

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 3RD APRIL 2025

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD APRIL 2025

Application Ref: 24/0802/HHO

Proposal: Full planning application for the erection of a single-storey rear extension with associated internal alterations and site works.

At 39 Elland Road, Brierfield, Lancashire, BB9 5RX

On behalf of: Mr Muhammad Shehzad

Date Registered: 19th November 2024

Expiry Date: 14th January 2025

Case Officer: Negin Sadeghi

Application deferred by the previous committee

Site Description and Proposal

The application site is a semi-detached dwelling located on Elland Road within the settlement boundary of Brierfield. The property is constructed with pebble-dashed brick and block walls, a slate roof, and white-framed windows. It has a front yard and off-street parking for one vehicle at the side. A green playing field is situated opposite the property. The rear of the site features sloping terrain, with the house positioned at a lower level than the raised rear yard, accessible via 4–5 steps.

The proposal seeks to erect a single-storey rear extension, incorporating internal alterations and associated site works. The development aims to expand the kitchen and dining area while adding three additional ground-floor rooms.

Relevant Planning History

- **Application Ref:** 13/95/0232P – Erection of a rear extension.

Consultee Response

Highways:

Lancashire County Council, acting as the local highway authority, has reviewed the submitted documents and conducted a site visit. The authority does not object to the proposed development in principle but has provided the following comments:

- A revised parking plan should be submitted.
- Specific conditions and an informative note should be included in any formal planning approval.

Proposed Development

The proposed development involves the erection of a single-storey rear extension, along with internal alterations and external site works. A third bedroom will be added on the ground floor.

Car Parking Considerations

The **Existing Site Plan** does not accurately reflect the current front layout of the dwelling. Additionally, the **Proposed Site/Block Plan** is misleading as it suggests an existing access to off-road parking.

The Proposed Site/Block Plan indicates three off-road parking spaces—one at the side of the house and two across the front. However, the available width at the side of the house is insufficient for a car to park with enough space to open its doors. Similarly, the front area lacks sufficient depth to accommodate two parking spaces due to the presence of a front porch. As a result, the highway authority concludes that only one adequately sized off-road parking space can be provided. While this is below the recommended two spaces for a three-bed dwelling, existing on-street parking is available. Therefore, one off-road space would be accepted in this instance, provided that a properly constructed vehicle crossing is installed.

Public Response

No public responses have been received.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

- **Policy SDP1** promotes a positive approach to sustainable development, aligning with the National Planning Policy Framework (NPPF).
- **Policy ENV1** emphasizes high design standards that preserve or enhance the area's character and appearance while minimizing the impact on the natural environment.
- The **Design Principles Supplementary Planning Document (SPD)** sets out the requirements for good design, particularly for extensions.

Officer Comments

Design and Materials

The property currently has a single-storey rear extension, which the proposal seeks to extend further to the side and rear. The proposed materials include off-white render, a grey tile membrane roof, and white UPVC windows and doors, which match the existing property.

From a design perspective, the extension's appearance is acceptable.

Residential Amenity

The proposed extension would extend 4m along the shared boundary with No. 41, mirroring the depth of No. 41's existing rear extension. The Design Principles SPD allows for single-storey rear extensions of up to 4m, making the proposal compliant in this regard.

Given its rear location and the availability of ample garden space, the extension does not introduce overlooking issues. The only opening facing No. 37 is a kitchen door, which does not raise concerns regarding privacy.

Highways

The Proposed Site/Block Plan inaccurately suggests three off-road parking spaces. In reality, only one off-road space can be accommodated. This would be acceptable, provided a properly constructed vehicle crossing is installed. The availability of on-street parking ensures that highway safety would not be compromised.

This development will enhance the usability of the property while ensuring that the character of the area and residential amenity are preserved.

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: 2286-01 TO 06 REV A (27 Feb 2025)

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

Application Ref: 24/0802/HHO

Proposal: Full planning application for the erection of a single-storey rear extension with associated internal alterations and site works.

At 39 Elland Road, Brierfield, Lancashire, BB9 5RX

On behalf of: Mr Muhammad Shehzad

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD APRIL 2025

Application Ref: 24/0854/FUL

Proposal: Full: Change of use of part of a ground floor of a dwelling (Use Class C3) to a dessert shop (Use Class E(a)).

At 181 Leeds Road Nelson Lancashire

On behalf of: Mr Mohammad Ibrahim Rana

Date Registered: 12/9/2024

Expiry Date: 2/3/2025

Case Officer: Negin Sadeghi

This application was deferred from the last meeting of this Committee.

Site Description and Proposal

The site is a two-storey terraced building with a shopfront-style façade on the ground floor, facing Leeds Road. Currently, the property is used entirely as a residential home and is located just outside the town centre. However, there are several public amenities nearby, including a sports court, the New Zone Youth Centre, and the Bradley Hub. The property does not have off-street parking.

The proposed development is for the change of use of part of the ground floor of the dwelling (Use Class C3) to a dessert shop (Use Class E(a)).

Relevant Planning History

13/14/0425P – DC: 16.09.2014- APPCON: Full: Erection of single storey extension to rear (amended scheme).

13/95/0271P – DC: 25.05.1995- APPCON: INCORPORATE SHOP INTO HOUSE

13/98/0244P – DC: 12.05.1998- APPCON: REPLACE SHOPFRONT WITH

Consultee Response

Highways:

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios' (Paragraph 116).

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF. Whilst there is no associated off-road car parking there is a small, free, public car park adjacent to the gable end of No 177 where customers could park as there is no parking or stopping allowed in front of No 181

except for buses. The highway authority has noted that historically part of the dwelling formed a shop with the shop being incorporated into the house under planning permission 95/0271P. The property is also located within an area of mainly residential properties, the majority within acceptable walking distances. Additionally, there is a signalized pedestrian crossing facility outside No 169, approximately 35m from No 181, which will allow customers from the opposite side of Leeds Road to access the premises safely.

Further to the additional information submitted, our comments of 19.12.24 remain. The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios' (Paragraph 116). Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development and concludes that there are no highway grounds to support an objection as set out by NPPF. Whilst there is no associated off-road car parking there is a small, free, public car park adjacent to the gable end of No 177 where customers could park as there is no parking or stopping allowed in front of No 181 except for buses. The highway authority has noted that historically part of the dwelling formed a shop with the shop being incorporated into the house under planning permission 95/0271P. The property is also located within an area of mainly residential properties, the majority within acceptable walking distances. Additionally, there is a signalled pedestrian crossing facility outside No 169, approximately 35m from No 181, which will allow customers from the opposite side of Leeds Road to access the premises safely.

Parish/Town Council: No response

United Utilities: No response

Environment Agency:

Flood risk standing advice - advice to LPA The proposed development falls within Flood Zone 3, which is land defined in the planning practice guidance as being at risk of flooding. We have produced a series of standard comments for local planning authorities and planning applicants to refer to on 'lower risk' development proposals. These comments replace direct case-by-case consultation with us. This proposal falls within this category. These standard comments are known as Flood Risk Standing Advice (FRSA). They can be viewed at <https://www.gov.uk/guidance/flood-risk-assessment-for-planning-applications#when-to-follow-standing-advice>.

We recommend that you view our standing advice in full before making a decision on this application. We do not need to be consulted.

Public Response

One objection was raised against the application, citing concerns that it would worsen existing traffic and parking issues.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV7 (Water Management) states that the design of all new developments (Policy ENV2) must consider:

1. The potential flood risk to the proposed development site.
2. The risk the proposed development may pose to areas downslope / downstream.
3. The integrated, or off-site, use of Sustainable Drainage Systems (SuDS) to help reduce surface water run-off from the development.
4. The availability of an adequate water supply and disposal infrastructure.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan states that new retail and service uses, should be located in the following order of priority:

1. Within the boundary of a defined town centre, local shopping centre or local shopping frontage.
2. On the edge the town centre allocated site (being Clayton Street, Nelson)
3. Within 300m of the boundary of a defined town centre.
4. Elsewhere with preference given to sites that are close to a town centre and have good transport links to the centre.

National Planning Policy Framework (NPPF) - Ensuring the vitality of town centres

90. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

Policy 31 (Parking) states that new parking provision should be in line with the maximum car parking standards unless this would compromise highway safety

Officer Comments

Design

As the proposal does not involve any physical changes to the building, there are no design-related concerns.

Residential Amenity

The adjacent property in the terrace is residential dwellings. Shops in themselves do not generate noise or antisocial behaviour. It is a compatible use with the row of residential houses adjacent.

Drainage

The EA have made comments on the application pointing to standing advice. The change of use is from a vulnerable land use to a shop does not result in any increase in vulnerability. The drainage arrangements do not change.

Highways

The development is likely to result in an increase in visits to the property which could result in additional parking. That is however likely to be short term and there is a local car park that can be used which is a short distance away. The development is not likely to lead to highway safety issues.

Sequential Test

The sequential test seeks to direct retail and leisure developments to the most appropriate locations by assessing the availability, suitability, and viability of alternative sites.

The applicant proposes converting an existing residential dwelling into a dessert shop on the ground floor of a two-storey terrace building, with a shopfront facing Leeds Road. The site, currently a residential property, is located outside the town centre. The applicant states that there are no similar dessert shops within 0.5 miles, and the proposal would provide a local, walkable alternative, reducing the need for residents to drive into the town centre.

The purpose of the sequential test is to prioritise town centre locations for such developments. If suitable units are available in the town centre, out-of-centre developments should generally not be approved to protect the vitality and viability of the town centre. As the town centre is within walking distance, residents should be encouraged to use available retail units there.

The applicant was asked to submit a sequential assessment, and after three versions, the latest supporting statement provides the following summary:

Availability of Alternative Retail Units

- Units within Pendle Rise Centre are not viable, as existing tenants must vacate before demolition in September 2025.
- Other available town centre units were assessed and found by the applicant unsuitable:
 - 16-18 Manchester Road – Already let.
 - 21-23 Manchester Road (Old Lloyds TSB Bank) – Covenant restrictions prevent use as a dessert shop.
 - 54 Manchester Road (PCCU Affordable Loans), Relish Sandwich Bar, and 43 Railway Street – Available for sale but unaffordable for the applicant.

Justification for the Proposed Location

- Operating from the applicant's own property eliminates rental costs, making the business financially viable.
- The proposal would create up to two full-time jobs, contributing to the local economy.

The submitted information indicates that there are retail units in the town centre that are empty and available. The cost of rental is not a matter that is relevant to them being available. As there are sequentially preferable units available the development of this out of centre location would result in a development that would be harmful to the vitality and viability of the town centre and would be contrary to local and national planning policy on retail development.

RECOMMENDATION: Refuse

The application is for a main town centre use located outside of the town centre for Nelson. There are sequentially preferable sites available in the town centre. The development is thus contrary to policy WRK4 of the adopted Pendle Local Plan (core Strategy) and Paragraph 87 of the National Planning Policy Framework.

Application Ref: 24/0854/FUL

Proposal: Full: Change of use of part of a ground floor of a dwelling (Use Class C3) to a dessert shop (Use Class E(a)).

At 181 Leeds Road Nelson Lancashire

On behalf of: Mr Mohammad Ibrahim Rana

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD APRIL 2025

Application Ref: 24/0876/HHO

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

At 49 Fountain Street Nelson Lancashire

On behalf of: Mrs Tahira Ayub

Date Registered: 06.01.2025

Expiry Date: 03.03.2025

Case Officer: Negin Sadeghi

This application has been called in by a Councilor.

Site Description and Proposal

The application site is a mid-terrace house located within the settlement boundary of Nelson. The property has natural stone walls at the front, a white rendered wall at the rear, and a pitched natural slate roof. It features yard areas at both the front and rear, with an existing rear kitchen extension. The surrounding area primarily consists of terraced houses of similar scale and design, with some larger dwellings situated opposite the site. The proposal seeks approval for the construction of a single-storey rear kitchen extension.

Relevant Planning History

13/05/0091P; 04.02.2005; DC: APPCON: Full: Erect single storey kitchen extension to rear

22/0601/HHO; 28.03.2023; DC: APPCON: Full: Insertion of dormer windows to front and rear roof slopes.

Consultee Response

Highways

Having reviewed the documents submitted, the above proposal raises no highway concerns. Therefore, Lancashire County Council acting as the highway authority would raise no objection to the proposal on highway safety grounds.

Parish/Town Council: No response.

Public Response

Neighbours were notified by letter, one objection was received, raising concerns about:

- Loss of Light: The existing extension has already reduced natural light, increasing reliance on artificial lighting. The proposed extension would worsen this issue.
- Loss of Privacy: Overlooking from the existing extension has already impacted privacy. The new extension would exacerbate this problem.

- Aesthetic Concerns: The extension is seen as an "eyesore" and visually unappealing.
- Construction Disruption: Concerns over noise and disturbance during construction.
- Preference for Removal of Existing Extension: The objector would prefer the removal of the original extension to restore natural light.

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.

The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. It outlines 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

Design and Materials

The rear of the property is enclosed by 2m-high walls, separating it from the rear street. The surrounding terraced properties feature various rear extensions of differing sizes, scales, and materials, many of which are of poor quality. The yard extends 6.5m in length and currently includes a 3m-deep, 3m-high kitchen extension, along with a 2m-high, flat-roofed storeroom situated at the far end of the yard.

The proposal seeks to demolish these existing structures and construct a 6.7m-long rear extension with a maximum height of 3.1m to accommodate a kitchen and wet room. A 1m-wide open strip of the yard would remain along the southern boundary with No. 51. The yard level is slightly elevated, featuring two steps at the garden entrance and five steps leading from the rear yard to the kitchen entrance.

The proposed extension would feature brick-finished outer walls, white UPVC double-glazed windows and doors, and a slate roof to match the existing property. However, with a total height of 3.1m from the yard level—equating to 3.5m from the rear street level—the scale of the proposed extension is excessive. Its design would be incongruous with the setting, representing poor design that fails to comply with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy, as well as the Design Principles SPD.

Residential Amenity

The proposed extension would be positioned to the north, sharing a boundary with No. 47's yard to the west. A 2m-high partition wall separates the site from No. 51's yard to the east.

No. 51 has a single-storey rear extension that extends the full length of the yard, reaching approximately 3.5m in height with a pitched roof. No. 47 has a rear extension on the west side of the yard, set forward 3m into the yard, also with a pitched roof of approximately 3.5m in height.

The proposal does not include windows or doors facing No. 47. However, while the existing structures extend 3m into the yard, the new extension would extend 6.5m from the rear wall, covering the entire length of the yard. The primary impact would be the increased height and replacement of the flat roof with a pitched roof, resulting in a larger, more dominant structure. Given that No. 47 has a narrow yard adjacent to the proposed extension, the scale and height (exceeding 4m) would cause an overbearing impact, on No. 47.

The new extension would feature one door and two windows, positioned similarly to the existing openings, maintaining the current property relationships. However, due to its overbearing impact on No 47, the proposal fails to comply with Local Plan Policy ENV2 and the Design Principles SPD. As such, it is unacceptable in terms of residential amenity.

Highways

The proposed development would not impact highways.

RECOMMENDATION: Refuse

The following reasons are provided:

The proposed extension, due to its excessive scale, height, and design, would result in an overbearing impact on the neighbouring dwelling leading to a significant reduction in living conditions. As such, the proposal does not comply with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy or the Design Principles SPD.

Application Ref: 24/0876/HHO

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

At 49 Fountain Street Nelson Lancashire

On behalf of: Mrs Tahira Ayub

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD APRIL 2025

Application Ref: 25/0064/HHO

Proposal: Full: Erection of dormers to front and rear roof slopes and erection of new roof to rear outrigger.

At 152 Scotland Road, Nelson, Lancashire, BB9 7XT

On behalf of: Ms. Shamim Akhtar

Date Registered: 30.01.2025

Expiry Date: 27.03.2025

Case Officer: Negin Sadeghi

This application has been called in by a Councillor.

Site Description and Proposal

The application site is a two-storey terraced house within the settlement boundary of Nelson. The front elevation features pebble-dashed walls, while the rear is constructed of stone bricks. It has a dark pitched roof, a white UPVC door, and matching windows, in keeping with the row of similar houses. Positioned at the end of the terrace, the property has its main access from Scotland Road. To the west, it is attached to No. 154, while to the east, it is adjacent to an open parking site as a motor vehicle dealership.

The proposal seeks to construct replacement dormers on the front and rear roof slopes to accommodate a larger en-suite within the loft space.

Relevant Planning History

- 13/92/0594P, 10.11.1992, DC: APPCON; Proposal: Construct dormers to front and rear
- 13/93/0257P, 04.05.1993, DC: APPCON; Proposal: Erect store to rear
- 19/0851/HHO, 08.01.2020, DC: APPCON; Proposal: Full: Erection of a single-storey extension to the rear
- 20/0171/HHO, 18.05.2020, DC: APPCONL; Proposal: Full: Erection of a replacement front roof dormer

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 number of bedrooms will remain unchanged.

Parish/Town Council: No reply.

Public Response

The nearest neighbours have been notified by letter, and no objection have been 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

Design and Materials

The property is a two-storey, L-shaped house with a single-storey rear extension and dormer windows at both the front and rear. The existing dormer to the front is small and proportionate to the front roof slope and the rear dormer is a modest flat roofed one. The proposal seeks to replace these with large full sized dormers that would extend across nearly the entire roof area. The proposed dormers would feature external timber cladding, a GRP flat roof for rear dormer and pitched roof for the front dormer, and UPVC double-glazed windows.

The Design Principles SPD indicates dormers should be proportionate to the dwelling, should not dominate the roof slope, and must respect the character of the surrounding area. Front dormers are generally unacceptable unless they are a common feature in the locality (present on at least 25% of similar properties), and flat-roofed front dormers are not supported. Additionally, dormers should be set below the original roof ridgeline by 0.2m, set back at least 1m from the front elevation, and set in 0.5m from both sides to ensure a harmonious appearance.

While some terraced properties in the area feature dormers, making them a characteristic element, the proposed dormers raise concerns about their size and appearance. The application site is an end-terrace, and the proposed front dormer would not be set back 1m from the front elevation nor set in 0.5m from either side. It would introduce a timber cladding that does not match the natural slate tiles of the existing roof. The existing roofscape in the area largely retains its original form, with pitched roofs and small dormers. Large front and rear dormers are not characteristic of this terrace.

The pitched-roofed front dormer would be positioned adjacent to the highway, making it highly visible. Its size, materials, and lack of setbacks would result in poor design that does not integrate with the terrace row. The use of timber cladding would further highlight its incongruity, making it an intrusive addition that harms the visual amenity of the area. While the rear dormer also features a flat roof and timber cladding, it would be less visually prominent from public vantage points.

However, the position of the property at the end of the block means the whole development would be visible and seen holistically. The combination of the scale and size of both front and rear dormers results in a design that is significantly poor in overall design. It would be incongruous with all of the development surrounding and would cause significant harm to the character and appearance of the area.

The proposal fails to comply with Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Design Principles SPD.

Residential Amenity

The Design Principles SPD states that extensions should not create an overbearing effect or cause overlooking issues for neighbouring properties.

The front dormer window would face a single-storey bakery without windows across the street, meaning it would not result in overlooking or loss of privacy.

The rear dormer window would face the rear street and be slightly higher than the existing rear-facing windows of neighbouring properties, particularly as the rear side of the house faces the axis of a rear street and does not directly face any houses. Given the existing pattern of windows at the rear, the impact is acceptable.

Therefore, the proposal would not result in an unacceptable impact on residential amenity and complies with Policy ENV2 and the Design Principles SPD.

Highways

LCC Highways have raised no objections, and I concur with this view. The proposal complies with Policy 31 of the Replacement Pendle Local Plan.

Recommendation: Refuse

The proposed dormers would be incongruous additions to the existing dwelling and would be significantly out of keeping with their surroundings. The result would be extremely poor design. The proposal would thus be contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the adopted Design Principles Supplementary Planning Document.

Application Ref: 25/0064/HHO

Proposal: Full: Erection of dormers to front and rear roof slopes and erection of new rood to rear outrigger.

At 152 Scotland Road, Nelson, Lancashire, BB9 7XT

On behalf of: Ms. Shamim Akhtar

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD APRIL 2025

Application Ref: 25/0075/HHO

Proposal: Full: Demolition of existing rear dormer and the erection of front and rear dormers with chimney removal.

At 21 Midland Street, Nelson, BB9 7RJ

On behalf of: Mrs. Sadia Shabir

Date Registered: 05.02.2025

Expiry Date: 01.04.2025

Case Officer: Negin Sadeghi

This application has been called in by a Councillor.

Site Description and Proposal

The application site is a two-storey mid-terraced house with dark pitched roof, stone brick walls that have been rendered white. The property features UPVC doors and windows and is accessed from Midland Street. There is no off-street parking available.

The proposal includes the demolition of the existing rear dormer and the construction of new front and rear dormers, along with the removal of the chimney. The development would result in the addition of one extra bedroom to the property.

Relevant Planning History

13/13/0566P, 2013; DC: APPCON; Full: Erection of dormer to front elevation.

18/0449/HHO, 2018; DC: APPCON; Full: Erection of single storey extension to rear.

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the highway authority makes the following comments. There is no associated off-road parking, nor can any be provided. The property is located within a row of terraced housing where there is a high demand for the existing on-road parking, which is limited. Whilst this raises concerns, as the increased demand for onroad parking can be difficult to absorb without causing loss of amenity for existing residents, these are not to such an extent to raise an objection. The highway authority also notes that the site is within acceptable walking distance of local amenities and facilities including public transport on Leeds Road, which may reduce the reliance on the use of private vehicles.

Environmental Health

We have concerns about nuisance being caused, because of working unsuitable hours, we would therefore recommend that the informative below is used: To ensure that construction work is carried out at reasonable times. All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter. Reason: For the amenity of the neighbouring residents.

Parish/Town Council: No reply.

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.

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

Design and Material

The property has an existing large, single-storey rear extension with a cream-rendered finish and a dark pitched roof. Additionally, there is a flat-roof rear dormer with white UPVC windows. The proposed dormer would be larger, featuring a grey EPDM rubber membrane roof, grey hanging tile walls, and white UPVC windows. It would include a large window to the front and two to the rear.

The Design Principles SPD advises that dormers should be in keeping with the dwelling and should not dominate the roof slope to avoid unbalancing the property. Front dormers are generally unacceptable unless they are characteristic of similar houses in the area and present in at least

25% of properties. Flat-roof front dormers are specifically discouraged. In this location, front dormers are not a common feature on terraced properties.

The SPD also recommends that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from the sides to prevent an overbearing effect and ensure compatibility with the existing roof materials. The proposed front dormer does not comply with these guidelines, as it is not set back from the front by 1m, is not set in from the sides by 0.5m, and does not sit below the ridge by 0.2m.

The proposed front dormer, with its flat roof and full width across the roof slope, would appear overbearing and result in poor design. It would not integrate well with the existing terrace row, as it does not match the materials of the original roof. Furthermore, the flat roof and lack of setbacks would amplify its dominance, harming the visual character of both the dwelling and the wider streetscape.

The proposal also includes the removal of the chimney stack, which fall under PD rights.

Regarding the rear dormer, it would not be set back from the rear elevation, nor would it meet the required 0.5m side setbacks or the 0.2m ridgeline reduction. It would have a flat roof and extend over most of the rear roof slope. However, as an existing rear dormer is already present and it would not be highly visible from the public highway, its design and materials are considered acceptable.

The proposed front dormer, with its flat roof and prominent location facing the street, would harm the character of the largely unaltered terrace row and its streetscape. Overall, these elements of the proposal would cause unacceptable harm to the character and visual amenity of the area, constituting poor design. The proposal conflicts with Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Design Principles SPD.

Residential Amenity

The proposed rear dormer would have windows in the same positions as the existing dormer, maintaining the current relationship with neighbouring properties. The front dormer would face houses on the opposite side of the road, which is consistent with the existing arrangement within the terrace. Therefore, the proposed development would not have an unacceptable impact on residential amenity and would conform with Policy ENV2 and the Design Principles SPD.

Highways

The proposal includes the addition of one extra bedroom to the property. Given the parking situation typical of terraced houses and the property's accessibility to public transport, this is considered acceptable. Lancashire County Council Highways has raised no objections, and I agree with their assessment. Therefore, the proposal complies with Policy 31 of the Replacement Pendle Local Plan.

RECOMMENDATION: Refuse

The following reasons are provided:

The proposed development, particularly the front dormer would result in unacceptable harm to the character and visual amenity of the area. As such, it conflicts with local planning policies and

guidance. While the impact on residential amenity and highways is minimal, the design concerns outweigh these considerations. Therefore, the application is recommended for refusal.

Informative:

If removing the chimney affects the structural integrity of a party wall (shared with your neighbour), you may need to comply with the Party Wall Act 1996 and possibly obtain Building Regulations approval.

Application Ref: 25/0075/HHO

Proposal: Full: Demolition of existing rear dormer and the erection of front and rear dormers with chimney removal.

At 21 Midland Street, Nelson, BB9 7RJ

On behalf of: Mrs. Sadia Shabir