

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 6TH MAY 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6TH MAY 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
Deferred to the next committee 06.05.2025 - to allow for a site visit.

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 6TH MAY 2025

Application Ref: 25/0017/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) to make material amendments to the approved plans of Planning Permission 21/0265/FUL.

At: Site Of Former 1 To 33, O'Hagan Court, Brierfield

On behalf of: Together Housing Association

Date Registered: 13/01/2025

Expiry Date: 08/05/2025

Case Officer: Alex Cameron

This application has been brought before Committee due to the number of objections received.

Site Description and Proposal

The application site is an area of open grassed land which was previously the site of the O'Hagan Court. There are dwellings to the north and west, to the south is a medical centre and garage colony to the east is a former school site.

Planning permission was granted in 2022 for the erection of 10 semi-detached bungalows with vehicular access from Stanley Street. The development has been commenced and the permission is extant.

This application is to vary condition 2 to amend the approved plans to alter the design and layout of the bungalows.

Relevant Planning History

13/11/0532P - Demolition Determination: Demolition of block of 33 flats – Approved

21/0265/VAR - Full: Major: Erection of 10 No. semi-detached bungalows.

Consultee Response

LCC Highways – No objection. The formation of the amended and new vehicle accesses from Stanley Street to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of an amended access to an appropriate standard, including a minimum width of 5.5m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the access from Stanley Street, dropped vehicle crossings outside Plots 1 – 4, re-location of any highway gullies and a street lighting assessment. The section of culvert within the adopted highway network will need replacing. Manholes will also need to be provided at either side of the highway for future maintenance purposes. Easements will be required if the manholes are located out of the adopted highway extents.

The proposed internal site layout for Plots 6 – 10 is not to the county council's specification and would also not be considered for adoption by the highway authority due to the presence of the culverted watercourse. The applicant should therefore provide details of the proposed arrangements for the future management and maintenance of the road, footways, infrastructure etc. This would need to be controlled by condition. Whilst the development would not be considered for adoption it should still be constructed to adoptable standards to allow refuse, emergency and large delivery vehicles to enter and leave in forward gear and to provide appropriate access for residents. The layout should include: • a carriageway width of 5.5m; • a footway no less than 1.8m wide across the front of Plots 6 – 10; • a 2m wide footway from Stanley Street between the access and the turning head; • a 0.5m wide, hard surfaced service strip around the turning head to the end of the cul-de-sac, locally widened to 1m where street lighting columns are located; • surface water drainage gullies; • street lighting. An amended site layout plan should be provided taking into account the above.

The dwellings are two bed for which two car parking spaces should be provided. The parking proposed will provide joint vehicular and pedestrian access to all plots except Plot 10, which will have separate pedestrian access. The highway authority considers that adequate parking can be provided for Plots 1- 4 and 10 based on the submitted layout. It is likely that adequate parking can also be provided for Plots 5 – 9. However this will need to be re-assessed once an amended site layout plan has been submitted, based on the above requirements. In line with recommendations in the borough council's car and cycle parking standards two secure cycle spaces should be provided where two and above bedrooms are to be provided. As there are no garages within the development alternative covered, lockable provision should be made within each property's curtilage.

The proposed 1100mm high fencing proposed from the back of the footway to the boundary return of Plot 1 should be reduced to 900mm high, an approximate length of 3.5m. This is to improve intervisibility between vehicles leaving the site and users on the adjacent highway. Construction phase Whilst a construction method statement has been previously discharged (ref 24/0182/CND) given the significant changes to the development's layout the highway authority considers that a further construction method statement including site plan should be submitted to demonstrate that construction activities can be accommodated on site and will not have a detrimental effect on the surrounding highway network or its users.

Lead Local Flood Authority – Object as the submitted details of fundamentally different to the details previously submitted for the discharge of condition 17.

Environment Agency – No objection. There will no longer be any works to the culvert for a new connection therefore, there is no longer any direct risk to the culvert associated with excavations or engineering operations to create a new surfaced water sewer connection from the proposed development. A permit may still be required from the EA.

United Utilities – A water main crosses the site and the dwellings are now proposed close to or over it. The applicant may be required to divert the water main. This should be addressed prior to determination of the application.

Public Response

Press and site notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

Lack of adequate parking – the proposed development Does not provide sufficient parking spaces for residents and visitors. This will inevitably lead to increased on-street parking, exacerbating congestion in an already busy area. The strain on local

roads could result in traffic hazards, reduced accessibility for emergency vehicles, and inconvenience for existing residents.

Overcrowding and overdevelopment – the proposed development represents an excessive increase in density that is not in keeping with the character of the surrounding area. The scale of the development could lead to overcrowding, putting additional pressure on local infrastructure, public services, and amenities. This could negatively impact the quality of life for both existing and future residents.

Officer Comments

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 SDP2 sets out the roles each settlement category will play in future growth, Nelson & Brierfield are defined as a key service centre.

Policy SDP3 identifies housing distribution in the M65 corridor as 70% of the total.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 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.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

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 LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but

close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land will be supported.

Policy LIV4 (Affordable Housing) sets targets and thresholds for affordable housing provision. For the M65 Corridor this is 0%.

Policy LIV5 (Designing Better Places to Live) states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

Policy 31 (Parking) of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

Visual Amenity

The design the proposed housing is appropriate for the area. The proposed development is acceptable in terms of visual amenity in accordance with policies ENV2 and LIV5.

Residential Amenity

North and West facing windows of the proposed bungalows would face the habitable room windows in the front of the adjacent properties. Whilst some separation distances would be marginally below 21m, taking into account that those windows front communal pedestrian access areas and would not benefit from a high degree of privacy at present this would not result in an unacceptable loss of privacy.

The proposed development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property and would provide an adequate level of privacy and acceptable living environment for the occupants of the proposed dwelling.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV5 and LIV5.

Open Space and Landscaping

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The areas of green space within the proposed development are sufficient in accordance with policy LIV5.

Drainage and Flood Risk

The amended plans move the proposed dwellings out of the 8m easement of the culvert running under the site, The Environment Agency no not object to the proposed amendment but indicate that a permit may still be required for other construction activities within the easement or if a surface water drainage connection is required. The Environment Agency's permitting is a separate matter to the planning permission.

The proposed drainage details differ to those previously approved under the discharge of condition 17, either that condition will need to be varied to make clear that it requires the submission and approval of details for this amended scheme or those details will need to be submitted and agreed by the Lead Local Flood Authority prior to determination of this application.

United Utilities have identified that a water main crosses the site and the new proposed layout might result in building over or close to the water main. This is a matter that United Utilities would maintain control over as an agreement would be required to build over or close to the water main separate to the planning process. There is the alternative of the approved plans for the applicant to fall back on so this is not a matter that would result in refusal of this application.

It is recommended that the approval of the application is delegated to allow the applicant to address these issues.

Highways

The development is acceptable in principle in terms of highway safety and the impact on the highway network as established by the existing permission, the proposed amendments to alter the layout and accesses would not result in any unacceptable highway safety impacts. LCC Highways have raised that the amended internal road would not be adoptable, however, this is not an uncommon circumstance and can be acceptably addressed by requiring that acceptable private management arrangements are in place by condition. The proposed parking arrangements are acceptable, however, amendments are necessary to the estate road to ensure that refuse vehicles etc. can adequately access the site and to the fencing to ensure adequate visibility. Subject to acceptable amendments that maintain adequate car parking arrangements the proposed variation of condition is acceptable in terms of highway safety and capacity.

Other Matters

Concerns have been raised regarding the density of the development and its impact on local infrastructure and services.

Policy LIV5 recommends that development should normally seek to achieve a density of 30 dwellings per hectare and up to 50 in highly accessible locations. These are not fixed limits and to assess appropriate density factors such as housing type, amenity space local needs and character much be taken into account.

There is an identified need in the Local Plan to provide more bungalows and the development is 40 dwellings per hectare, which is in the middle of the recommended range and the amended site would maintain more than adequate amenity space with relatively generous gardens and open space provision. The density of the development is acceptable.

The Local Plan identifies the need for the provision of new housing, the majority of which is expected to be provided within the M65 corridor, infrastructure and services provision is planned for taking that into account. The proposed amendments would have no unacceptable impacts on local services and facilities.

Conclusion

It is recommended that the approval of the application, and any conditions necessary, be delegated to the Assistant Director Planning, Building Control and Regulatory Services Manager subject to allow for additional drainage highway details to be submitted and/or amended conditions to require submission and approval of those details.

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 variation of conditions accords with Local Planning Policy and 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: Delegate Grant Consent

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from 11th January 2022.

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: TBC

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the materials of the external walls and roofs of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works
- Details of working hours
- Routing of delivery vehicles to/from site
- Construction site noise and vibration
- Restriction of burning onsite

Reason: In the interest of highway safety and residential amenity.

6. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the internal road is constructed to an acceptable standard in the interest of highway safety.

7. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

8. The new estate road between the site and Stanley Street shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

9. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that all highways works are constructed to an acceptable standard in the interest of highway safety.

10. The proposed development should not be brought into use unless and until the parking areas shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

11. Prior to the occupation of any approved dwelling an electric vehicle charging point shall be installed.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

12. Prior to first occupation of any approved dwelling cycle storage facilities shall be provided in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

13. Prior to the start of any development a condition survey of the section of culvert that would be under the estate road should be carried out and submitted to the Local Planning Authority for approval.

Reason: In order to ensure that the development does not have a detrimental effect on the construction of the internal estate road and adopted highway network.

14. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the use of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

15. The development shall not be commenced unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters and the environment.

Notes:

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. The applicant should be advised to contact the County Council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

Application Ref: 25/0017/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) to make material amendments to the approved plans of Planning Permission 21/0265/FUL.

At: Site Of Former 1 To 33, O'Hagan Court, Brierfield

On behalf of: Together Housing Association

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6TH MAY 2025

Application Ref: 25/0088/HHO

Proposal: Full: Erection of a single storey rear kitchen extension and the insertion of dormer windows to front and rear roof slopes.

At 90 Hallam Road, Nelson, Lancashire

On behalf of: Mr Nasir

Date Registered: 13.02.2025

Expiry Date: 10.04.2025

Case Officer: Athira Pushpagaran

This application has been called to committee by the Chairperson.

Site Description and Proposal

The application site is a semidetached dwelling in a residential neighbourhood situated within the settlement boundary of Nelson. The main access is from Hallam Road, with an open area part of Marsden Park situated across the road from the site. The existing dwelling is set much higher from the highway with steps and a sloped driveway up to the house from the road. The dwelling has an apex roof with a gabled dormer element at the eaves of the front roof slope. The external walls have a brick finish on the ground floor and pebble dash on the first floor, and UPVC openings. There is currently a lean-on porch to the side, a lean-on single storey extension to the rear and a garage to the side of the dwelling set back further into the site from the dwelling's rear elevation.

The proposed development is the erection of a single storey rear kitchen extension and the insertion of dormer windows to front and rear roof slopes.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

No objection

Parish/Town Council

No response

PBC 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

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 proposed development introduces a dormer each to the front and rear roof slopes. The existing pair of semis both the application site and no. 92 both has a modest dormer element each at the eaves of the front roof slope above their respective bay windows. However, there are no

visible full-width front dormers in the immediate vicinity, with the surrounding semidetached dwellings of similar scale maintaining a consistent building line along the slope of Hallam Road.

The proposal would introduce a full width front dormer which would result in an otherwise symmetrical pair of semis to appear visually unbalanced. The dormer would appear as a dominant and incongruous addition to the roof of the pair of semis and once constructed would clash with the modest dormer element to the front of no. 92 and have an unacceptable impact on the character of the wider street scene.

The proposed rear dormer would be flat roofed however would not be visible from any public vantage points and therefore would not have any unacceptable visual impact.

The proposal also seeks to demolish an existing part sloping part lean-on single storey rear extension with a flat single storey rear extension of the same depth. This rear extension would not be prominently visible from any public vantage points and would not have any greater unacceptable impact on the character of the dwelling than the existing one.

The proposal also includes a single storey side extension. This would replace the existing porch to the side and would have the same width as the porch and would be 4.5m deeper than the existing porch. It would be circa 1.3m setback from the front elevation of the dwelling and would have a lean-on sloping roof. It would have a window and a door to the side and window to the rear. Considering its location with respect to the dwelling and its scale and design, on balance the side extension would not have an unacceptable impact on the building's character.

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 and the Adopted Pendle Design principles SPD.

Residential Amenity

The proposed rear extension would replace the existing rear extension and would have the same footprint as it has. It would have a flat roof at 2.5m height which is the lowest point of the roof of the existing extension. Both the existing and proposed extension would project circa 6.3m however the proposal would not result in any greater overbearing impact or unacceptable impact on the living conditions of adjoining neighbours.

The proposed side extension would have a door and fixed light to the foyer and a bathroom window facing the side elevation of no.88. No.88 has no ground floor windows on this side. The side extension in this case would not result in any unacceptable overbearing impact or loss of privacy or light to the occupiers of no.88.

The front and rear dormers do not face any neighbouring properties within 21m and would not affect the privacy of any neighbours.

The development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property

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.

Environmental Health requested a condition for controlling the hours of operation during any construction phase. However, given that the proposal is for a small-scale householder

development it would not be reasonable to impose such a condition. An informative to this effect can be added to any approval.

Highways

The development raises no issues of highway safety.

RECOMMENDATION: Refuse

Due to the following reason(s):

By virtue of its position to the front elevation of the dwelling, the proposed dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the street scene, in conflict with Policy ENV2 of the adopted Local Plan: Part 1 Core Strategy and the adopted Design Principles SPD.

Application Ref: 25/0088/HHO

Proposal: Full: Erection of a single storey rear kitchen extension and the insertion of dormer windows to front and rear roof slopes.

At 90 Hallam Road, Nelson, Lancashire

On behalf of: Mr Nasir

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6TH MAY 2025

Application Ref: 25/0170/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 18/0380/FUL.

At 29 Parsonage Drive, Brierfield, Lancashire

On behalf of: Mrs Rizwana Akram

Date Registered: 11.03.2025

Expiry Date: 06.05.2025

Case Officer: Athira Pushpagaran

Application sent to committee due to receiving 3+ objections.

Site Description and Proposal

The application site is a modern detached dwelling situated in a residential neighbourhood within the statement boundary of Brierfield. The main access is from Parsonage Drive. The eastern side elevation of the dwelling faces the rear elevation of 59 Pennine Way.

This is an application to vary the plans approved by 18/0380/FUL for the erection of a two-storey dwelling. The building has been built on site and is not as per the originally approved plans and this application aims to regularise the variations.

Relevant Planning History

19/0249/CND - Approval of Details Reserved by Condition: Discharge of Condition 5 (Highway Works), Condition 8 (Drainage), Condition 11 (Landscaping), Condition 12 (Bird and Bat Boxes) and Condition 13 (Invasive Species). Discharged.2019

18/0380/FUL Full: Erection of a single two-storey dwelling (Re-Submission). Approved with conditions. 2018

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 variation to previously approved plans and concludes that there are no highway grounds to support an objection as set out by NPPF.

The following comments should be noted and conditions and informative note applied to any formal planning approval granted.

Site planning history

24/0829/HHO - Erection of a double garage to the side of property with associated internal alterations and site works. Invalid application.

19/0249/CND - Approval of Details Reserved by Condition: Discharge of Condition 5 (Highway Works), Condition 8 (Drainage), Condition 11 (Landscaping), Condition 12 (Bird and Bat Boxes) and Condition 13 (Invasive Species). All conditions discharged, including Condition 5 for the construction of the access which was subject to implementation.

18/0380/FUL - Erection of a single two-storey dwelling (Re-Submission). Approved with conditions.

18/0028/FUL - Erection of a single two storey dwelling. Application Withdrawn.

Vehicle crossing

The construction of the proposed new dropped vehicle crossing on Carr Road will need to be carried out under an agreement (Section 171) with Lancashire County Council, as the highway authority and must be constructed to the highway authority's specification.

Car parking

Drawing 2291-03A has been submitted showing two car parking spaces at the side of the property. The driveway should be provided in strict accordance with the plan including the provision of a 2m wide landscaped area along the rear boundary with 59 Pennine Way. The parking area shall be maintained free from obstructions to ensure that there is no reduction in the level of off-road parking provided.

If the local planning authority is minded to approve the application the following conditions and informative note should be applied to any formal planning approval granted.

Conditions

1. Within three months of the grant of planning permission dropped kerbs shall be installed at the carriageway edge on Parsonage Drive and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of highway/pedestrian safety and accessibility.

2. The parking area shall be constructed, laid out and surfaced in bound porous materials and a landscaped area planted as shown on the approved plans. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling and shall remain free from obstructions. Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

Informative note

This consent requires the construction of an access to the publicly maintained highway. Under Section 171 of the Highways Act 1980 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on lhsvehiclecrossing@lancashire.gov.uk for the list of approved contractors and to start the Section 171 process.

United Utilities

With regards to the planning application detailed above, United Utilities is aware of the scheme and is currently reviewing the submission documents in more detail to understand the potential

impact of the proposal on our infrastructure. A detailed letter setting out our formal response will be sent to you as soon as possible and we will try to work within your deadlines. If you could please advise us of the consultation expiry date along with the anticipated determination date that would be very helpful. We request that the scheme is not determined until our formal response has been issued. If you have any queries regarding this request, please contact the planning team by email as soon as possible – Planning.Liaison@uuplc.co.uk

Parish/Town Council

No response

PBC Environmental health

No response

National Grid

No response

PBC Engineering

No response

Public Response

The nearest neighbours have been notified by letter and four objections received raising the following issues:

- The applicant has enriched on the boundary of a neighbour, and this should be inspected before the planning application is determined.
- The rear windows are not high level or non-opening as stipulated by the original conditions and overlook neighbouring properties and invading their privacy
- The boundary was adjusted by the new owners to avoid a dogleg in the boundary fence or having to remove a large tree
- Shows disregard of the planning process

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.

Policy ENV 4 (Promoting Sustainable Travel) identifies the need for proposals for new development should have regard to the potential impacts they may cause to the highways network, particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design and protecting residential amenity.

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 proposed variations include the flat roof dormer to the rear replaced with a flat roof first floor. This is to the rear of the property and would not be visible from any public vantage points and would not result in any greater impact on the character of the neighbourhood and its street scene than the approved dwelling.

The dwelling is also sited slightly closer to the eastern boundary, by circa 1m. However, this is a marginal and would not have any unacceptable impact on the overall design.

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

Residential Amenity

Due to the amended position of the house and due to the neighbour at no. 59 Pennine way erecting a recent rear extension to their property, the side elevation of the dwelling is now circa 8.5m from the rear elevation of the neighbour's windows. This is less than the 12m separation required by the SPD for a two-storey wall directly facing a primary habitable room window. However, considering the neighbour's window affected is not a primary window and therefore there would be no unacceptable overbearing impact and loss of light and outlook in this case.

The rear elevation of the building which is two storeys high due to the variation is currently at circa 11.1 m away from the rear windows of No. 59 and 61. However it is not directly facing the windows of the neighbours therefore on balance these would not have an unacceptable overbearing impact on the occupants of the neighbouring properties, despite the separation being less than 12m.

The previously high-level dormer windows are replaced with larger first floor windows which are closer to the neighbouring properties. It is also noted that some of the hedging shown on the original site plan has also been removed creating a direct sight line to the neighbours' gardens and windows. The first-floor windows would be obscure glazed and unopenable and therefore would not result in any unacceptable impact on the privacy of any neighbours.

Overall, the development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property

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. The LCC requests the addition of a condition to retain the parking spaces and an informative for the construction of an access be added to any approval. These can be added.

LCC requests a condition that no building or use hereby permitted shall be occupied or use commenced until dropped kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway. However, since this would be carried out under Section 171 agreement with Lancashire County Council it would not be reasonable to impose this condition.

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 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 the original permission which is 08.08.2018.

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:

2291 100 Location Plan (13.03.25)

2291 03A Proposed Site Plan (03.04.25)

2291-05 As Built Elevations (13.03.25)

Proposed Floor Plans (Drawing Number – 8030 – 06B – Amendment),

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

3. Prior to the commencement of any development on site, samples of all the external materials to be used in the construction of the roofs, walls and paving together with samples of the colour and finish of windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter, at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

(A) No extensions shall be erected

(B+C) No alterations to the roof of the building shall be carried out

(D) No porches shall be erected

(E) No outbuildings/sheds shall be erected.

Part 2

(A) No gates or fences shall be erected.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

6. Before the access is used for vehicular purposes, the part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately surfaced in a bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

7. The parking area shall be constructed, laid out and surfaced in bound porous materials and a landscaped area planted as shown on the approved plans. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling and shall remain free from obstructions.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

8. The first-floor windows in the south side (rear) elevation of the development hereby approved shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an

equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

9. All existing boundary trees and shrubs shall be retained, unless shown on the approved drawings as being removed. All boundary trees and shrubs on, and immediately adjoining the site shall be protected from damage for the duration of works on the site, by the erection of protective fencing in accordance with BS 5837 : 2012. Any of the boundary trees and shrubs removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such a size and species and in such positions to be agreed in writing by the Local Planning Authority.

Reason: In order to protect the trees and shrubs on the boundary of the site that provides privacy.

INFORMATIVE

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt the works shall include, but not be exclusive to, the construction of the access to an appropriate standard, any alterations to the existing footways on Barkerfield Close and the re-location of any highway gullies affected. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the County Council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email highways@lancashire.gov.uk, quoting the relevant planning application reference number.

Application Ref: 25/0170/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 18/0380/FUL.

At 29 Parsonage Drive, Brierfield, Lancashire

On behalf of: Mrs Rizwana Akram