles SPD.

## **Residential Amenity**

The Design Principles SPD advises that extensions should not obstruct outlook of neighbouring dwelling or detract from their privacy. The proposed extension is to have two additional windows to the front elevation, one of which is a bay window to match with the existing frontage of the original dwelling. These windows are no closer to the neighbouring dwellings than the existing front elevation windows. Therefore, they would not result in an unacceptable neighbouring amenity issue. To the side elevation at first floor level, there is to be one window. Whilst this window would be 4m closer to the property on Swaledale Avenue, this is not a residential building and is currently used by the Magistrates Court. As such, it would not result in an unacceptable impact upon neighbouring amenity. To the rear, there is to be one additional window to the first floor. This would be no closer to the neighbouring dwellings at the rear than the existing rear windows. To the ground floor the proposed single storey extension is to have a door and two small windows, rather than a larger glazed utility window. The existing utility extension is to be demolished as part of this proposed development, to make way for a single storey rear extension. The single storey rear extension has a greater projection (3.4m rather than 1.3m) than the existing utility room. However, there is a close boarded fence along the boundary with the property immediately to the rear. As such, there would be no unacceptable neighbouring amenity issue.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposal does result in an increase to the number of bedrooms. As such there is a requirement to increase the number of off-street car parking spaces. However, it is not possible to provide the correct size for sufficient car parking spaces to the property, post development. As such, the Highways Authority have objected to the proposals. There are already a larger number of parked vehicles on the roadsides in the immediate vicinity and the proposed development would result in further on-street parking, resulting in a danger to highway safety. This is contrary to paragraph 111 of the NPPF and Policy ENV4 of the Local Plan: Part 1 Core Strategy.

## **RECOMMENDATION: Refuse**

Due to the following reasons:

1. The proposed development would result in an under provision of off-street car parking which in turn would have highway safety implications in the surrounding highway network, due to the level of on-street parked vehicles. The proposal is contrary to paragraph 11 of the NPPF and Policy ENV4 of the Local Plan: Part 1 Core Strategy.

**Application Ref:** 24/0494/HHO

**Proposal:** Full: Erection of a two-storey side extension and a single storey rear extension.

**At:** 2 Wharfedale Avenue, Reedley

**On behalf of:** Mr Manzoor Ahmed

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0530/HHO

**Proposal:** Full: Erection of dormers to front and rear roof slopes.

**At** 100 Chapel House Road, Nelson, Lancashire

**On behalf of:** Mr Ahmed Shabbir

**Date Registered:** 07.08.2024

**Expiry Date:** 02.10.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chair.

### **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 proposed development is the erection of flat roof dormers to front and rear roof slopes. There have been two prior applications at this site which involved dormers to the front and rear along with a rear extension. The dormers for both of these previous applications were identical and had pitched roof designs. The current application aims to amend the dormers to have flat roofs.

### **Relevant Planning History**

24/0411/HHO Full: Insertion of dormer windows to front and rear roof slopes and erection of a single storey rear extension. Approved with Conditions

24/0152/HHO Full: Insertion of dormer windows to front and rear roof slopes and the erection of a single storey rear extension. Approved with Conditions

### **Consultee Response**

#### **Highways**

This application is an amended scheme to that previously approved under Planning Permission 24/0411/HHO and would increase the number of bedrooms from two to four.

#### **Site planning history**

24/0411/HHO - Insertion of dormer windows to front and rear roof slopes and erection of a single storey rear extension. Approved.

24/0152/HHO - Insertion of dormer windows to front and rear roof slopes and the erection of a single storey rear extension. Approved.



## Proposal

The proposal is for the erection of dormers to the front and rear roof slopes.

Lancashire County Council, acting as the highway authority, does not raise an objection to the proposed development. However, its concerns regarding the increase in the number of bedrooms and lack of parking remain unchanged from its responses to the previous applications.

## **Parish/Town Council**

No response

## **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.

Para 139 of the framework 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, 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.

## **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 council has previously approved pitched roof dormers to the rear and front in applications 24/0411/HHO and 24/0152/HHO. In this case it has been established that dormers would be acceptable in this particular location. However, the current proposal seeks to insert flat roof dormers to the front and rear. This would represent poor design and would have a greater impact on the character of the dwelling and on the street scene in a terrace which has a simple and uninterrupted roof line, than the previously approved schemes. The proposed dormers are to be clad with grey hanging tiles on its walls with an EPDM rubber roof membrane which also differs from the original slate roof of the dwelling. The rear dormer would not have an unacceptable impact upon the visual amenity of the area due to it being to the rear of the property facing the back street. However, the flat roofed front dormer would tip the planning balance and would cause harm to the character and appearance of the original dwelling and have a wider impact upon visual amenity. Therefore, the proposal would not be acceptable and would be contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the Design Principles SPD and Paragraph 139 of the NPPF.

### **Residential Amenity**

The proposed front dormer is to have a window to the front elevation. There are no windows to the side elevation. The proposed front 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.

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

### **Highways**

The development raises no issues of highway safety.

## **RECOMMENDATION: Refuse**

1. Due to its design, the proposed front 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 adopted Local Plan: Part 1 Core Strategy, the adopted Design Principles SPD and Paragraph 139 of the NPPF.

**Application Ref:** 24/0530/HHO

**Proposal:** Full: Erection of dormers to front and rear roof slopes.

**At** 100 Chapel House Road, Nelson, Lancashire

**On behalf of:** Mr Ahmed Shabbir

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0537/HHO

**Proposal:** Full: Erection of a single storey rear extension and dormers to front and rear roof slopes.

**At** 22 Dover Street, Nelson, Lancashire

**On behalf of:** Mr Khalid Mahmood Abdul-Ghulam

**Date Registered:** 12.08.2024

**Expiry Date:** 07.10.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by a Councillor within 21 days of notification.

## **Site Description and Proposal**

The application site is an end terrace dwelling situated in a residential neighbourhood within the settlement boundary of Nelson. Other than a dwelling across the road from the application site that has a front dormer, there is no context of front dormers within the neighbourhood characterised by simple and uninterrupted roof line. The existing dwelling has natural stone walls, slate tiled pitched roof and UPVC doors and windows with stone surrounds. There is an existing pitched roof outrigger to the rear attached to the outrigger of the adjoining neighbour.

The proposed development is the erection of a single storey rear extension and dormers to front and rear roof slopes.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highways**

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development. The highway authority is aware of a number of applications approved for the erection of dormers at properties on Dover Street and the neighbouring streets which have increased the number of bedrooms and where there was no parking provision other than on-street.

### **Parish/Town Council**

No response

## **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.

Para 139 of the framework 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, 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.

## **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. In general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. 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 is for a flat roof dormer each to the front and rear roof slopes which would dominate the entire roof slope of the dwelling. Each of the dormer would be set back from the respective

front and rear elevations by only 0.28m, from the east side elevation by 0.3m and from the west side elevation by 0.1m. This represents poor design and would have a harmful impact 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. Other than a dwelling across the road from the application site that has a front dormer, there is no context of front dormers within the neighbourhood. 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 however differ from the original slate roof of the dwelling. The rear dormer would not have unacceptable impact upon the visual amenity of the area due it being to the rear, facing a back street. The front dormer would however have an unacceptable impact on the character of the dwelling and the wider street scene due to its position to the front and its poor design and would be contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the Design Principles SPD and Paragraph 139 of the NPPF.

The proposed development also seeks to replace the existing rear outrigger with an extension of the same depth and a larger width. The existing outrigger measures 2.2m x 4.3m while the proposed outrigger would be 2.85m x 4.3m. The proposed extension would maintain the same ridge height and eaves height as the existing outrigger and would have a slightly different slope for the roof. However visually this would not be alien to the setting where all the other dwellings have pitched roof outriggers matching the application site and the different roof slope would not be highly prominent. This element of the proposal therefore would be acceptable.

Overall, the proposed development would not be acceptable in terms of design and would be contrary to policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD and Paragraph 139 of the NPPF.

## **Residential Amenity**

The proposed front dormer is to have a window to the front elevation. There are no windows to the side elevation. The proposed front dormer would be no closer to the dwellings on the opposite side of Dover Street 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 proposed extension would have a door and window of the kitchen and bathroom window facing east away from the attached neighbour. The extension would be attached to the existing outrigger of no. 24. Therefore, the proposed development would not result in an overbearing impact or unacceptable loss of light or privacy to the adjoining properties.

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

## **Highways**

The development raises no issues of highway safety.

## **RECOMMENDATION: Refuse**

Due to its poor design and its position upon a prominent roof slope of the dwelling, the proposed front 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 adopted Local Plan: Part 1 Core Strategy, the adopted Design Principles SPD and Paragraph 139 of the NPPF.

**Application Ref:** 24/0537/HHO

**Proposal:** Full: Erection of a single storey rear extension and dormers to front and rear roof slopes.

**At** 22 Dover Street, Nelson, Lancashire

**On behalf of:** Mr Khalid Mahmood Abdul-Ghulam

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0556/PNT

**Proposal:** Prior Approval Notification (Telecoms): Installation of a 20m monopole supporting 3 no. antennas within a shroud, 2no. 0.3m transmission dishes, installation of 3 no. equipment cabinets and ancillary development thereto.

**At:** Amenity Area at The Junction with Netherfield Road and Railway Street, Nelson

**On behalf of:** EE LIMITED

**Date Registered:** 16/08/2024

**Expiry Date:** 11/10/2024

**Case Officer:** Laura Barnes

This application has been called in at the request of a Councillor.

## **Site Description and Proposal**

This notification is made under the provisions of Schedule 2, Part 16 (Communications) of the General Permitted Development Order (GPDO) 2015 to install a 20 metre mast, three ground based cabinets, two transmission dishes and associated equipment for the provision of faster internet and mobile connectivity.

The application site is located within the settlement boundary of Nelson. The site is within an area made up of residential and commercial property along a major route through the town. The development is proposed to take place within the verge located at the junction between Netherfield Road and Railway Street adjacent to Cornerstone Church. The Site is not subject to nor located in close proximity to any existing historical or wildlife designation.

To determine this application, reference has been made to the following submitted plans and material:

- Location Plan – 1728100\_N/A\_34928\_N/A\_M001 Rev A (Received 10<sup>th</sup> June 2021)
- Proposed Site Plan 1728100\_N/A\_34928\_N/A\_M001 Rev A
- Proposed Elevation Plan 1728100\_N/A\_34928\_N/A\_M001 Rev A

## **Relevant Planning History**

None relevant

## **Consultee Response**

### Ministry of Defence

This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding concerns to this proposal.



## LCC Highways

The site was visited on 28 August 2024.

Having reviewed the information submitted, together with site observations, Lancashire County Council acting as the highway authority does not raise an objection to the proposed apparatus location as per the information provided. The proposed site is unlikely to impede pedestrian movements or interfere with driver sightlines.

The developer should ensure that the relevant permits to work in the adopted highway network have been obtained from the highway authority's Highways Regulation Team, who can be contacted on [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk) or on 01772 533433.

## National Air Traffic Service

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

## **Public Response**

Notification letters have been sent to neighbouring properties, without response

## **Officer Comments**

### **Policy**

#### Pendle Core Strategy

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.

#### Replacement Pendle Local Plan

Policy 38 (Telecommunications) of the Replacement Pendle Local Plan states that proposals for new telecommunications development should, in the first instance, seek to share an existing mast or site. All proposed should minimise the impact on the natural and built environment, designated areas, Listed buildings, educational establishments and residential amenity. Design should be sympathetic in respect of height, materials and colours.

Applicants are also required to submit a statement which certifies that ICNIRP guidelines will be met.

Policy 38 is supported by the Guidelines for the Control of Telecommunications Equipment SPG. In relation to development in urban areas it states:

'Telecommunications apparatus may be refused consent where they adversely affect the character and appearance of a listed building or its setting, or would be detrimental to amenity within conservation areas and other special areas. There should be no needless duplication. Development should be adequately distanced from residential properties. In any urban area, masts and antennae should be integrated into the townscape by utilising existing structures and buildings.

## Permitted Development

Schedule 2, Part 16, Class A of the General Permitted Development Order 2015 (as amended) permits the installation, alteration or replacement of any electronic communications apparatus by electronic communications code operators.

Development including masts, antennae, and associated apparatus is subject to a prior approval process for the determination of the local planning authority as to whether the prior approval of the authority will be requirement as to its siting and appearance.

### Compliance with Part 16, Class A of the GPDO

Development not permitted: ground based apparatus

A. 1 – (1) Development consisting of the installation, alteration or replacement of electronic communications apparatus (other than on a building) is not permitted by Class A(a) if –

- (a) In the case of the installation of electronic communications apparatus (other than a mast), the apparatus, excluding any antenna, would exceed a height of 15 metres above ground level;
- (b) In the case of the alteration or replacement of electronic communications apparatus (other than a mast) that is already installed, the apparatus, excluding any antenna, would when altered or replaced exceed the height of the existing apparatus or a height of 15 metres above ground level, whichever is the greater;
- (c) In the case of the installation of a mast, the mast, excluding any antenna, would exceed a height of-
  - (i) 25 metres above ground level on unprotected land; or
  - (ii) 20 metres above ground level on article 2(3) land or land which is on a highway.

Development Not Permitted: Radio Equipment Housing

(8) Development is not permitted by Class A(a) if, in the case of the installation or replacement of radio equipment housing:

- (a) The development is not ancillary to the use of any other electronic communications apparatus;
- (b) The cumulative volume of such development would exceed 90 cubic metres, or if located on the roof of a building, cumulative volume of such development would exceed 30 cubic metres; or
- (c) On any article 2(3) land, or on any land which is, or within a site of special scientific interest, any single development would exceed 2.5 cubic metres, unless the development is carried out in an emergency.

Submitted plans demonstrate that the proposed mast including antennae would not exceed 20 metres in height. The proposed cabinet apparent would not exceed 2.0m in height.

The proposed dishes and data cabinets are clearly ancillary to the wider development. The development is not proposed within Article 2(3) land or a SSSI. Submitted plans also confirm that radio equipment housing would not exceed 90 cubic metres.

The proposals do not therefore exceed the thresholds placed on communications development under Part 16 of the GPDO 2015.

As part of the prior notification process, the Council must also consider the additional matters of siting and appearance.

## **Siting**

The proposed development is to be sited adjacent to the railway bridge, on a prominent route through the town. It is to be placed to the back of the pavement, causing least interference with the safe operation of the footway and this Highways Authority have not objected on this basis. The relevant consultees have been consulted regarding the siting of such a tall structure, in the form of this mast. There is no objection to its siting in the location which has been chosen by the applicant.

The siting has been selected due to a need to relocate existing equipment which is currently on Pendle Rise Shopping Centre. The applicant has been advised that they will not be able to keep their equipment in the current location indefinitely, so have sought an alternative site for it, in the form of the proposed development.

The proposed site is in a publicly accessible area upon a highway where it will be seen and can be easily accessed for maintenance purposes.

The siting of the proposed development is acceptable.

## **Appearance**

The mast and dishes as well as the cabinets have a utilitarian and standard appearance. The type of development proposed is not uncommon across sites around Pendle as well as the rest of the country. The equipment is required for providing Internet and mobile connection. In this case, it is for the mobile network EE Limited.

The mast is to be 20m in height and is to be grey in colour, the submitted elevation plans detail the RAL colour, which is standard across network. Similarly, the cabinets which are required at ground level are to be painted a standard colour of green. The RAL colour can be controlled, is a utilitarian and recessive colour which would mean the building is not highly prominent in the street scene.

Overall, the appearance of the proposed equipment is acceptable.

## **Reason for Decision**

Based on the information provided, the development subject to this prior notification submission would meet the criteria detailed within Part 16 of the GPDO. As such, prior notification is approved.

## **RECOMMENDATION: Prior Notification Approved**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan – 1728100\_N/A\_34928\_N/A\_M001 Rev A (Received 10<sup>th</sup> June 2021)
- Proposed Site Plan 1728100\_N/A\_34928\_N/A\_M001 Rev A
- Proposed Elevation Plan 1728100\_N/A\_34928\_N/A\_M001 Rev A

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

**Application Ref:** 24/0556/PNT

**Proposal:** Prior Approval Notification (Telecoms): Installation of a 20m monopole supporting 3 no. antennas within a shroud, 2no. 0.3m transmission dishes, installation of 3 no. equipment cabinets and ancillary development thereto.

**At:** Amenity Area at The Junction with Netherfield Road and Railway Street, Nelson

**On behalf of:** EE LIMITED

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7<sup>TH</sup> OCTOBER 2024

**Application Ref:** 24/0562/FUL

**Proposal:** Full: Retention of a roller shutter gate.

**At** 28A Colne Road, Brierfield, Lancashire

**On behalf of:** Mr I Khan

**Date Registered:** 21.08.2024

**Expiry Date:** 16.10.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chair.

### **Site Description and Proposal**

The application site is a hair salon situated in the town centre of Brierfield within the defined settlement boundary. The main access is from Colne Road. To the rear of the property, separated by its current rear yard there are residential properties. However, this rear yard seems to have been a cobbled back street. To the south of the yard space behind 28A there is a circa 3m tall stone wall along the site boundary and to the north of the yard is a roller shutter. The applicant has not provided information as to what the use of the land is between the wall and shutter.

This is a retrospective planning application for the retention of an existing roller shutter gate to the rear of the property. The shutter faces Wesley Street set back from it by circa 10m.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

#### **Highways**

The site was visited on 28 August 2024. Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority does not raise an objection regarding the above retrospective development. However, the following comments should be noted and condition applied to any formal planning approval granted.

The back street at the rear of 28A Colne Road does not form part of the highway network maintained at public expense. Nevertheless, there may still be private pedestrian and/or vehicle access rights over it.

No details have been submitted to support the need for the roller shutter gate nor the use of the land behind it. Visibility to and from the site is severely restricted by the gable end of 30 Colne Road. The use of the site would need to be assessed in terms of traffic generation should its use change. Therefore, the highway authority recommends a condition is applied to any planning approval granted that restricts its use ancillary to the use of 28A Colne Road so that the site

cannot be used by way of sub-letting or sale without traffic generation and movements being first properly assessed.

### Condition

The roller shutter gate hereby approved, and the area bounded by it shall only be used ancillary to the use of 28A Colne Road and shall not be used by way of sale or sub-letting to form separate usage. Reason: In the interest of highway safety so that any traffic generation/movements can be adequately assessed.

### **Parish/Town Council**

No response

### **PBC Environmental health**

No response

### **Public Response**

Four neighbour objections have been received raising the following concerns:

- one of the outer posts currently crosses onto neighbouring property
- the shutter blocks access to essential services such as water pipes for maintenance.
- Adjoining neighbour intends to install a canopy which might be damaged by vehicles passing through.
- Not in keeping with the local environment.
- Unsightly design
- Blocks access into the unadopted alleyway
- Looks like it needs to be in an industrial area

### **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.

Para 139 of the framework 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, 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.

### **Officer Comments**

The proposed development is in a residential area situated within the settlement boundary of Brierfield. 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 proposal seeks to retain the existing roller shutter gate to the rear of the property. The shutter faces Wesley Street set back from it by circa 10m, attached to the side of no. 2 Wesley Street in line with their front elevation. The shutter is circa 3.4m high and has a shiny metallic finish and is set in concrete block walling on either side. The buildings on Wesley Street have a characteristic stone exterior and mostly includes terraces except the methodist church building across Wesley Street from the shutter. The shutter with its industrial appearance in its finish, design and scale would be highly incongruous to the existing building and its surroundings. It represents poor design and would be highly visible from Wesley Street and would have a harmful impact on the character of the building and its surroundings and therefore would not be acceptable in this location.

Overall, the proposed development would not be acceptable in terms of design and would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD and Paragraph 139 of the NPPF.

#### **Residential Amenity**

The shutter would be attached to the side of no. 2 Wesley Street in line with their front elevation. The shutter by itself would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property, however it is noted that the use of the space behind the shutters are not clear, and no justification has been provided for the need for the roller shutters. If any change in use is proposed it would need planning permission and would need to be assessed whether it would have any impact on residential amenity.

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

## Highways

The development raises no issues of highway safety and requests a condition attached to any permission to ensure that the shutter and the land bounded by it is only used ancillary to the use of 28A.

## Other matters

Neighbourhood comments were received raising concerns that one of the outer posts of the roller shutter crosses onto neighbouring property and that the proposal blocks access to water pipes for maintenance. These are civil matters controlled by separate legislation and cannot be resolved under this application.

Enforcement action is recommended to remove the unlawful structure.

## **RECOMMENDATION: Refuse**

1. Due to its design, finish, scale and location, the proposed roller shutter would have an unacceptable impact upon the character of the original building and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy ENV2 of the adopted Local Plan: Part 1 Core Strategy, the adopted Design Principles SPD and Paragraph 139 of the NPPF.

**Application Ref:** 24/0562/FUL

**Proposal:** Full: Retention of a roller shutter gate.

**At** 28A Colne Road, Brierfield, Lancashire

**On behalf of:** Mr I Khan