

Colne & District Committee Update Report – 10th October 2024

24/0546/HHO 1 Hollin Hall, Trawden

One more neighbour objection has been received following the publishing of the committee report. In summary, the response raised the following concerns:

- The appeal decision submitted by the agent is not directly comparable to the proposal.
- proposal severely impacts on the privacy and amenity enjoyed and is overbearing and dominant for No3, with the increased length of the extension exacerbating this impact.
- proposal should be considered on its merits.

The agent has submitted further information in the form of an appeal decision, an addendum to the Planning and Heritage Statement, and an updated set of drawings amending the scheme.

Officer Comments

The updated drawings shows that the design of the balcony would be amended to have the vertical softwood boarding in the bottom two-thirds of the balcony balustrade and lattice panels on the top third, for the northwest and southwest elevations. The balustrade would retain its current vertical softwood boarding design on the southeast elevation facing no.3.

Design and heritage:

The applicant has submitted amended designs for the balcony. That consists of vertical boards with a trellis effect above it. This contrasts to the horizontal boards of the previous design which was also less high. What is proposed is poor design in itself and has a detrimental impact on the design and character of the area. It is harsher and more incongruous than the previous design so there is no fall back position which could conclude that the previous design can justify what is clearly a much more prominent and poorly designed addition.

Residential amenity:

The council had been made aware that the initial removal of the previous balcony and work on the replacement balcony began w/c 20th May 2024 and was completed by 12th June 2024. The applicant has submitted examples of case law which looks at how these matters should be assessed. What has existed on property and which is lawful has to be given significant weight in reaching a decision. As in this case there may have been amenity issues that the existing structure had but as the structure was lawful a new application must recognise that there were issues but cannot seek to remedy problems of a long standing nature. That is regardless of how the structure became lawful.

There has been a balcony on the premises for a considerable period of time. Site visit photographs taken in 2011 show it in situ then. The exact time of its construction is not

known but it has been in situ for a minimum of 13 years. In determining the merits of the case that lawful situation cannot be ignored and indeed it must be given significant weight in reaching a decision. The previous balcony already impacted the privacy of both the neighbours at No.3 and 1 Slack Booth Barn. The new balcony being setback from the party boundary with no.3 by 0.2m and projecting 0.365m more to the rear, would not have an discernible greater impact on the privacy of either of the neighbours than that was already existing. As such refusal of the new structure could not be justified in terms of loss of privacy or amenity as it does not make a longstanding situation any worse.

In this case the development would not have any unacceptable impact on the privacy and living conditions of neighbours and 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.

RECOMMENDATION: Refuse

For the following reason(s):

1. Due to its poor design, finish, scale and its prominent position adjacent to a highway, the development is harmful to the character and visual amenity of the area and the significance of the Conservation Area. The harm to the significance of the Conservation Area would be less than substantial and there are no public benefits to the development to outweigh that harm. As such it is contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, the Adopted Pendle Design principles SPD, Conservation Area Design and Development Guidance, Policy 6 and 7 of the Trawden Forest Neighbourhood Plan and paragraph 139 of the NPPF.